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ENVIRONMENTAL AND SOCIAL SYSTEMS ASSESSMENT (ESSA)

FOR THE

EAST AFRICA REGIONAL STATISTICS PROGRAM (P176371)

REPUBLIC OF KENYA, TANZANIA, RWANDA AND ETHIOPIA

Program-for-Results (PforR) Operation

DRAFT FINAL
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THE WORLD BANK GROUP

List of Acronyms

ADRM	Alternate Dispute Resolution Mechanism
AIDS	Acquired Immune Deficiency Syndrome
APA	Annual Performance Assessment
AU	African Union
CCD	Climate Change Directorate
CDM	County Director of Meteorology
CESMP	Contractor Environment and Social Management Plan
CIS	Climate Information Services
CLB	Community Land Board
CRM	Climate Risk Management
D4P	Data for Policy
DLI	Disbursement-Linked Indicator
DOSHS	Directorate of Occupational Safety and Health Services
DPF	Development Project Financing
E&S	Environmental and Social
EA	Environmental Audit
EAC	East Africa Community
EARSP	East Africa Regional Statistics Program
EIA	Environmental Impact Assessment
EPA	Environment Protection Authority
ESC	Economic, Social and Cultural
ESIA	Environmental and Social Impact Assessment
ESMMP	Environmental and Social Management and Monitoring Plan
ESMS	Environmental and Social Management Systems
ESSA	Environmental and Social Systems Assessment
FPIC	Free Prior and Informed Consent
GBV	Gender-Based Violence
GRM	Grievance Redress Mechanisms
HIV	Human Immune Virus
IPF	Investment Project Finance
NEMA	National Environment Management Authority
NEMC	National Environment Management Council
PforR	Program for Results
PIU	Program Implementation Unit
PMU	Program Management Unit
RDB	Rwanda Development Board
REMA	Rwanda Environment Management Authority
STATAFRIC	Pan-African Institute for Statistics
VMG	Vulnerable and Marginalized Group
CSA	Central Statistics Agency
KNBS	Kenya National Bureau of Statistics
TNBS	Tanzania National Bureau of Statistics
NISR	National Institute of Statistics of Rwanda
NSOs	National Statistics Offices

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EXECUTIVE SUMMARY

Project Description

1. **The proposed Program has the development objective of supporting the implementation of the Strategy for Harmonization of Statistics in Africa 2017 – 2026 (SHaSA2) for Ethiopia, Kenya, Rwanda and Tanzania, by strengthening the harmonization, quality, production, timely dissemination and use of core economic and social statistics.** The regional Program will improve the quality and harmonization of statistics, produce a core set of economic, social, and sustainability statistics as defined in the International Development Association (IDA)-commitment Data for Policy (D4P). The African Union and the East African Community will provide funding to produce frameworks and guidelines for harmonization, build statistical capacity and invest in institutional development. The four countries will use the frameworks and guidelines to produce and disseminate statistics, build statistical capacity with the help of the regional organizations and improve statistical and physical infrastructure while enhancing institutional development. Implemented at the regional level, the operation will close data gaps with harmonized data compliant with international standards contributing to effective policy making and monitoring of progress, regional integration and achievement of global targets. The regional approach will further facilitate coordination among National Statistical Offices (NSOs) by introducing and expanding innovations, peer-to-peer reviewing, and learning, generating positive externalities also beyond the participating countries.

2. **The PDO is to support the implementation of the Strategy for Harmonization of Statistics in Africa 2017 – 2026 (SHaSA2) for Ethiopia, Kenya, Rwanda and Tanzania by strengthening the harmonization, quality, production, timely dissemination and use of core economic and social statistics.** The achievement of the PDO level results will be measured by five high-level indicators. The proposed indicators cover harmonization, quality, production, timely dissemination and use of statistics:
    1. Harmonization: Number of statistical dimensions harmonized according to priority recommendations from AU's Specialized Technical Working Groups by at least 75 percent of participating countries.
    2. Quality: Average score for dimension 5.2 Standards & Methods of the Statistical Performance Index (SPI) across participating countries.
    3. Production: Average score for Data-for-Policy (D4P) Index across participating countries.
    4. Timely Dissemination: Average proportion of datasets and reports released according to an Advanced Release Calendar across participating countries.
    5. Use: Total number of dataset and reports downloaded from websites of participating NSOs, Pan-African Institute for Statistics (STATAFRIC), and EAC Secretariat.

3. **The PforR will be structured into three results areas:**
    (1)   Harmonization, Quality and Dissemination of Statistics
            DLI 1.1: Improve harmonization and quality of statistics
            DLI 1.2: Improve human capacity
            DLI 1.3: Improve dissemination

    (2)   Extended Data-for-Policy package
            DLI 2.1: Fill household-based survey gaps
            DLI 2.2: Fill enterprise-based survey gaps

DLI 2.3: Fill agricultural statistics gaps

DLI 2.4: Fill price data gaps

DLI 2.5: Fill administrative data gaps

DLI 2.6: Revise / upgrade National Accounts

DLI 2.7: Use new technologies and big data

(3)   Infrastructure and Institutional Development

DLI 3.1: Upgrade IT and statistical infrastructure

DLI 3.2: Enhance institutional development

4. **An IPF component providing a grant to the AU will further advance the goal of producing harmonized and high-quality statistics.** The grant to the AU will directly support implementation of sub-component 1.2 (transforming statistics for comparability) and sub-component 1.3 (harmonization of standards and methods of statistical production) of the CSP Program implemented by the STATAFRIC. Under sub-component 1.2 of the CSP, the grant supports (i) assessment of existing manuals and development of operational guidelines and manuals for reprocessing and adjusting methodologies to produce comparable statistics and (ii) consolidating, processing, and publication of data in accordance with the manuals.

5. **The EAC IPF component aims to support partner states to develop and adopt common methods, concepts, definitions, and classifications for compiling, analyzing, and disseminating the statistics necessary for the proper functioning of the economic integration of the EAC and the agenda to move towards a Monetary Union.** The objective of this component is to strengthen the capacity of the National Statistical Offices of the EAC Partner States and the EAC Secretariat to produce harmonized and quality statistics in support of the regional integration and development. For these IPF components E&S risk management instruments have been prepared notably a Stakeholder Engagement Plan, Environmental and Social Commitment Plan and E-Waste Management Plan for each institution, which will mitigate any environmental and social risks of the IPF component.

The ESSA Scope and Methodology

6. **The Environment and Social Systems Assessment (ESSA) for the East Africa Regional Statistics Program (EARSP) has been undertaken to ensure consistency with six "core principles,"[1] outlined in the World Bank's Policy on Program-for-Results Financing** – The Policy set out core principles and planning elements used to ensure PforR operations are designed and implemented in a manner that maximizes potential environmental and social benefits while avoiding, minimizing or mitigating adverse environmental and social impacts and promote the environment and social sustainability of the Program. This ESSA covers four (4) countries that are participating in the program namely Kenya, Tanzania, Ethiopia, and Rwanda. The ESSA has been undertaken by the Environmental and Social Development Specialists and consultants of the World Bank and examines host countries' existing legal, regulatory, and institutional framework guiding the Program's environmental and social management systems. It also defines measures to strengthen the systems and integrates these measures into the overall Program.

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[1] ESSA core principles are described in Chapter 2.

i. **_Stakeholder Engagement and Consultations:_** The ESSA process included extensive stakeholder consultations, data collection from host Governments, and disclosure of the ESSA Report following the guidelines of the World Bank's Access to Information Policy. Consultations with stakeholders indicated that there is a willingness to address gaps identified for the efficiency and effective application of the environmental and social management processes, and this feedback has been instrumental in designing and revising the Program's ESSA action plan.

ii. **_Institutional Analysis_**: An institutional analysis was carried out to identify the roles, responsibilities, structure and relations of the relevant institutions responsible for implementing the PforR funded activities, including coordination between different entities at the national, regional and local levels. Analysis included assessments of key institutions that will be involved in the management of the Program, focusing on environmental and social assessment and management processes within these institutions.

iii. **_Desk Review of policies, legal framework, regulations, and Program documents;_** The review examined the set of policies and legal requirements related to environment and social management at the national and regional governments level in Kenya, Tanzania, Rwanda and Ethiopia. The review also examined technical and implementation support documents from previous and ongoing World Bank PforR Programs in these countries that are implemented at both national and regional levels in these countries[2]. The World Bank Related Documents reviewed included: Program Aide Memoire; Program Concept Note; Draft Program Appraisal Document; Relevant reports and ESSA reports for other PforR projects in Kenya (KUSP, KDSP); and other ESSAs under World Bank financing.

Scope of Projects under the Program

7. The program under Results Area 1 (KRA 1 – (i)) will support "*upgrade IT infrastructure including the setup of data servers and equipment to implement tablet-surveys while establishing technology to monitor and analyze incoming data on-the-fly"*. The Program will not support any large-scale civil works. Environmental and social risks of the Program activities shall be confined to small works and rehabilitation initiatives for installing and or upgrading data servers and possibly supply of electronic equipment's for field data collection. The risk and impacts are site specific in nature and well known to be mitigable by enforcement of good environmental and social systems.

Program Environmental and Social Risks and Impacts

8. It is worth noting that the participating countries do not have uniform legislation in terms of coverage of environmental and social issues, nor similar implementation capacities. As such the ESSA's general principles have been adjusted for the different countries depending on the status of the specific environmental and social issues. Because of geographical scope of the Program in various countries, the weak legislations in management of electronic waste within the participating countries, and different scales of proposed investments, and the capacity of the Program Implementation Units (PIUs) and other institutions to manage environmental and social risks, the ESSA has determined that the

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[2] KSPForR, KDSP, KUSP (Kenya), The Statistics for Results (SFR) in Ethiopia, Tanzania Statistical Master Plan (TSMP) project; and the Development Support for Tanzania Statistics,

overall risk of the Program is rated as **_Moderate_**. However, the Program will exclude high risks projects (projects that have significant and high negative environmental and social impacts that are sensitive, diverse, irreversible, or unprecedented).

9. The investment menu options under EARSP are likely to have low to moderate environmental and social impacts. The impacts will vary depending on the context, countries priorities, and investment choices of each Country, based on the type, scope, and scale of works.

Potential Positive Benefits for the Program

10. The Program will have mostly positive social benefits as the Program interventions will set up a robust statistical system and infrastructure in the participating countries which thence will result in, among others, regional harmonization, quality control and dissemination of correct statistical data for policy and development. The Program will increase effectiveness and efficiency of regional governments, strengthening transparency and accountability by improving access to information through the use of information technology, for improved use of development data for decision-making.

Environment Risks and Impacts for the Program

11. The potential adverse environmental impacts from the Program include, but not limited to.

- Improper and indiscriminate disposal of E-waste by the organizations may result to soil and water contamination through the release of heavy metals (lead, arsenic, and cadmium).
- Air pollution by release of hydrocarbons in the atmosphere through melting of materials if not properly managed.
- Transformer and backup generator equipment may potentially contain used oils, Polychlorinated Biphenyls (PCBs) which can pollute water and soils, while cooling equipment may contain refrigerants (potential Ozone Depleting Substances [ODSs]).
- Water, and soil pollution from the accidental spillage of fuels or other materials associated with construction works.
- Environment Risks occupational health and safety incidents through injuries or accidents to the workers at construction sites and/or managing/maintaining IT equipment and infrastructure.

12. The majority of the adverse potential impacts can be prevented, are reversible, and can be mitigated with standard operational procedures and good construction management practices. These procedures will be included in the Program's technical manual, environment, and social management systems (ESMS) manual and be a standard part of environmental and social management plans included in bidding documents for contractors/suppliers.

Environmental Risk Management Measures

13. All project investments under the Program will be subjected to screening, and preparation of the Impact Assessment) as per the host countries' national requirements. The subprojects are expected to be site specific and well-defined mitigation and monitoring measures will be developed for each subproject through the ESMP. Other than requiring that all sub-project investments under the Program to be subjected to screening and further environmental analysis, the Program has developed a set of principles that will act as measures to minimize sub-project risks at the concept level.

14. While no high-risk projects are expected under the Program, the screening process will include criteria to exclude certain categories of projects as well as projects that are high risks and significant negative impacts that are sensitive, diverse, irreversible, or unprecedented on the environment and/or affected people. Such types of investments will be excluded from the Program. The screening procedure will be undertaken during the sub-project appraisal and will be guided by the Host country's Guidelines which will be outlined in detail in Environment and Social Risk Management Manual and highlighted in the Project Operations Manual (POM). This exercise will be carried out by the PIUs in each participating country in coordination with the host country relevant environmental and social regulators (e.g., NEMC in Tanzania, NEMA in Kenya, REMA in Rwanda, and EPA in Ethiopia).

15. The Project Operation Manual and Environmental and Social Risk Management Manual will incorporate contractual responsibilities and obligations with appropriate mechanisms for addressing non-compliance of environmental, health, and safety issues of the sub-projects (by the subcontractors/suppliers and the client). The Environment and Social Risk Management Manual will operationalize the Program Action Plan. Further, the World Bank team will undertake a post-screening audit to ensure that all the selected sub-projects meet the outlined criteria.

Main Social Risks and Impacts of the Program

16. The nature of the proposed activities in Program does not suggest that specific vulnerable and marginalized communities/ Traditional Local Communities could be harmed by the Program. The design of the Program aims to foster the protection and integration of vulnerable and marginalized communities/Traditional Local Communities into the Program design, by having data that will benefit the said communities.

17. Depending on the type, scope, and extent of eligible work under the Program, the potential negative social impacts are likely those that are typically related and limited to the construction phase and are generally work site-specific. Potential negative impacts of the Program include but are not limited to:
   • Safety and misuse of data collected.
   • Vulnerable groups such as pregnant girls, persons living with disability, LGBTQ individuals etc. and Traditional Local Communities may be placed at risk (including exclusion from school, subject to prosecution under the law, stigmatization due to cultural norms or exclusion from benefits) if data is collected or shared inappropriately
   • Lack of transparency and trust by local communities due to poor consultations and stakeholder engagement with project beneficiaries, vulnerable groups, and marginalized communities/ Traditional Local Communities.
   • Politicization of decision making due to data collected.

Social Risk Management

18. In addition to screening, the Program has developed a set of principles and minimum standards that will act as measures to minimize project risks at the concept level. The principles that will apply to all investments as a mechanism for mitigating adverse social impacts and risks shall include but not limited to:

    i.   Digital security needs to be considered in relation to both data protection and cyber-security, which could affect community security.

    ii.   The ESMP will evaluate risks to community health and safety associated with potential electronic waste management.

    iii.   Establish effective and adequately financed grievance redress mechanisms that are accessible to all project beneficiaries.

    iv.   Put in measures to prevent and respond to incidents of gender-based violence within the context of the Program's investment projects.

    v.   Projects that are likely to have negative impacts on vulnerable and marginalized groups to give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the needs or concerns of vulnerable groups and the rights and interests of VMGs/ Traditional Local Communities.

    vi.   The Program Environment and Social Risk Management Manual will incorporate contractual responsibilities and obligations with appropriate mechanisms for addressing non-compliance of social issues of the sub-projects by the contractor and the respective project area.

    vii.   Contractors should also prepare worker Codes of Conduct which are to be understood and signed by their employees.

19. To screen out for potential risks, the Program will rely on the guidelines in the Environment and Social Risk Management Manual and Program Operation Manual (POM), which will include a rigorous sub-project screening process to be done by the national PIU Safeguards team.

Exclusion Criteria

20. The exclusion principle applies to Program activities that meet these criteria, regardless of the borrower's capacity to manage such effects. In the PforR context, the concept of exclusion means that an activity *is not* included in the identified Program of expenditures. Also, an activity is not included if it requires the completion of a non-eligible activity to achieve its contribution to the Project Development Objective (PDO) or any specific Disbursement Linked Indicators (DLI). The six principles under the PforR will apply to all investments as a mechanism for mitigating adverse environmental and social impacts.

21. The Program shall exclude projects that are likely to include:

    i.   Significant conversion or degradation of critical natural habitats or cultural heritage sites.

    ii.   Air, water, or soil contamination leading to significant adverse impacts on the health or safety of individuals, communities, or ecosystems.

    iii.   Workplace conditions that expose workers to significant health and personal safety risks.

    iv.   Land acquisition and/or resettlement of a scale or nature that will have significant adverse impacts on affected people or the use of forced evictions.[3] If any of the subproject activities

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[3] As per the PforR financing Environment and Social Systems Assessment Guidance (July 2019), Resettlement includes physical relocation of individuals and communities as well as the acquisition of land for Program purposes. Because of the extreme sensitivity of land acquisition and resettlement, the Bank exercises caution when proceeding with any resettlement when the borrower cannot demonstrate that its systems meet the core principles and attributes or cannot ensure consistently satisfactory resettlement outcomes.

It is not necessarily helpful to define fixed numerical thresholds for "large scale" because the significance of impacts depends very much on local contextual factors. The definition of significant resettlement impacts is closely related to the extent to which the borrower's systems align with

require land acquisition and/or physical and/or economic displacement, the subproject will have to seek an exception from the Bank to proceed at the screening stages, before commencement of subproject activities.

    v. Large-scale changes in land use or access to land and/or natural resources.

    vi. Adverse E&S impacts covering large geographical areas, including transboundary impacts, or global impacts such as greenhouse gas (GHG) emissions.

    vii. Significant cumulative, induced, or indirect impacts.

    viii. Activities that involve the use of forced or child labor.

    ix. The marginalization of, or conflict within or among, social groups.

    x. Activities with high risk of SEA/SH.

    xi. Activities that would (a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause the relocation of VMGs/ Traditional Local Communities from land and natural resources that are subject to traditional ownership or under customary use or occupation; or (c) have significant impacts on cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected communities.

Key Findings on the Environmental and Social Systems Assessment

22. The key findings of ESSA on environmental and social systems are:

    i. The participating countries have well developed and robust legislation, regulations, and systems to manage environmental, health, and safety risks. The national EIA systems have well-defined guidelines covering project registration and screening, ESIA process (scoping, alternative analysis, impact assessment, mitigation measures, management plan and consultation), monitoring and auditing, and decommissioning. However, there are no equivalent legislation or systems to manage distinctly social risks. The countries do not have as well developed and defined Social Risk Management (SRM) Systems – there are in different organizations handling social issues and challenges exist in the coordination mechanisms.

    ii. The assessment identified the weakness in supervision/monitoring and poor enforcement which should be strengthened to address the potential environmental and social challenges that might be encountered during the implementation of the Program.

    iii. The Program's implementing units at Implementing Agencies do not have Environment and Social specialists with experience in PfoR in all units. The implementing units will need to be strengthened to manage potential environmental and social risks along with a framework for monitoring the same.

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the core principles and to the borrower's capacity to carry out land acquisition and resettlement in accordance with policy principles and requirements.

The emphasis should be on the potential for significant impacts on affected people regardless of scale, as significant adverse impacts are not acceptable to the Bank even if they affect only a small number of people. When the Bank team's assessment is that the borrower is not able to demonstrate resettlement practices consistent with PforR core principles, regardless of the size or severity of resettlement impacts, the PforR operation should proceed only after a separate review of agreed resettlement systems and capacity-building actions by the SA or, in very sensitive cases, with senior management in GSURR and the Chief Environment and Social Standards Officer (CESSO).

iv.   The capacity to manage e-waste and associated risks in participating countries remain weak, leading to poor management of e-waste, including poor enforcement by the authorities. The host countries have limited private sector players in e-waste management, with limited capacity to handle all the e-waste generated.

v.   Some participating countries (Kenya and Rwanda) have legislation dedicated to data protection while others (Ethiopia and Tanzania) are in the process of drafting such legislation, but are mostly anchored on cybersecurity.

vi.   There is weak annual environment and social performance verification audit procedures for minimum conditions related to environmental and social safeguards under existing PforR Programs within the participating countries. The annual audit for the proposed Program needs to be well developed to ensure E&S risks are captured well in the audit process.

Program Action Plan Summary

23. Though the potential environmental and social risks and impacts of investments and activities under this Program are expected to have minor impacts, the Program provides an opportunity not only to strengthen the weaknesses in the procedures mentioned above to identify and mitigate these potential effects but also to strengthen the Implementing agencies in three areas: (i) strengthening of environmental and social management systems, (ii) ensuring implementation and monitoring of environmental and social management; and (iii) building capacity for environmental and social management.

24. To fill the gaps identified in the ESSA, the Program will support specific measures to enhance the participating country's environmental and social management system performance, especially on e-waste management. These measures will be implemented through support of the institutions in charge of environmental and social management in host countries (NEMA, NEMC, EPA, RDB/REMA, DOSH, OSHA, etc.) to manage environmental and social issues, including the OHS risks.

25. These measures have been consolidated into the ESSA Action Plan that guides the overall formulation of the Program. Implementation of environmental and social procedures contained in the Program's Operational Manual and Environmental and Social Risk Management Manual will be part of the performance criteria in the Program Assessment System that will be implemented for the Program.

26. The implementation of some of these measures will be enhanced by their integration into the overall Program Action Plan and legally incorporated into the financing agreement of the Program. These action plans for the Program are grouped into three areas.

   i.   actions to strengthen the environmental and social management systems.
   ii.   actions to strengthen the implementation and monitoring of the environmental and social management of sub-projects; and
   iii. actions to build the capacity of relevant institutions for staff involved in the Program to enhance environmental and social management performance.

Table 0-1:Measures to Strengthen Systems Performance for the Program's Environment and Social System

Development and application of Environment and Social Risk Management System (ESMS)	(i) Provide targeted capacity building to staff at the PIUs and contractors/suppliers on environmental and Social risks and OHS issues. (ii) Develop Program Operation Manual (POM) incorporating environmental and social management procedures before launching of the Program. (iii) Incorporate E-Waste Management Plan as part of Environmental and Social Risk Management (ESRM) Manual. (iv) Establish ESMS coordination mechanisms with other institutions/entities/departments including the directorates of Occupation, Health, and Safety, labor, gender, social development etc. (v) Establishment of a Grievance Redress Mechanism and can respond to SEA/SH related grievances in a confidential manner for the Program that is accessible to the project beneficiaries. The environment and social risk management manual will provide a full description of the GRM process. (vi) Use lessons learned and coordination of efforts of the actions under other PforRs in host countries on development of Environmental and Social Management System (ESMS) for the Program. (vii) Hire a safeguard specialist (or seconded from relevant E&S management institutions) at the PIUs. (viii) Ensure that all the bidding documents for specific investment include the environment and social clauses and the related costs. (ix) Establish stakeholder engagement process for the Program that integrates the planning process of the proposed investments in statistics and data.

Strengthening of implementation and monitoring of the environmental and social management system	(i) Incorporation of environmental and social management implementation and monitoring procedures documented in the Program Operation Manual and Environmental and Social Risk Management Manual by implementing units for:
	   • Supervision or monitoring of the ESMPs
	   • ES Reporting
	   • GRM monitoring
	   • Monitoring Contractors/suppliers performance in terms of E&S issues
	
	(ii) Develop procedures for assessing the performance of the Program on environment and social management that relies on environment and social performance protocol, this will be outlined on the environment and social risk management manual.
	
	(iii) Public disclosure of the ESIA and ESMP and other documents.
	
	(iv) Reporting of environmental and social incidents and accidents by the subprojects.

	(v) Incorporating ESMP and OSH contractor/supplier clauses in the bidding and contract documents.	
	(vi) The annual environment and social performance verification audit procedures will be strengthened under this Program to ensure a robust verification process, building on lessons learned from other PforR Programs	
Strengthening of environmental and social management capacities	(i) Integration of environmental and social management into the Program's general capacity building plan, including ensuring a robust meaningful consultation process with stakeholders is achieved. (ii) Training in environmental and social management for technical staff, officers and contractors/suppliers involved in the implementation of the Program. (iii) Training in incorporating environmental and social risks, and the cost in the bidding documents and for the PIUs and Procurement officers.	

Table 0-2 Environmental and Social Risks Management Plan

Issue/Risk Description	Action/Completion	Timeframe	Responsible Party	Instrument
Need to strengthen environmental and social management systems	Program Environment and Social Risk Management Manual and POM to include: ❖ full description of <u>environmental and social management processes and procedures</u> for <u>proposed</u> investment projects (screening, appraisal, assessments, mitigation measures, monitoring and supervision etc.) ❖ Program guidance notes, guidelines and technical standards on subproject activities to include environmental and social management issues, including e-waste management	Before Program commencement	TNBS, CSA, NISR, KNBS	POM (dated covenant) Environment and Social Risk Management Manual
	<u>Coordination and review mechanisms</u> for environmental and social management systems to be led by relevant authorities in Environment and social dockets (e.g. NEMA, NEMC, EPA, RDB)	Continuous	NEMC, NEMA, EPA, RDB	Progress reports
Inadequate <u>implementation</u> of environmental and social management system	Include in DLIs and Key Result areas, Minimum Conditions (MC)/Performance Standards (PS) system ❖ Preparation - Incentives for inclusion of Program's ESMS processes/procedures in investment project preparations (minimum	Continuous	TNBS, CSA, NISR, KNBS	Minimum Conditions (MCs)/Performance Standards and Annual Performance Annual (APA) process

Issue/Risk Description	Action/Completion	Timeframe	Responsible Party	Instrument
	conditions and key result areas on investment project preparation) ❖ Performance - Incentives for application of ESMS processes/procedures in implementation of investments. (Performance standard on complete investment projects).			Verification for DLI 3.1 on infrastructure upgrades to include criteria on inclusion/application of ESMS processes and procedures.
	Program subprojects and PIU reporting requirements to include reporting on ESMS performance, including social performance.	By effectiveness (POM)	PIU	POM that includes an Environment and Social Risk Management Manual
Non-compliance of Contractors to Program E&S requirements	PIU to develop induction and training Program for all their contractors/suppliers on ESMS, including OHS. Ensure enough provisions are done for COVID-19 and WHO and Host countries protocols are adhered to.	Before commencement of projects Throughout the Program	WB, Implementing agencies, NEMA, EPA, RDB, NEMC, OSHA, DOSHS	Training materials Develop COVID-19 Guidelines
Insufficient staffing, knowledge and skills for managing environmental and social issues, including e-waste	Qualified and experienced staff assigned to coordinate environmental and social management at Implementing agencies Role and responsibilities of safeguards specialists defined POM and the Environmental and Social Manual	By effectiveness (recruitment or secondment)	Implementing Agencies	POM (Program management and ESMS sections and ToRs) that includes an Environment and Social Risk Management Manual.
	Training in environmental and social management systems for technical staff at the Implementing Agencies.	Year 1 Continuous	WB, DOSHS, OSHA, EPA, NEMA, REMA NEMC	Technical Assistance component
Lack of project specific grievance redress mechanisms	Establishment of a Grievance Redress Mechanism (will be part of the overall GRM for the Program).	Year 1 Before commencement of the subprojects	PIU	POM that includes GRM in the Environment and Social Risk Management Manual

Issue/Risk Description	Action/Completion	Timeframe	Responsible Party	Instrument
E-Waste Management	• Develop E-waste recycling and disposal management guidelines that applies for safe disposal of the E-waste stream to be generated during operation of Regional Statistics P for R project for the Implementing Agencies. • Program to work with Implementing agencies and other relevant agencies managing e-waste to strengthen and create awareness on e-waste management within the participating countries.	• Continuous	• TNBS, CSA, NISR, KNBS • TNBS, CSA, NISR, KNBS • NEMA, NEMC, REMA, EPA	• POM that includes an Environment and Social Risk Management Manual • Information, education, and communication (IEC) materials on e-waste management
Data security and usage	• Sensitization and creation of awareness on Data Protection and Security laws and regulations to the citizens • Ensure that all data centers are properly secured • Program to ensure all agencies to be involved in data collection and handling sign non-disclosure agreements • All data and information that is publicly displayed is anonymized • Limit the number of people with access to non-anonymized data/ information, • Ensuring data and information collected is encrypted. • Assess level of knowledge, attitude, and practice for Implementing agencies' staff on data protection and security. • Undertake Cybersecurity Audit to determine whether Implementing agencies have proper data protection and security mechanisms and complies with relevant regulations. The Audit should include review of policies, standards, guidelines and procedures, as well as a review	• During operation	• Implementing agencies	• POM to include data protection and security protocols • Data security and usage measures will be considered in the DLI 2.4 supporting use of administrative data for Ethiopia and Tanzania on activities supporting interagency automatic data exchange and DLIs 2.1 – 2.3 requiring anonymization of survey micro-data before public dissemination

Issue/Risk Description	Action/Completion	Timeframe	Responsible Party	Instrument
	of professional certifications of IT technical personnel. • Undertake staff capacity building on data protection and security, which should include certification of personnel with access to public data and information			
Social Inclusion	• Engage with stakeholders who represent Indigenous People/ Sub-Saharan African Historically Underserved Traditional Local Communities and Vulnerable Groups (women, people living with disabilities etc) to inform the design of survey instruments, sampling strategies etc to ensure inclusion in data collected and available.	• During operation	• TNBS, CSA, NISR, KNBS	POM to include need to engage, who with, timing and mechanims. DLI 2.6 supports generation of representative master samples using non-traditional data sources and DLI 2.3 for Ethiopia support methodological improvement for measuring pastoral agriculture activity
Land acquisition, physical and / or economic displacement	• Conduct due diligence on all proposed sites where regional statistics offices are planned to be constructed to identify any requirements for land acquisition, physical and or economic displacement. • In case land acquisition will be required, or there will be any economic/physical displacement, the respective subprojects will have to seek an exception from the WB to proceed at the screening stage, before commencement of subproject activities.	• Before sub-project commencement	• TNBS, CSA, NISR, KNBS	• Bank waiver • RAP to be prepared in alignment with Core Principle 4.

1   SECTION I: INTRODUCTION AND PROGRAM DESCRIPTION

1.1   Introduction

27. **The Program will help to overcome the main challenges for better data harmonization, production, dissemination and use to improve regional integration for economic prosperity.** The ability to monitor progress in regional development is limited by data gaps, non-comparability of economic and social statistics, weak financial capacity, low human resources and limited dissemination of data. These factors also constrain monitoring of national development exacerbated by limitations in the production of data using out-of-date methodologies and integration of data (e.g. administrative data). A lack of necessary technological, physical and statistical infrastructure aggravates the situation. The Program will eliminate these challenges by (1) improving harmonization, quality and dissemination, (2) filling data gaps with the help of the extended Data for Policy (D4P) package and (3) enhancing infrastructure and institutional development.

28. **The Program will harmonize, produce and timely disseminate high-quality statistics, while improving the infrastructure and institutional setup of regional and national statistical systems, leading to an improved use of statistics.** The Program will create incentives for STATAFRIC, the East Africa Community (EAC) Statistics Bureau and the beneficiary National Statistics Offices (NSOs) to develop harmonization guidelines and apply them for data production to disseminate better and more timely statistics. The regional statistical bodies will produce regional manuals and guidelines for higher quality and harmonized statistics. Training and peer-to-peer learning will build more capacity at beneficiary NSOs as well as STATAFRIC and the EAC Statistics Bureau to implement the manuals and guidelines. With Program funding for the production of statistics, the manuals and guidelines together with the increased human capacity will help to produce high-quality and harmonized statistics. This will be supported by upgraded IT and statistical infrastructure as well as an improved institutional setup. Advanced release calendars for D4P statistics will ensure that the high-quality statistics are timely disseminated. The timely release of better disseminated statistics together with improved statistical literacy will lead to enhanced use of statistics, which – in turn – encourages more production of statistics creating a positive feedback loop enhancing the sustainability of the Program objective and impacts.

29. **Beyond the Program Development Objective (PDO), the enhanced use of harmonized statistics will deepen regional integration accelerating growth and poverty reduction in the region.** With the production of more harmonized statistics, the evidence-base at the national, regional and global level will be improved. Better evidence on the expected economic benefits, market integration and regional connectivity will foster regional economic integration and its implementation through more informed decisions. Better information for firms will also crowd-in private investment harnessing economies of scale and productivity gains from a more competitive and expanded market access. Accompanied by inclusive policies, this will lead to better opportunities creating sustainable pathways out of poverty and boosting shared prosperity.

1.2   Program Description

A.   Program-for-Results (PforR) Program Boundary

30. **The Program-for-Results will be structured into three results areas:**

    (1) Harmonization, Quality and Dissemination of Statistics
         a.   Improve harmonization and quality of statistics
         b.   Improve human capacity
         c.   Improve dissemination

    (2) Extended Data-for-Policy package
         a.   Improved availability of household-based survey data
         b.   Improved availability of enterprise-based survey data
         c.   Improved availability of agricultural statistics
         d.   Improved availability of price and macroeconomic statistics
         e.   Improved availability of administrative data
         f.   Gained experience with big data sources and new technologies

    (3) Infrastructure and Institutional Development
         a.   Upgraded IT and statistical infrastructure
         b.   Enhance institutional development and human capacity

31. **Results area 1: Harmonization, quality and dissemination of statistics.** The first result will improve harmonization and quality of statistics by producing and supporting the implementation of regional guidelines according to Strategy for Harmonization of Statistics in Africa 2017 – 2026 (SHaSA2), extending the data quality and comparability framework at the regional level to include additional data dimensions and developing concepts and frameworks for the integration of new technologies and big data. The second result will improve human capacity in the key sectors covered under results area 2 by staffing the EAC Regional Bureau of Statistics with experts and making available experts from advanced partner states to support regional and national human capacity as well as providing workshops, on-the-job-training, statistics seminars and advocacy events like the Statistics Day to improve statistical knowledge and literacy in Governments and civil society. The third result will improve dissemination of statistics by supporting digital dissemination through online portals and dashboards, inclusion of gender, disability and spatially disaggregated statistics as well as improving the timeliness of statistics by using advanced release calendars.

32. **Results area 2: Extended Data-for-Policy package.** The first result will produce poverty, labor and other socio-economic statistics through household budget and labor force surveys. The second result will produce enterprise statistics with details on labor demand and productivity while also maintaining a business registry. The third result will support agricultural statistics for example by producing agricultural census information and agricultural productivity statistics. The fourth result ensures continuous implementation of price statistics feeding into the consumer and producer price indices. The fifth result tackles administrative data gaps by integrating ministries and agencies into the national statistical system to harness, complement and improve available data that they gather through routine data collection systems. The sixth result will revise and upgrade the System of National Accounts, adding natural capital accounting while improving comparability within the region. Finally, the seventh result will include the setup of emergency observatories to create capacity to monitor and track

emerging crises in real-time. All results in this area will be produced by incorporating guidelines and frameworks on international standards and regional harmonization as produced under results area 1.

33. **Results area 3: Infrastructure and Institutional Development.** The first result will upgrade IT infrastructure including the setup of data servers and equipment to implement tablet-surveys while establishing technology to monitor and analyze incoming data on-the-fly. The result also includes statistical infrastructure, for example the preparation of sampling frames based on population census and the development of modular data platforms that can form the basis for linking datasets across government such as connecting administrative data to Program indicators and the budget. The second result will enhance institutional development by improving the institutional setup at the regional, national and sub-national level as well as supporting monitoring and evaluation frameworks. This will include – depending on the implementing agencies' needs – analysis and recommendations for improved legal frameworks, improvements of the management of human resources, organizational and managerial changes, strategic planning as well as improved financial systems.

Program Development Objective(s)

34. Strengthening the regional statistical system of Ethiopia, Kenya, Rwanda and Tanzania to harmonize, produce, timely disseminate and enhance the use of core economic and social statistics.

A. PDO Level Results Indicators

35. **The achievement of the PDO level results will be measured by five high-level indicators.** The proposed indicators cover the strengthening of the statistical systems as well as the harmonization, production, timely dissemination and enhanced use of statistics:

   i. Improved statistical capacity: measured by the average Statistical Capacity Index (SCI) or Statistical Performance Index (SPI).

   ii. Improved production and availability of statistics: measured by the average D4P index.

   iii. Improved availability of harmonized statistics: measured by the number of key indicators harmonized across beneficiary countries.

   iv. Improved timeliness of dissemination: measured by the proportion of releases within timelines as stipulated in advanced release calendars.

   v. Improved usage of statistics: measured by the number of downloads of datasets and reports supported by the Program.

Investment Project Finance (IPF) Component - Project Management, Technical Assistance

36. **Under the IPF component, the African Union (AU) and EAC Secretariat will provide technical assistance to countries in this Program to boost technical capacity, facilitate adoption of technical guidelines to improve data quality and harmonization and facilitate peer to peer learning.** The work programs of the Specialized Technical Groups (STGs), with support from the continental advisors under the AU component, includes providing statistics and technical assistance activities to member

countries to support adoption and implementation of guidelines on standards and methods produced by the STGs. Under the EAC secretariat component, the capacity of the EAC Regional Bureau of Statistics will be fully established and a comprehensive regional training program on a broad range of statistical topics will be implemented to promote harmonization, quality enhancement and better comparability of statistics in the region.

37. **The IPF components as well as the PforR will build technical, fiduciary and safeguards capacities.** The IPF components will fund technical capacity building for all implementing agencies as well as fiduciary and safeguard capacity specifically for STATAFRIC and the EAC Regional Bureau of Statistics. The PforR funds additional country-specific technical capacity. For the IPF component E&S risk management instruments have been prepared notably a Stakeholder Engagement Plan, Environmental and Social Commitment Plan and E-Waste Management Plan for each institution, which will mitigate any environmental and social risks of the IPF component.

Proposed Disbursement Linked Indicators

38. **Disbursements under the Program will be made on the basis of verified results, as measured by Disbursement Linked Indicators (DLIs).** The DLI targets are organized along an indicative annualized timeframe. Up to 20 percent of the Program proceeds are earmarked for disbursement upon effectiveness ("prior results financing") against prior results scheduled to be achieved before the date of signing the legal agreement. Confirmation that a DLI is achieved will be based on agreed verification protocols. Once the achievement of an indicator is verified, the Government can make a disbursement request. Disbursements against selected DLIs are scalable. The implementing agencies will have to demonstrate through annually prepared financial statements that Program expenditures were equal to or in excess of the volume of Bank financing by the end of the operation.

39. **A reliable but flexible verification process will ensure that the Program delivers on agreed results.** While the results matrix is defined at the Program-level, DLIs are specific countries simplifying the verification procedure and avoiding inter-dependency of disbursements. All DLIs towards a result will be verified by a verification agency, which will be selected based on reputation and relevant expertise. The primary verifying agency for the first two results areas will be contracted through the EAC IPF component. In case of delays by the primary verifying agency, the beneficiary Governments have the option to arrange for an alternative verifying agency upon approval by the World Bank. The third results area on infrastructure and institutional development is country-specific. Thus, national agencies like the National Auditor will be used for verification.

		Verifying Agency
Results Area 1: Harmonization, Quality & Dissemination		
Result 1.1: Improved harmonization & quality	DLIs for	UNECA - ACS
Result 1.2: Improved dissemination and use	Results Area 1	UCT - DataFirst
Results Area 2: Extended D4P Package		
Result 2.1: Improved availability of household-based survey data		UCT - DataFirst
Result 2.2: Improved availability of enterprise-based survey data	DLIs for	UCT - DataFirst
Result 2.3: Improved availability of agricultural statistics	Results Area 2	UNECA - ACS
Result 2.4: Improved availability of administrative data		UNECA - ACS

Result 2.5: Improved availability of price & macro-economic statistics		UNECA - ACS
Result 2.6: Gained experience with big data sources and new technologies		UNECA - ACS
Results Area 3: Infrastructure & Institutional Development		
Result 3.1: Upgraded IT and statistical infrastructure	DLIs for	National ICT Authority
Result 3.2: Enhanced institutional development & capacity	Results Area 3	National Auditor

1.3   Program Implementation Arrangements

40. **The Program will be managed by a Program Management Unit (PMU) with members from all implementing agencies in each country, managing the verification process and carrying out Program monitoring activities.** Each implementing agency will establish a Single Program Implementation Unit (PIU) and will nominate a Program Manager to support the implementation of the Program. The Program managers will form the regional PMU, co-chaired by the Program managers of STATAFRIC and the EAC Statistics Bureau. The PMU will be responsible to coordinate among implementing agencies, manage the verification process and to carry out Program monitoring activities. The monitoring activities include (a) conducting periodic Program progress reviews, (b) preparing and disseminating Program progress reports (including reporting on the fiduciary and safeguards requirements of the project), (c) reporting on DLI achievements, and (d) preparing other studies, evaluations, and reports.

2   SECTION II: OBJECTIVE, SCOPE, AND METHODOLOGY FOR THE ENVIRONMENTAL AND SOCIAL SYSTEM ASSESSMENT

2.1   Objectives and Scope of the ESSA

41. An Environmental and Social Systems Assessment (ESSA) was undertaken by the Bank team for the Program as per the requirements set forth under Program for Results Financing. The ESSA aimed to review the capacity of existing host countries' government systems to plan and implement effective measures for environmental and social risks and impact management for the Program, including determining if any measures would be required to strengthen them. This included assessing the environmental and social systems in place, the human resources, the competencies, the gaps /weaknesses, extent and nature of necessary improvements that would form the basis for a Program Action Plan.

42. Specific objectives of ESSA are to:

    (a) identify the potential environmental and social impacts/risks applicable to the Program interventions,
    (b) review the policy and legal frameworks related to the management of environmental and social impacts of the Program interventions,
    (c) assess the institutional capacity for environmental and social impact management within the Program system,
    (d) to prescribe institutional arrangements for the identification, planning, design, preparation and implementation of the sub-projects under the proposed Program to adequately address environmental and social sustainability issues,

(e) specify appropriate roles and responsibilities and outline the necessary Program management and reporting procedures for managing and monitoring environmental and social concerns related to the proposed Program,

(f) assess the consistency of the Borrower's systems with six core principles and attributes defined in the Bank's Policy – Program for Results Financing, to include assessment of monitoring and evaluation systems for environmental and social issues,

(g) to describe actions to fill the gaps identified that will input into the Program Action Plan to strengthen the Program's performance concerning the core principles of the PforR instrument.

43. The ESSA is undertaken to ensure consistency with the six "core principles" outlined in paragraph 8 of the World Bank's policy on Program-for-Results Financing to effectively manage Program risks and promote sustainable development. The six core principles are:

i. **Core Principle 1:** Program E&S management systems are designed to (a) promote E&S Sustainability in the Program design; (b) avoid, minimize, or mitigate impacts; and (c) promote informed decision-making relating to a Program's E&S effects.

ii. **Core Principle 2**: Program E&S management systems are designed to avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program. Program activities that involve the significant conversion or degradation of critical natural habitats or critical physical cultural heritage are not eligible for PforR financing.

iii. **Core Principle 3**: Program E&S management systems are designed to protect public and worker safety against the potential risks associated with (a) the construction and/or operation of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.

iv. **Core Principle 4:** Program E&S systems manage the land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards.

v. **Core Principle 5:** Program E&S systems give due consideration to the cultural appropriateness or and equitable access to, Program benefits, giving special attention to the rights and interests of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, and to the needs or concerns of vulnerable groups.

vi. **Core Principle 6**: Program E&S systems avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.

44. The ESSA provides a reference that is used to monitor environmental and social systems performance during the Program implementation, and identifies actions, as needed, to enhance the systems during the Program preparation and implementation (the latter are included in the Program's Action Plan). The environmental and social risks, and proposed mitigation measures, as appropriate, are inputs to the integrated risk assessment of the Program. The assessment includes a review of the arrangements by which the Program activities that affect communities will be disclosed, consulted upon, and subject to a grievance redress process and proposes actions and measures to address consultation, disclosure and grievance as appropriate to the activities to be supported under the Program.

2.2   Methodology of the ESSA

Methodology Overview

45. The assessments were carried out through a comprehensive review of relevant government policies, legislation, institutional roles and capacities, Program procedures, and assessment of the available capacity within the participating countries (Kenya, Rwanda, Ethiopia, and Tanzania) to implement the existing systems consistent with Bank Program for Results Financing. A structured questionnaire prepared by the ESSA team was used to guide discussions and data collection at the relevant agencies, regulators, and respective environmental and social implementing units that will be involved in the Program implementation.

46. This information collected was used to understand the key institutions charged with the management of environmental and social risks at the national and regional levels of Governments, stakeholder's perspectives about social and environmental aspects, and the available environmental and social management systems in place to assess and manage the social and environmental risks and impacts. The gaps identified through the ESSA and subsequent actions recommended to fill those gaps will directly contribute to the Program's Action Plan to enhance the effectiveness and performance of institutional structures and related implementing agencies (IAs) for the Program.

47. To assess the existing systems as well as analyze how these systems are applied in practice, the process of preparing the ESSA was drawn on a wide range of data. Inputs analyzed for this ESSA included the following.

i.   ***Desk Review of Policies, Legal Framework, Regulations, and Program Documents****:* The review examined the set of policies and legal requirements related to environmental and social management at the national and regional governments level. The review also examined technical and implementation support documents from previous and ongoing World Bank PforR Programs in participating countries. The policies, legal frameworks and regulations reviewed are summarized in Section 3 of this document and more details are presented in the Specific ESSA for each country.

   World Bank Related Documents
   - Program Concept Note
   - Draft Program Appraisal Document
   - Other ESSAs in participating countries under World Bank financing

ii.   ***Institutional Analysis:*** An institutional analysis was carried out to identify the roles, responsibilities, and structure of the relevant institutions responsible for implementing the Program, including coordination between different entities at the national and regional levels. Sources included existing assessments of key institutions focusing on environmental and social assessment and management processes. A summary of relevant institutions responsible for environment and social management are presented in Section 3 of this document

iii.   ***Stakeholders' Consultations:*** Consultations were held with relevant institutions to assess the institutions' environmental and social management systems and capacities for implementing the Program.

Analysis

48. The ESSA analysis essentially follows the Strengths, Weaknesses, Opportunities and Risks approach. The study team used a Capacity Assessment Tool (CAT) in undertaking this assessment aimed at assessing in a participatory manner the following components of institutions namely:
    - Management systems and structures - planning, personnel, risk management, information systems, Program reporting, and ethics.
    - Human resource /technical capacity - personnel policies and procedures, staffing, work organizations, performance management, volunteer management, occupational safety, diversity and gender considerations, human resource development.
    - Monitoring and evaluation- capacity to monitor and supervise environmental and social risks.
    - External relations - stakeholder relations, inter-NGO collaborations, government/local authority collaborations, funding partner collaborations, public relations, local resources, media, regional inter-governmental relations.

49. The sections that follow in this document provides further information: details of Program activities, institutions involved and the implementing agency's experience in implementing similar projects, the potential environmental and social benefits, risks/impacts of the Program, the Country existing environmental and social management systems, assessment of the adequacy of the existing systems, and identification of gaps. Based on this analysis, actions to address the identified risks and gaps are identified and proposed.

Disclosure of ESSA

50. Disclosure of the draft ESSA was carried out through virtual meetings with the stakeholders due to COVID-19 protocols, where discussions were held with relevant Ministries and department representatives and other relevant stakeholders to give comments on the draft ESSA report. Although not obliged, the final ESSA incorporating comments from stakeholders shall be disclosed on the client's website before the appraisal of the Program. The World Bank will also disclose the ESSA report on the World Bank external website.

3   SECTION III: POTENTIAL ENVIRONMENTAL AND SOCIAL EFFECTS OF THE PROGRAM

3.1   Introduction

51. This section presents the anticipated environmental and social impacts, benefits, risks, and opportunities specific to the PforR Sub-project activities. The risks have been identified by looking at existing and possible impacts on the environmental and social context, the Program strategy and sustainability, the institutional complexity and capacity. The risks associated with the Program can be mitigated through proposed measures, which include capacity building of implementing entities and partners to enhance inclusion, participation, and strengthening mechanisms on accountability and grievance redress mechanisms. These measures are included in the Program's integrated risk management.

3.2   Scope of Projects under the Program

52. **Program-for-Results Environmental Impacts and Risks**. As described in Section II, the Program under Results Area 1 (KRA 1 – (i)) will support "*upgrade IT infrastructure including the setup of data servers and equipment to implement tablet-surveys while establishing technology to monitor and analyze incoming data on-the-fly".* The Program will have mostly positive benefits as the Program interventions will set up a robust statistical system and infrastructure in the participating countries which thence will result in, among others, regional harmonization, quality control and dissemination of correct statistical data for policy and development.

53. The Program will not support any large-scale civil works. Environmental and social risks of the Program activities shall be confined to small works and rehabilitation initiatives for installing and or upgrading data servers and possibly supply of electronic equipment's for field data collection. The risk and impacts are site specific in nature and well known to be mitigable by enforcement of good environmental and social systems.

54. Based on the scope and scale of sub-projects to be financed under the Program, environmental and social impacts are expected to be low to moderate in scale, with the most adverse impacts limited to the disposal of e-waste from the Program. All investments will undergo an environmental and social impact screening and assessment process as per the national environmental and social management systems requirements. These procedures will be outlined in the Environment and Social Risk Management Manual and Program Operation Manual (POM), to be prepared for the Program, with technical guidance from the World Bank, and consultations with relevant technical staff at PIU at ministries in charge of the Program, and other relevant Program stakeholders.

55. The Program will have mostly positive social benefits as the Program interventions will set up a robust statistical system and infrastructure in the participating countries which thence will result in, among others, regional harmonization, quality control and dissemination of correct statistical data for policy and development. The Program will increase effectiveness and efficiency of regional governments, strengthening transparency and accountability by improving access to information through the use of information technology, for improved use of development data for decision-making.

3.3   Environment and Social Risk Rating

56. The purpose of the screening and risk rating for the Program was to: (i) identify activities likely to have significant adverse impacts that are sensitive, diverse, or unprecedented on the environment and/or affected people; those activities are not eligible for financing and should not be included under the Program; (ii) to determine the priority areas for further attention during the environmental and social system assessment, and (iii) determine the risk rating of the Program.

57. Because of geographical scope of the Program in various countries, the weak legislations in management of electronic waste within the participating countries, and different scales of proposed investments, and the capacity of the PIUs and other institutions to manage environmental and social risks, the ESSA has determined that the overall risk of the Program is rated as ***Moderate***.

58. The Program has proposed measures as part of the Program Action Plan to strengthen the Implementing Agencies' environmental and social management systems for the implementation and monitoring of the Program activities to close the gaps in areas of weak capacity and other risks associated with project implementation, especially during construction and operation phases.

3.4   Potential Environmental and Social Risks and Impacts of the Program

3.4.1   Main Environmental Risks and Impacts

59. The potential adverse environmental impacts from the Program include, but not limited to.

- Improper and indiscriminate disposal of E-waste by the organizations may result to soil and water contamination through the release of heavy metals (lead, arsenic, and cadmium).
- Air pollution by release of hydrocarbons in the atmosphere through melting of materials if not properly managed.
- Transformer and backup generator equipment may potentially contain used oils, Polychlorinated Biphenyls (PCBs) which can pollute water and soils, while cooling equipment may contain refrigerants (potential Ozone Depleting Substances [ODSs]).
- Construction phase related impacts such as disturbance of existing vegetation, air pollution from dust; nuisances such as noise, vibration impacts, and traffic interruptions.
- Water, and soil pollution from the accidental spillage of fuels or other materials associated with construction works.
- Environment risks occupational health and safety incidents through injuries or accidents to the workers at construction sites and/or managing/maintaining IT equipment and infrastructure.

3.4.2   Environmental Risks Management Measures

60. All project investments under the Program will be subjected to screening, and preparation of the Impact Assessment) as per the host countries' national requirements. The subprojects are expected to be site specific and well-defined mitigation and monitoring measures will be developed for each subproject through the ESMP. Other than requiring that all sub-project investments under the Program to be subjected to screening and further environmental analysis, the Program has developed a set of principles that will act as measures to minimize sub-project risks at the concept level.

61. While no high-risk projects are expected under the Program, the screening process will include criteria to exclude certain categories of projects as well as projects that are high risks and significant negative impacts that are sensitive, diverse, irreversible, or unprecedented on the environment and/or affected people. The screening procedure will be done during the sub-project appraisal and will be guided by the Host country's Guidelines which will be outlined in detail in the Environment and Social Risk Management Manual and highlighted in the Project Operations Manual (POM). This exercise will be carried out by the PIUs in each participating country in coordination with the host country relevant environmental and social regulators (e.g. NEMC in Tanzania, NEMA in Kenya, REMA in Rwanda, and EPA in Ethiopia).

62. The Project Operation Manual and Environmental and Social Risk Management Manual will incorporate contractual responsibilities and obligations with appropriate mechanisms for addressing non-compliance of environmental, health, and safety issues of the sub-projects (by the subcontractors/suppliers and the client). The Environment and Social Risk Management Manual will operationalize the Program Action Plan. Further, the World Bank team will undertake a post-screening audit to ensure that all the selected sub-projects meet the outlined criteria.

3.5   Potential Social Benefits and Risks of the Program

3.5.1   Main Social Risks and Impacts

63. The nature of the proposed activities in the Program does not suggest that specific marginalized communities/Traditional Local Communities could be harmed by the Program. The design of the Program aims to foster the protection and integration of marginalized communities/Traditional Local Communities into the Program design, by having data that will benefit said communities.

64. Depending on the type, scope, and extent of eligible work under the Program, the potential negative social impacts are likely those that are typically related and limited to the construction phase and are generally work site-specific. Potential negative impacts of the Program include but are not limited to:
- Safety and misuse of data collected (data protection and data security).
- Vulnerable groups such as pregnant girls, people living with disabilities, LGBTQ individuals etc. and marginalized/Traditional Local Communities may be placed at risk (including exclusion from school, social or health services, subject to prosecution under the law, stigmatization due to cultural norms or exclusion from benefits) if data is collected or shared inappropriately.
- Lack of transparency and trust by local communities due to poor consultations and stakeholder engagement with project beneficiaries, vulnerable groups, and marginalized communities/Traditional Local Communities.
- Politicization of decision making due to data collected.
- Land acquisition, involuntary resettlement, and loss of livelihoods (Although not anticipated in this program, this has been highlighted as a risk where land will not be available where construction of offices might be required. However, land acquisition will be avoided, and it will only happen if there will be no other alternatives.).

3.5.2   Impact from poor data protection and cyber security
65. The key social concern across all four participating countries relates to digital security concerns both in relation to data protection and cyber-security. Cybercrimes is an emerging issue of concern around

the world, and this comes as a result of access to personal data and information. It poses challenge in security of personal and institutional information from invention and infringement. The challenge emanates from a move towards a more digitized world and increased use of electronic and telecommunication technologies in data processing, storage, and transfers of information. Although most of the participating countries have some form of legislations touching on data protection, implementation of these laws and regulations is still weak because they are still in early enactment. Citizens' knowledge of these laws is also weak, and more sensitization on their rights on the use of data collection is needed. Improper use of citizens data may cause stigma and exclusion if personal data is misused, including damage institutional images.

3.5.3   Social Risk Management Measures

66. In addition to screening, the Program has developed a set of principles and minimum standards that will act as measures to minimize project risks at the concept level. The principles that will apply to all investments as a mechanism for mitigating adverse social impacts and risks shall include but not limited to:

a) Digital security needs to be considered in relation to both data protection and cyber-security, which could affect community security.
b) The Environmental and Social Management Plans (ESMPs) developed for sub-projects will evaluate risks to community health and safety associated with potential electronic waste management.
c) Establish an effective and adequately financed project-specific grievance redress mechanism that is accessible to all stakeholders including project beneficiaries.
d) Put in place measures to prevent and respond to incidents of Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) within the context of the Program's investment projects.
e) Projects that are likely to have negative impacts on vulnerable and marginalized groups (VMGs) /Traditional Local Communities to be given due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the needs or concerns of vulnerable groups and the rights and interests of VMGs/Traditional Local Communities.
f) The Program Environment and Social Risk Management Manual will incorporate contractual responsibilities and obligations with appropriate mechanisms for addressing non-compliance of social issues of the sub-projects by the contractor and the respective project area.
g) Contractors should also prepare worker Codes of Conduct (CoC) which are to be understood and signed by their employees.
h) Although land acquisition is not anticipated, elaborate clear processes that will guide land acquisition, preparation of a Resettlement Action Plan, and livelihood restoration measures as outlined in the Environment and Social Risk Management Manual.

67. To screen out for potential risks, the Program will rely on the guidelines in the Environment and Social Risk Management Manual and Program Operation Manual (POM), which will include a rigorous sub-project screening process to be done by PIU Safeguards team.

68. The responsibility of the Contractors and suppliers to be engaged in the Program should be clearly defined in the contract clauses to ensure any damage to people, environment and property during the performance of the execution of the Program activities including civil works is borne by him.

3.6   COVID-19 Risks and Impacts

69. Projects involving construction/civil works frequently involve a work force, together with suppliers and supporting functions and services. The work force may comprise of workers from national, regional, and local labor markets. There may be different contractors permanently present on site, carrying out different activities, each with their own dedicated workers. Supply chains may involve international, regional and national suppliers facilitating the regular flow of goods and services to the project (including supplies essential to the project such as fuel, food, and water). As such there will also be regular flow of parties entering and exiting the site; support services, such as catering, cleaning services, equipment, material and supply deliveries, and specialist sub-contractors, brought in to deliver specific elements of the works.

70. Considering Covid-19 restrictions, the Program will consider innovative ways to ensure consultations are fit for purpose, effective and meaningful in order to meet Program and stakeholder needs in line with national regulations as well as WHO guidelines. Strategies to be employed include smaller meetings, to be conducted as appropriate taking full precautions with all stakeholders. Where face to face meetings are not permitted/ desirable, other strategies will be employed which include but are not limited to; one on one interviews through phones and online meetings platforms with stakeholders. The approaches taken will thereby ensure that information is meaningful, timely, and accessible to all affected stakeholders.

3.6.1   COVID-19 Risk Management Measures

71. The Program will develop a set of principles and minimum standards that will act as measures to minimize project risks against spread of COVID-19. This will include but not limited to;
   - Adhere to the rules and regulation guidelines set up by the Government of participating countries and WHO Guidelines.
   - Where face to face meetings are not permitted/ desirable, other strategies will be employed which include but are not limited to; one on one interviews through phones and online meetings platforms with stakeholders.
   - Consider innovative ways to ensure consultations are fit for purpose, effective and meaningful in order to meet Program and stakeholder needs in line with national regulations as well as WHO guidelines. Strategies to be employed include smaller meetings, to be conducted as appropriate taking full precautions with all stakeholders.
   - Take all necessary precautions to maintain the health and safety of the Personnel involved in the Program, e.g. provisions of PPEs, handwashing points, monitoring of temperatures for workers, etc.
   - Ensure suitable arrangements are made for all necessary welfare and hygiene requirements and for the prevention of epidemics at all sub-project sites.
   - Personnel should be encouraged to use the relevant grievance mechanism to report concerns relating to COVID-19, preparations being made by the Program/sub-projects to address COVID-19 related issues, how procedures are being implemented, and concerns about the health of their co-workers and other staff.
   - All Government protocols of health and safety are met at all Program intervention areas.
   - Follow the guidelines set out in the Banks's ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects, issued on April 7, 2020.

3.7   Exclusion Criteria

72. The exclusion principle applies to Program activities that meet these criteria, regardless of the borrower's capacity to manage such risks and impacts. In the PforR context, the concept of exclusion means that an activity *is not* included in the identified Program of expenditures. Also, an activity is not included if it requires the completion of a non-eligible activity to achieve its contribution to the Project Development Objective (PDO) or any specific Disbursement Linked Indicators (DLI). The six principles under the PforR will apply to all investments as a mechanism for mitigating adverse environmental and social impacts.

73. The Program shall exclude projects that are likely to include:

    i.   Significant conversion or degradation of critical natural habitats or cultural heritage sites.
    ii.   Air, water, or soil contamination leading to significant adverse impacts on the health or safety of individuals, communities, or ecosystems.
    iii.   Workplace conditions that expose workers to significant health and personal safety risks.
    iv.   Land acquisition and/or resettlement of a scale or nature that will have significant adverse impacts on affected people or the use of forced evictions.[4]
    v.   Large-scale changes in land use or access to land and/or natural resources.
    vi.   Adverse Environmental and Social (E&S) impacts covering large geographical areas, including transboundary impacts, or global impacts such as greenhouse gas (GHG) emissions.
    vii.   Significant cumulative, induced, or indirect impacts.
    viii. Activities that involve the use of forced or child labor.
    ix.   The marginalization of, or conflict within or among, social groups.
    x.   Activities with high risk of SEA/SH.
    xi.   Activities that would (a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause the relocation of VMGs/Traditional Local Communities from land and natural resources that are subject to traditional ownership or under customary use or occupation; or (c) have significant impacts on cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected communities.

3.8 Grievance Redress Mechanisms

74. Given the various environment and social risks and mitigation measures outlined above, the Program will put measures in place to mitigate possible risks, conflicts or tensions that might occur at all stages of the design and implementation of the Program at various levels. The Program will respond to concerns and grievances of project-affected parties related to the environmental and social

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[4] As per the PforR financing Environment and Social Systems Assessment Guidance (July 2019), Resettlement includes physical relocation of individuals and communities as well as the acquisition of land for Program purposes. Because of the extreme sensitivity of land acquisition and resettlement, the Bank exercises caution when proceeding with any resettlement when the borrower cannot demonstrate that its systems meet the core principles and attributes or cannot ensure consistently satisfactory resettlement outcomes.

It is not necessarily helpful to define fixed numerical thresholds for "large scale" because the significance of impacts depends very much on local contextual factors. The definition of significant resettlement impacts is closely related to the extent to which the borrower's systems align with the core principles and to the borrower's capacity to carry out land acquisition and resettlement in accordance with policy principles and requirements.

The emphasis should be on the potential for significant impacts on affected people regardless of scale, as significant adverse impacts are not acceptable to the Bank even if they affect only a small number of people. When the Bank team's assessment is that the borrower is not able to demonstrate resettlement practices consistent with PforR core principles, regardless of the size or severity of resettlement impacts, the PforR operation should proceed only after a separate review of agreed resettlement systems and capacity-building actions by the SA or, in very sensitive cases, with senior management in GSURR and the Chief Environment and Social Standards Officer (CESSO).

performance in a timely manner. For this purpose, a GRM will be established, or an existing system identified and if needed strengthened, specific to the sub-projects, to receive and facilitate resolution of grievances and complaints related to its activities. A well-designed and implemented GRM will considerably enhance efficiency and effectiveness of the aspects supported by the PforR component.

75. The GRM for the Program will the following objectives:
   i.   Provide the stakeholders with an effective platform to seek redress or resolve any dispute that may arise during implementation of the Program sub-projects;
   ii.   Ensure that appropriate and mutually acceptable redress mechanisms are identified and implemented to the satisfaction of complainants; and
   iii. Reduce the need for using judicial proceedings.

   Communities and individuals who believe that they are adversely affected as a result of the Program will be given mechanisms to submit complaints to the grievance redress mechanisms (GRM). The participating countries also have setup government portals available for registering complaints, which can be used by complainants where relevant.

76. In addition, the Implementing Agencies shall separately set up their own portals for complaint mechanisms for receiving and registering complaints. The existence of this mechanism needs to be widely disseminated. In addition, the implementers of the portal need to identify a person identified to respond to the complainant (with given timelines) or forward the complaint to the relevant person for redress.

77. The table below summarizes the potential risks related to the environmental and social impacts of the Program and suggests risk management measures for each risk.

Table 3-1 : Key Risk and Impacts Rating

Risk/Impact Description	Phase	Risk/Impact Management	Risk Rating
Identification of Impacts: Potential environmental and social risks and impacts of the investment projects are not properly identified, mitigated, and monitored.	Planning	• Environmental and Social Management System prepared by the Program that is consistent with host country's national environmental and social legal and policy framework and bridge gaps with the Program for Results Financing principles. • Technical staff at PIU and other implementing institutions will be required to be trained on the system. • Adequate identification of environmental and social impacts for the projects. • Consultations with all relevant stakeholders. • ESMPs measures are incorporated into the bidding and contract documents on time. • Program will ensure that adequate resources are allocated for monitoring and supervision of the ESMPs or ongoing works. • Due diligence measures related to environmental and social issues will be part of the capacity building component of the Program.	Low
Environment and Social Risk Management Systems at National and Regional Levels Weak environment and social risk management systems at the National and Regional levels to manage e-waste	Construction and Operation	• Establish ESMS coordination mechanisms with other institutions/entities/departments including the directorates of Occupation, Health, and Safety, labor, gender, social development etc. • Develop and implement E-Waste Management Plan as part of the ESMPs. • Proper disposal of e-waste in accordance to host country laws and regulations. •	Moderate
Lack of capacity and technical skills for environmental and social management: Capacity gaps (staffing and skills mix) at Regulatory authorities (NEMC, NEMA, EPA, REMA) and PIU may lead to weak planning, implementation,	Planning and Implementation	• The Program to have Environmental and Social Safeguard specialists at National Level to support the E&S risk management - either appointed or seconded at the PIU level. • The Program will be incentivized to provide adequate resources for environmental and social management. • Training on implementation and monitoring of environmental and social actions, e-waste management, and the Grievance Redress Mechanisms will be included in capacity building Program.	Moderate

Risk/Impact Description	Phase	Risk/Impact Management	Risk Rating
and monitoring of environmental and social management plans of the investments.		• The PIU will ensure that ToRs and contracts for contractors if applicable under the Program incorporate environmental and social management clauses as needed.	
Safety of Data of citizens, including Vulnerable Groups Risk of misuse of data.	Operation	• Conduct an assessment of the current status of environmental and social risks and protections drawing on primary and secondary data covering issues related to data security, data protection, cybersecurity, and perceptions and concerns around data gathering. • Ensure that all citizens including vulnerable people and VMG/Traditional Local Communities information is not exploited or misused as a result of the Program implementation. • Secure all data centers, signing of non-disclosure agreements with all agencies to be involved in data collection and handling and anonymizing all data and information that is publicly displayed and limiting the number of people with access to non-anonymized data/ information, and ensuring such data excludes identifies.	Moderate
Marginalization Politicization of decision making as a result of data collected	Planning and Operation	• Ensure security of data, and ensure data is appropriately used to benefit all citizens including vulnerable individuals, VMGs/Traditional Local Communities where applicable. • Develop a Grievance redress mechanism that is effective and accessible to all stakeholders.	Low
Occupational Health and Safety: Occupational health and safety measures are poorly implemented and monitored.	Construction and Operation	• Program should incorporate in the sub-project bidding and contracts strict clauses for OHS for implementation by the contractor and possible enforcement. • The Program will be required to collaborate with the national Occupational Safety and Health Authority (OSHA) to improve the implementation of occupational health and safety issues of the sub-projects. • Incorporation of best international practices and guidelines on EHS such as WBG EHS Guidelines for telecommunication.	Moderate
Consultation and Public Consultation: Inadequate or	Planning and Implementation	• The Program will undertake inclusive, and on-going consultations with all stakeholders.	Low

Risk/Impact Description	Phase	Risk/Impact Management	Risk Rating
no consultations are held for specific subprojects.		• Consultations process between PIU and communities shall observe WHO and National guidelines on COVID protocols	
Grievance Redress Mechanisms: There are some formalized complaint mechanisms at the local Wards and Regional levels, but their effectiveness is hampered by lack of awareness	Planning and Operation	• The Program will carry out dissemination and awareness-raising activities amongst the implementing agency/ies and the Ward/Regions on the grievance redress mechanisms for the subprojects. • All sub-projects will develop and implement a GRM. • As necessary, funds Results Area 1 (iii) will be used for this process.	Low
Budget Allocation: Inadequate budget allocated to environmental and social management, and supervision of activities.	Planning	• The Governments will be incentivized to provide adequate resources for environmental and social management performance as a minimum condition to achieve the Program objectives and access the Program grants. • Budget for training and capacity building on ESIA/ESMP/E-waste management to be allocated as part of the program.	Low
Audit: Annual Performance Audit does not include technical expertise to assess environmental and social management performance	Operation	• Terms of Reference for annual capacity and performance assessment will ensure adequate and appropriate skills are present to assess environmental and social management systems and performance.	Moderate
Resettlement Action Plan: RAPs that do not meet the Core Principle 4 and in line with ESS 5 *NB: Not anticipated in the program*	Planning and Construction	• Eligibility criteria for resettlement and compensation consistent with the Bank's Program for Results Financing will be included in the operation manual and included in training for the Program. • Land acquisition and Resettlement will only be carried out for subprojects that have developed Resettlement Action Plans which are implemented prior to land being acquired/taken. The procedure on land acquisition and resettlement will be clearly outlined in the Environment and Social Risk Management Manual.	Low

Risk/Impact Description	Phase	Risk/Impact Management	Risk Rating
		• Proper documentation of the Voluntary land donation or user permit process for a project that will be implemented in areas where land is under customary rights. • Application of the willing buyer and willing seller method as an option for land acquisition, only where acquisition is not site-specific. •	

4   SECTION IV: NATIONAL ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEMS RELEVANT THE PROGRAM

78. Participating countries haves several policies, instruments and laws that support environmental and social management and the environmental and social assessment processes in the Information and Technology Sector. There are a number of sectoral directives to integrate environmental and social considerations in the decision-making process. These policies, legal and legislative frameworks are summarized below.

Table 4-1 : Tanzania National Policies, Legal and Legislative Frameworks

No	Framework	Applicability
Policies		
1.	The Sustainable Industrial Development Policy (1996- 2020).	To achieve sustainable industrial development. Promotes industrial development with less Pollution. Promotes efficient use of resources and recycling activities.
2.	The National Environmental Policy (NEP, 1997).	The NEP provides the framework for incorporating and mainstreaming environmental and social considerations into decision-making in Tanzania. Promotes health related programs including food hygiene, separation of toxic or hazardous wastes and pollution control. Relevance: Proper e-waste management reduces pollution load to the environment and reduces risks to human health.
3.	The Zanzibar Environmental Policy, 2013	The Policy focuses on the following Objectives: i. Ensuring the maintenance of basic ecological processes upon which all productivity and regeneration, on land and in the sea, depend; ii. Promoting the sustainable and rational use of renewable and non-renewable natural resources; iii. Preserving the terrestrial and marine biological diversity, cultural richness and natural beauty of Zanzibar's lands. iv. Ensuring that the quality of life of the people of Zanzibar, present and future, is not harmed by destruction, degradation or pollution of their environment and natural resources utilization. v. Strengthening both institutional mechanisms for protecting the environment and the capabilities of the institution involved in the environmental management. vi. Incorporating and biding to the international obligations in Multilateral Environmental Agreements to which the United Republic of Tanzania (URT) is a Party.
4.	The Zanzibar Environment Impact Assessment (Procedures) Regulations, 2002	The regulations stipulate procedure and regulatory system for carrying out ESIA in Zanzibar. It is stipulated in the regulations that the EIS must be prepared in the manner that it is analytic, concise and not longer than necessary.
5.	The Zanzibar Occupational Safety	The Zanzibar Occupational Safety and Health Act No. 8, 2005 establishes basic principles of safety and health in Zanzibar. It clearly stipulates the duties and responsibilities of key 14 stakeholders of occupational safety and health. The Act establishes occupational safety and health management systems such as safety

	and Health Act No.8, 2005	and health committees at national and enterprise level. At enterprise or workplace level the occupational safety and health representatives form a committee.
6.	The Zanzibar Environmental Management Act No. 3 of 2015	It has provisions for establishment of protected area system in Zanzibar, control and management of specific environmental threats and biological diversity as well as provisions for general environmental obligations, administration, planning including ESIA. Under this Act, the Zanzibar Environmental Management Authority (ZEMA) is mandated to undertake enforcement, compliance, review, and monitoring of environmental and social impact assessment. The ZEMA has also a role of providing general supervision and coordinating over all matters relating to the environment in Zanzibar.
7.	The Environmental Management Act (EMA) (No. 20, 2004).	The objective of this Act is to provide for and promote the enhancement, protection, conservation, and management of the environment. This Act provides a legal framework necessary for coordinating harmonious and conflicting activities with a view to integrating such activities into an overall sustainable environmental management system by providing key technical support to Sectoral Ministries. It includes provisions for sustainable management of the environment, prevention and control of pollution, environmental quality standards, public participation, and the basis for the implementation of international environmental agreements.
8.	National ICT Policy (2003).	To provide a national framework that will enable ICT to contribute towards achieving the national development goals; and to transform Tanzania into a knowledge-based society through application of ICT. Promotes investments in ICT, promotes competitive development and production of ICT products and service, and promotes establishment of direct relationships with manufacturers and designers of ICT resources.
9.	National Energy Policy (2003).	To ensure availability of reliable and affordable energy supplies and their use in a rational and a sustainable manner in order to support national development goals. Promotes use of energy efficient equipment.
Environmental Risk Management		
10.	The Environmental Impact Assessment and Audit Regulations (2005).:	The regulations have provisions for the EIA process in Tanzania.
11.	Environmental (Registration of Environmental Experts) Regulations, 2005 (G.N. No. 348 of 2005).	These Regulations make provision with respect to Environmental Experts and establish the Environmental Export Committee. The Regulations provide for the certification and registration of Environmental Experts and contain rules relative to the practice and discipline of Environmental Experts and define functions, powers and internal organization of the Committee.
12.	Environmental Management (Hazardous Waste Control and Management) Regulations (2009).	The Regulations control all categories of hazardous waste and address generation, storage, transportation, treatment and disposal of hazardous waste and their movement into and out of Mainland Tanzania. The regulations further recognize management and control of pesticides, radioactive and industrial and consumer chemical waste to be regulated under respective legislation.

13.	Other Regulations under EMA.	Other regulations under the EMA also include: Solid Waste Management Regulations (2009); Noise and Vibrations Standards Regulations (2009); The Soil Quality Standards Regulations (2007); Air Quality Standards Regulations (2007); Environmental Inspectors Regulations (2011); Control of Plastic Bags Regulations (2015); Water Quality Standards Regulations (2007); etc.
14.	Water Utilization (Control and Regulation) Act, (No. 42, 1974).	This Act, and its amendments, is the principal legislation dealing with the protection of water resources and control of water extraction for different uses. The extraction of water for different users is controlled through a "water right permit". The projects need to undertake the procedures for acquiring and managing water rights, discharges to open environment and maintenance of water quality, which are provided by this act.
15.	The Occupational Health and Safety Act (No. 5, 2003)	The Act aims to improve health, safety, and general wellbeing of workers and workplaces by promoting occupational health and safe practices in order to eliminate occupational accidents and diseases, hence achieve better productivity in the workplaces. In addition, it provides for the protection of persons other than those at work against hazards to health and safety arising out of or in connection with activities of persons at work. Section 15 gives powers to the Registrar of factories and workplace to enter any factory or workplace to perform his duties as provided by the Act. Section 16 requires that factories and workplace should register with Registrar of factories and workplaces before commencing operations.
16.	The Industrial and Consumer Chemicals (Management and Control) Act, 2003.	The Act provides for the management and control of the production, import, transport, export, storage, dealing and disposal of industrial and consumer chemicals in the country. The law provides for the registration, restrictions, prohibition and inspection of chemicals. Furthermore, it has provisions for safe handling, chemical wastes, accidents; management of spills and contaminated sites and decommissioning of plants.
17.	The Wildlife Conservation Act 2009.	The Act aims to protect and conserve and administer areas with great biological diversity, wildlife resources, including wetlands which are representative of the major wildlife habitats; as development of protected areas network.
18.	The Antiquities Act, 1964 amended in 1979 and 1985.	The Act protects all relics that were made, shaped, carved, inscribed, produced or modified by humans before 1863. Also, the act protects all monuments (buildings, structures, paintings, carvings, and earthworks) made by humans before 1886.
Social Risks Management		
19.	Land Policy (1997):	The Land Policy and the laws emanating from it address issues of land tenure; promotion of equitable distribution of land access to land by all citizens; improvement of land delivery systems; fair and prompt compensation when land rights are taken over or interfered with by the government; promotion of sound land information management; recognition of rights in unplanned areas; establishment of cost effective mechanisms of land survey and housing for low income families; improvement of efficiency in land management and administration and land disputes resolution; and protection of land resources from degradation for sustainable development.
20.	Land Act No 4 of 1999:	Private property is given either through Granted Rights in General and Reserved Land (Land Act, Section 19) or through Customary Rights in Village land (Village Land Act, Section 22). Provision is also made for holding land by joint occupancy

		or occupancy in common (Land Act, Part XIII). This is under the Ministry of Lands and Human settlements.
21.	Village Lands Act, No. 5 of 1999:	This Act requires each village to identify and register all communal land, and obtain the approval of all members of the village for identification and registration (Village Assembly, Section 13). A Register of communal land (section 13(6) is to be maintained by each village land council, and land cannot be allocated to individuals, families or groups for private ownership (section 12(1) (a)). This is also under the Ministry of Lands and Human Settlements.
22.	Land Act, Cap.113 R.E. 2002: Section 1(4) classifies Tanzanian land into three categories: Tanzanian land falls into three categories, namely:	The major function of the Land Act is to promote the fundamentals of the "National Land Policy", through giving clear classification and tenure of land, land administration procedures, rights and incidents of land occupation, granted rights of occupancy, conversion of interests in land, dispositions affecting land, land leases, mortgaging of land, easements and analogous rights, co-occupation and partitioning and settlement of land disputes.
23.	Land Acquisition Act Cap118, 1967 R.E. 2002:	The Land Acquisition Act is the principal legislation governing the compulsory acquisition of land in Tanzania. Sections 3-18 of the Act empower the President to acquire land and provide the procedures to be followed when doing so. The President is empowered to acquire land in any locality provided that such land is required for public purposes, and those who will be adversely affected to the acquiring of land by the government are eligible for the payment of compensation.
24.	The Local Government Act, 1982 (as revised in 2002) and its amendments:	The village, district and urban authorities are responsible for planning, financing and implementing development Programs within their areas of jurisdiction. Each authority has to suppress crime, maintain peace, good order and protect the public and private property. LGAs are also capable of holding and purchasing or acquiring and disposing of any movable or immovable properties.
25.	Gender Policies:	There are a number of policies positively impacting gender. Important among them include: i) A Gender Policy with positive implication; ii) Affirmative Action Policy; iii) The Sexual Offences Act passed in 1998; and iv) an Action Plan against Gender Based Violence enacted in 2010.
26.	Law of the Child Act (2009)	Law of the Child Act (2009) provide a set of multidisciplinary procedures that provide standards for identifying, referring, and responding to cases of child abuse and other forms of violence.5 They incorporate the essential elements required to build a protective environment, including a child-friendly justice system. Child abuse is defined in detail as "contravention of the rights of the child which causes physical, moral or emotional harm including beatings, insults, discrimination, neglect, sexual abuse and exploitative labor." The law prohibits child labor, Section 78 providing that no person "shall not employ or engage a child in any kind of exploitative labor"
27.	The Prevention and Combating of Corruption Act 2007	The Prevention and Combating of Corruption Act 2007 establishes the Prevention and Control of Corruption Bureau (PCCB). The PCCB is mandated to handle all types of corruption including those that are gender-related such as demand or offer of sexual favors in exchange for official services.

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[5] United Republic of Tanzania 2011, Violence Against Children in Tanzania: Findings from National Survey 2009, Page 110

28.	The Penal Code (revised 2002)	The Penal Code (revised 2002) has criminalized various GBV offences through the 1998 Miscellaneous Amendments also known as the Sexual Offences Special Provisions Act (SOSPA). The SOSPA was legislation intended to amend several written laws, making special provisions in those laws concerning sexual and other offences to further safeguard the personal integrity, dignity, liberty and security of women and children.
29.	The Employment and Labour Relations Act, No. 6 of 2004	The Act provide labor rights and protections particularly on child labor, forced labor and discrimination in the working place and freedom of association. It prohibits child labor and clearly state that no child under the age of 14 shall be employed. It further direct that children under the age of 18 shall not be employed in hazardous work including construction activities. Similarly, section 7 of the Act states that every employer shall promotes an equal opportunity in employment and strives to eliminate discrimination in any employment policy or practice.
	Data Management Laws/Regulations	
30.	Cyber Crime Act of 2015	To enhance cyber security related issues Tanzania enacted the Cyber Crime Act in 2015 which serves as principal legislation in governing cybercrime related matters in the country. The law has provisions on offenses and penalties (Part II), jurisdiction process (Part III), search and seizure (Part IV), and liability of service providers among others (Part V). Other relevant legislations in Tanzania are: Electronic and Postal Communications Act, No. 3 of 2010 [CAP 306 R.E 2002; Penal Code [CAP 16], the Tanzania Electronic Transactions Act of 2015. Some international regulations providing for data protection and cyber security and that may be relevant to this project include the General Data Protection Regulation (GDPR); and the Payment Card industry, Data Security Standards (PCI DSS).
31.	The Statistic Act, 2015 and the Amendments of 2018 and 2019	An Act to repeal the Statistics Act of 2002 and Statistics Ordinance of 1961, to establish the National Bureau of Statistics, and the Statistics Governing Board, to provide for the coordination of the National Statistical System, and to make better provisions in relation to their functions and for other related matters. The Act provides for the continuation of the National Bureau of Statistics (NBS) as the national statistics office responsible for production, coordination, supervision, and dissemination of official statistics and for the custodianship of official statistics in the country. The Statistics Act of 2015 made it a crime for people in Tanzania to publish false official statistics or to disseminate information that would result in the distortion of facts.
32.	The Statistics Act, Chapter 351 (Principal Legislation), Revised Edition (RE), 2019	The Amendment, as with the previous Acts and Amendments, provides for the establishment of the National Bureau of Statistics, and the Statistics Governing Board, to provide for the coordination of the National Statistical System, and to make better provisions in relation to their functions and for other related matters. The Act emphasize the provision for the continuation of the National Bureau of Statistics (NBS) as the national statistics office responsible for production, coordination, supervision, and dissemination of official statistics and for the custodianship of official statistics in the country
33.	The Tanzania Statistical Master Plan	The Tanzania Statistical Master Plan (TSMP) is a document which provides a comprehensive framework aiming at strengthening the NSS through Institutional Reforms, Human Resource and Capacity Development,

		Development of Statistical Infrastructure, Data Development and Dissemination and Physical infrastructure and Equipment

Table 4-2 : Ethiopia National Policies, Legal and Legislative Frameworks

No	Framework	Applicability
Policies		
1.	The Constitution of Ethiopia	The constitution of the Federal Democratic Republic of Ethiopia provides the overriding principles for all legislative frame-works in the country. The concept of sustainable development and the environmental rights of the people are protected in the constitution by the articles that stipulate the rights of peoples in the country. The concept of sustainable development and environmental rights are enshrined in article 43, 44 and 92 of the Constitution of GOE. The Constitution also recognizes the presence of different socio-cultural groups, including historically disadvantaged and underserved communities, pastoralists, agro-pastoralists, and ethnic minorities, as well as their rights to socioeconomic equity and justice. The following articles of the constitution that covers the right of the key target group of the sector- Article 41- equal opportunities and full participation of people with disabilities, Article 42 - 'workers have the right to a healthy and safe work environment'.
2.	Environmental Policy of Ethiopia	The goal of the Environmental Policy of Ethiopia is to improve and enhance the health and quality of life of all Ethiopians and to promote sustainable social and economic development through the sound management and use of resources and the environment as a whole so as to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.
3.	Biodiversity Conservation and Research Policy	The biodiversity policy was approved in 1998 and it provides policy guidance towards the effective conservation, rational development and sustainable utilization of the country's biodiversity. The policy objectives accentuate public participation in biodiversity conservation, development and utilization, and also ensure that communities share from the benefit accrued from the utilization of the genetic resources and their traditional knowledge.
4.	Ethiopian Water Resources Management Policy (1999)	The overall goal of the policy is to enhance and promote all national efforts towards the efficient, equitable and optimum utilization of the available Water Resources of Ethiopia for significant socioeconomic development on sustainable basis. The policy aims to ensure access to water for everyone fairly and in a sustainable manner, protect water resources and sources, and promote cooperation for the management of river basins.
5.	Policy on HIV/AIDS, 1998	The Government approved the first national policy on HIV/AIDS in 1998 as the Policy on HIV/AIDS of the Federal Democratic Republic of Ethiopia. The policy has the overall objective of providing an enabling environment for the prevention and mitigation of HIV/AIDS.
	National Children's Policy of Ethiopia (April 2017)	The general objective of the Policy is creating a conducive environment for the promotion and protection of children's rights and welfare in order that they undergo full personality development and become ethical and responsible citizens.
	The National Policy on Ethiopian Women (1993).	It underlines the need to establish equitable and gender sensitive public policies that empower woman, especially in education and property rights, and engaging them in decision making.
6.	Ethiopian Cultural Policy, 1997	One of the prime objectives of the Ethiopian Cultural Policy, adopted in 1997, is to create an enabling environment for the equal recognition and respect of the

No	Framework	Applicability
		languages, heritages, histories, fine arts, oral traditions, and belief systems of the various nations, nationalities, and peoples of Ethiopia, and for their preservation, conservation, and transfer to future generations.
Proclamations		
7.	Environmental Protection Organs Establishment Proclamation, No. 295/2002	The Act provides for the establishment of EPA as an institution for management of the environment. The proclamation also establishes the Regional EPAs for environmental monitoring, protection and regulation.
8.	Environmental Impact Assessment Proclamation, NO. 299/2002	Make ESIA a mandatory procedure for projects to be undertaken by the government, public or private entities that require environmental and social impact analysis.
9.	Proclamation 300/2002, Environmental Pollution Control	Primarily aims to ensure the right of citizens to a healthy environment and to impose obligations to protect the environment of the country. The law addresses the management of hazardous waste, municipal waste, the establishment of environmental quality standards for air, noise and vibration, water and soil; and monitoring of pollution.
10.	Solid Waste Management Proclamation 513/2007	The Proclamation promotes community participation in order to prevent adverse effects and enhance benefits resulting from solid waste.
11.	Proclamation No 209/2000: Research and Conservation of Cultural Heritage	The Proclamation outlines the requirements for studying cultural heritage and specifies that a permit is required before any exploration; discovery or study of cultural heritage may be undertaken. Requirements for chance finds are also outlined in the Act. Article 41.
12.	Public Health Proclamation	The Public Health Proclamation comprehensively addresses aspects of public health, waste handling and disposal, including food quality control, food standard requirements, water quality control, availability of toilet facilities, and the health permit and registration of different operations. The Proclamation prohibits the disposal of untreated solid or liquid hazardous wastes into water bodies or the environment that can affect human health.
13.	Ethiopian Water Resources Management Proclamation, No. 197/2000	The proclamation is decreed to ensure that the water resources of the country are protected and utilized for the highest social and economic benefits of the people of Ethiopia.
14.	Labor Proclamation 377/2003	The Labor Proclamation (which was revised in 2003) provides the basic principles which govern labor conditions taking into account the political, economic and social policies of the Government, and in conformity with the international conventions and treaties to which Ethiopia is a party. The proclamation under its Part Seven, Chapter One, Article 92 of this proclamation deals with Occupational Safety, Health and Working Environment, Prevention Measures and Obligations of the Employers.
15.	Proclamation No. 1097/2018 on Gender Based Violence	In relation to Gender Based Violence, proclamation No. 1097/2018, article 28 (f & g) bestow powers and duties to the Ministry of Women, Children and Youth to: "design strategies to effectively prevent and take measures against gender-based violence against women; implement same in collaboration with relevant organs; facilitate the setting up centres for provision of holistic health, psychological, legal and

No	Framework	Applicability
		rehabilitation services for women who were victims of violence; and follow up the implementation of same."
16.	Proclamation No 455/2005: Expropriation of landholding for Public Purposes and Payment of compensation	The proclamation provides for the expropriation of landholdings for public purposes and payment of compensation and establishes the legal principles and framework for expropriation and compensation.
17.	Council of Minister Regulation 135/2007	The Council of Ministers regulation is issued for the purpose of not only paying compensation but also to assist displaced persons to restore their livelihood. The regulation provides the procedures for application of proclamation No 455/2005. The regulation provides for compensation payment for property situated on expropriated land for public benefit. The regulation is titled "payment of compensation for property situated on land holdings expropriated for public purposes". The type of properties and assets identified to be eligible for payments of compensation include buildings, fences, crops, perennial crops, trees, protected grass, improvement made on rural land; relocated property, mining license and burial grounds.
18.	Proclamation No. 1161/2019- Expropriation of Land for Public Purposes, Payments of Compensation and Resettlement of Displaced People	FDRE House of People's Representatives has recently rectified Proclamation No.1161/2019 that deals with "Expropriation of Land for Public Purposes, Payments of Compensation and Resettlement of Displaced People", and replaced the previously active legislation on the matter i.e. Expropriation of Land and Compensation Proclamation No. 455/2005. The new Proclamation gives priority rights to develop Land for the Landholders when the capacity of the Landholders to develop the land as per the approved land use plan; urban structural plan; or development master plan is presented.
19.	Regulation No. 472/2020 on Expropriation and Valuation and Compensation and Resettlement.	FDRE Council of Ministers Regulation No. 472/2020 on Expropriation and Valuation and Compensation and Resettlement was issued. The regulation provides the basis for compensation of affected properties and to assist the displaced or affected persons to restore their livelihood.
20.	ESIA Procedural Guideline (draft), November 2003	This guideline outlines the screening, review and approval process for development projects in Ethiopia and defines the criteria for undertaking an ESIA.
21.	Environmental Impact Assessment Guideline, May 2000	The guideline provides the policy and legislative framework, the general ESIA process and key sectoral environmental issues, standards and recommendations for environmental management in key sectors such as agriculture, industry, transport, tannery, dams and reservoirs, mining, textiles, irrigation, hydropower and resettlement projects.
22.	Guideline for Environmental and Social Management Plan (draft), May 2004:	This guide outlines the fundamental contents that need to be featured while preparing an Environmental and Social Management Plans (EMP) for proposed development projects in Ethiopia and provides template forms to be used for such purposes. The guideline also provides guidance on the preparation of institutional arrangements for implementation of EMPs.
23.	Waste Handling and Disposal Guideline, 1997	The Government has developed Waste Handling and Disposal Guideline which is being used by health facilities since 1997. The Guidelines are meant to help industry and local authority to deal with the waste situation at a local level.

No	Framework	Applicability
24.	Occupational Health and Safety (OSH) guideline, 2008	The 2008 Occupational Health and Safety (OSH) guideline Directive provides guidance, based on the Labor Law, concerning occupational health and safety requirements, and outlines the general duties and responsibility of employers, rights and duties of workers, and responsibilities of the Labor Inspection Service.
25.	National Occupational Safety and Health Policy and Strategy	The overall objective of the national OSH Policy and strategy is to avoid, prevent or minimize occupational and health hazards by providing effective OSH services in all working places and thereby contribute to the socioeconomic development of the Country. The national OSH policy and strategy is applicable to all types of workplaces and economic activities in Ethiopia.
26.	Gender mainstreaming strategy and guideline (2010).	It stresses the consideration of gender issues in policies, Programs and projects implemented by government and development partners.
27.	National Five years Action Plans to prevent child labor (2013-2017 E.C).	The action plan is established based on three basic strategies. These are prevention, protection and rehabilitation and each strategy have basic strategic goals.
	Data Protection Laws	
28.	Computer Crime Proclamation No. 958/2016".	The computer crimes proclamation in its preamble states that, unless appropriate protection and security measures are taken, the utilization of information communication technology is vulnerable to various computer crimes and other security threats that can impede the overall development of the country and endanger individual rights. Thus, it has become necessary to incorporate new legal mechanisms and procedures in order to prevent, control, investigate and prosecute computer crimes and facilitate the collection of electronic evidence. The Computer crimes proclamation provides several legal provisions that cover illegal interception, illegal access, electronic identity theft, computer related fraud and forgery, causing damage to computer data, and interference with computer systems

Table 4-3: Kenya National Policies, Legal and Legislative Frameworks

No	Framework	Applicability
1.	Constitution of Kenya (CoK) 2010	Chapter 5 of the Constitution is devoted to Land and Environment with specific provisions of environment and natural resources appearing under Part 2: Articles 69 and 70. The Constitution, is therefore a critical pillar in developing and managing an ESMF in as far as sound environmental management principles and practices are concerned, commitment to nurturing and protecting the wellbeing of individuals, families, communities and the nation Therefore, EARSP must ensure that people's constitutional rights are safeguarded and lay emphasis on sustainable exploitation, utilization, management and conservation of the environment and natural resources as well as ensure equitable sharing of the accruing benefits.
2.	Kenya Vision 2030	The Kenya Vision 2030 is the current national development blueprint for period 2008 to 2030. The vision has three pillars – economic, social and political. Vision 2030 envisages a number of enablers including infrastructure development across the various sectors. Such infrastructure would take the form of

No	Framework	Applicability
		educational, health, trade, agricultural and livestock facilities, water, as well as roads facilities among others. EARSP is seeking to create economic opportunities and improve living conditions for migrants, refugees and host communities in targeted location of Moyale in Kenya.
3.	National Climate Change Response Strategy, 2010	The strategy guides on how to tackle the climate change challenges with a view of ensuring a climate change resilient country. The proposed EARSP Program will align to this strategy by promoting efficient materials and resource utilization technologies – e.g., solar energy, water reduction strategies etc.
4.	National Environment Policy (NEP)	The revised draft of the National Environmental Policy, dated April 2012, sets out important provisions relating to the management of ecosystems and the sustainable use of natural resources.
5.	HIV and AIDS Policy 2009	The HIV Policy will be complied with during implementation of the Program; the Contract will incorporate in Bid Document and implement HIV awareness initiatives during construction of the sub-Projects.
6.	Gender Policy 2011	This Policy will be referred to during Program implementation especially during hiring of staff to be involved in the Project, procuring of suppliers, sub consultants and sub-contractors to the subprojects.
7.	The Sustainable Development Goals (SDGs)	The concept of the SDGs was born at the United Nations Conference on Sustainable Development, Rio+20, in 2012. The objective was to produce a set of universally applicable goals that balances the three dimensions of sustainable development: environmental, social and economic. The Investments will therefore contribute towards achieving this goal through the proposed subprojects.
8.	Policy on Gender and Sexual Based Violence 2017	The purpose of this policy is to put in place a framework to accelerate implementation of laws, policies and Programs for prevention and response to GBV. The overall objective of the policy is to progressively eliminate sexual and gender-based violence through the development of a preventive, protective, supportive and transformative environment.
9.	Kenya National Youth Policy 2006	This Policy aims at ensuring that the youth play their role alongside adults in the development of the Country. The National Youth Policy visualizes a society where youth have an equal opportunity as other citizens to realize their fullest potential. Proposed EARSP Program will seek to provide direct employment to the youth as required by the Policy.
Legislations		
10.	EMCA 2015	The Act provides for the establishment of a legal and institutional framework for the management of the environment. This is achieved through various regulations in the Act. The Program will have to adhere to this Act during its implementation.
11.	The Environmental (Impact Assessment and Audit) Regulations, 2003	The regulation provides a framework under which Environment and Social Impact Assessment for the Project will be prepared, Regulation 4(1) further states that: (a)''…no Proponent shall implement a project: likely to have a negative environmental impact. (b) for which an environmental impact assessment is required under the Act or these Regulations, unless an environmental impact assessment has been concluded and approved in accordance with these Regulations…'' The EIAs for the subprojects will be carried out on the potential interventions should be carried out in accordance to the regulations.

No	Framework	Applicability
12.	Environmental Management and Coordination (Water Quality) Regulations, 2006	These Regulations apply to drinking water, water used for agricultural purposes, water used for recreational purposes, water used for fisheries and wildlife and water used for any other purposes. In fulfilling the requirements of these regulations, the sub-projects will have to undertake monitoring of both domestic water and wastewater and ensure compliance with the acceptable discharge standards.
13.	Waste Management Regulations, 2006	These regulations apply to management of all types of hazardous and non-hazardous wastes. The proposed Program will have to abide by these regulations in dealing with waste management especially when it comes to handling of industrial, hazardous and toxic wastes which may be generated during construction or operations.
14.	Noise and Excessive Vibration Pollution (Control) Regulations, 2009	These regulations prohibit making or causing any loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment. Under the regulation, the implementation of the sub-projects will be required to take into consideration, daily monitoring of the noise levels within the project area during construction period to ensure compliance.
15.	The Environmental Management and Coordination (Air Quality Regulations 2014)	These Regulations cover air quality standards that are requisite to protect human health and allow an adequate margin of safety. These Regulations specify priority air pollutants, mobile and stationary sources as well as stipulates emission standards. Thus, the Program will need to adherence strictly to these Regulations and standards in preventing/monitoring possible pollutants and managing sources.
16.	Land Act, 2012	It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It also provides for the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public.
17.	National Land Commission Act (2012) on Land Acquisition	The act establishes the National Land Commission to manage public land and carry out the compulsory acquisition of land for specified public purposes. Involuntary resettlement, if left unmitigated, normally gives rise to severe economic, social, and environmental risks. People face impoverishment when their productive assets or income sources are lost, and social networks are weakened. Some of the impacts of resettlement, if not mitigated, include landlessness, joblessness, homelessness, marginalization, increased morbidity and mortality, food insecurity, educational loss, loss of access to common property, and social displacement.
18.	Water Act, 2016	The Water Act 2016 provides for the management, conservation, use and control of water resources and for acquisition and regulation of rights to use water; to provide for the regulation and management of water supply and sewerage services. The construction of the subprojects will have to apply water resource management measures since the project areas are predominantly arid.
19.	County Government Act No. 17 of 2012	Part II of the Act empowers the county government to be in charge of planning by coordinating integrated development planning within the county. The projects are under EARSP will adhere to this Act by obtaining all the required planning permits and licenses during construction and operation.
20.	Physical Planning Act 1996 (286)	This is the main Act that governs land planning and all proposed developments must be approved by the respective local authority and certificate of compliance issued accordingly. The projects are under EARSP will adhere to this Act by obtaining all the required planning permits and licenses during construction and operation.

No	Framework	Applicability
21.	Occupational Health and Safety Act (OSHA 2007)	The Act provides Environment Health and Safety (EHS) Guidelines which shall be followed by both the Program during implementation of the subprojects to avoid injuries and even loss of life to workers and neighboring community.
22.	The Public Health Act (Cap.242)	The Act provides Guidelines to the Program to manage all wastes (Liquid and Solid Wastes) emanating from the Project in a way not to cause nuisance to the community.
23.	HIV and AIDS Prevention and Control Act 2011	The object and purpose of this Act is to (a) promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV and AIDS; (b) extend to every person suspected or known to be infected with HIV and AIDS full protection of his human rights and civil liberties. The Act provisions will be applied during Program implementation phase where the contractors will be required to create awareness among workers and community at large.
24.	Sexual Offences Act 2006	An Act of Parliament that makes provision about sexual offences aims at prevention and the protection of all persons from harm from unlawful sexual acts and for connected purposes. Section 15, 17 and 18 focuses mainly on sexual offenses on minor (children).
25.	Child Rights Act (Amendment Bill) 2014	This Act of Parliament makes provision for parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children. It also makes provision for the administration of children's institutions, gives effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The Program will be required to comply to provisions of the Act during subprojects implementation.
26.	Employment Act 2007	The Act declares and defines the fundamental rights of employees, to provide basic conditions of employment of employees, to regulate employment of children, and to provide for matters connected with the foregoing. The provides the basic minimum conditions for employment to include hours of work, water (for use at the place of work), food (employee properly fed) and medical attention.
27.	Labour Relations Act 2012	An Act of Parliament to consolidate the law relating to trade unions and trade disputes, to provide for the registration, regulation, management and democratization of trade unions and employers organizations or federations, to promote sound labour relations through the protection and promotion of freedom of association. This act will be applied by labour force on site in addressing disputes related to working conditions.
28.	National Gender and Equality Commission Act 2011	The over-arching goal for NGEC is to contribute to the reduction of gender inequalities and the discrimination against all; women, men, persons with disabilities, the youth, children, the elderly, minorities and marginalized communities. This Act will be applied during hiring of workforce on site.
29.	Public Participation Bill of 2016	The Bill is an Act of Parliament that provides a general framework for effective public participation and to give effect for the constitutional principles of democracy. The purpose of the act includes promotion of democracy and public participation of the people according to Article 10 of the Constitution, promote community ownership for public decisions and promote public participation and collaboration in governance processes. Therefore, adequate consultations will be held within the project areas.
30.	The National Museums and Heritage Act 2006	An Act of Parliament to consolidate the law relating to national museums and heritage; to provide for the establishment, control, management and development of national museums and the identification, protection, conservation and transmission of the cultural and natural heritage of Kenya; to

No	Framework	Applicability
		repeal the Antiquities and Monuments Act (Cap. 215) and the National Museums Act; and for connected purposes. Chance find procedures have also been provided in appendix of this report.
31.	Community Land Act 2016	AN ACT of Parliament to give effect to Article 63 (5) of the Constitution; to provide for the recognition, protection and registration of community land rights; management and administration of community land; to provide for the role of county governments in relation to unregistered community land and for connected purposes. However, as indicated, no land acquisition is anticipated, this act will be referred to in the event the project will require to hire or lease community land.
32.	The Factories and Other Places of Work (Noise Prevention and Control) Rules, 2005	This Act will be referred to regularly together with provisions of OSHA 2005 and Noise and excessive vibration 2009 referenced (above).
Data Protection Laws		
33.	Data Protection Act (2019)	The Act brings into play comprehensive laws that protect the personal information of individuals. It establishes the Office of the Data Protection Commissioner and makes provisions for the regulation of the processing of personal data. The Act further provides for the rights of data subjects and the responsibilities of data controllers and processors who are required to be registered by the Data Protection Commissioner. The Act provides an investigation procedure that will be undertaken by the Commissioner, including powers of entry and search and issuing administrative fines. Any persons contravening the provisions of the Act, will be liable to pay a fine of KES5 million. There are certain specific offences under the DPA including: • Unlawful disclosure of personal data in a manner incompatible with the purpose for which the data was collected; • Unlawful disclosure of personal data that the data processor processed without the prior authorisation of the data controller; • Obtaining access to personal data without the prior authorisation of the data controller or processor holding the data; • Disclosure of personal data to a third party without prior authorisation by the data controller or processor holding the data; • Sale of personal data obtained unlawfully. Advertising the sale of such data constitutes an offer to sell under this offence; • Failure to register with the Office of the Data Commissioner as a data processor or controller; • Provision of false or misleading information during the application process for registration as a data processor or controller • ;Obstruction of the Office of the Data Commissioner during an investigation

Table 4-4 : Rwanda National Policies, Legal and Legislative Frameworks

No	Framework	Applicability
Policies		
1.	The Constitution of Rwanda 2003 (revised in 2015)	This supreme law of the country is a revision of the Constitution adopted in 2003 (revised in 2015); it has several articles covering environmental and social aspects. It specifies that the State ensures the protection of the environment and law determines modalities for protecting, conserving, and promoting the environment.
2.	The Law on Environment, of 13/08/2018	complements the organic law of 2005. This Law determines the modalities of protection, conservation and promotion of environment in Rwanda and advocates environmental impact assessment (ESIA) in chapter IV whereas every project is subject to ESIA before implementation. **Article 20** specifies that any electronic waste must be collected, treated and changed in a manner that does not degrade the environment. Only authorized entities are allowed to recycle electronic waste, and the modalities for processing such waste are determined by an Order of the Minister.
3.	Ministerial Order No 001/ 2019 of 15/04/2019.	This Order establishes the most recent list of projects that must undergo environmental impact assessment, instructions, requirements and procedures to conduct environmental impact assessment.
4.	The organic law on statistics No.45 of June 2013	The law stipulates the organisation of Statistical Activities in Rwanda and mechanisms for coordination of statistical articles in regard to production, access and dissemination of data. The law also stipulates Statistical functions in Rwanda, which are mostly coordinated (both geographically and functionally) by NISR
5.	Law No. 18/2010 of 12/05/2010	The law relates to Electronic Messages, Electronic Signatures and Electronic Transactions, specifies data confidentiality matters.
6.	Ministerial order N°001/MINICT/2012 of 12/03/2012	The law provides that all critical information data within Government should be hosted in one central national data center
7.	Data revolution policy, 2017	The data revolution policy aims to set a framework to start intelligent data analytics activities to establish an innovation ecosystem powered by data, leveraging on already edge cutting technology developments in the country, to generate insights that would spur innovations, business intelligence, data-enabled ICT applications among for social economic transformation
Natural habitats and physical cultural resources		
8.	Law n°49/2018 of 13/08/2018 determines the use and management of water resources in Rwanda.	**Article 6** stipulates that protection and rational use of water resources constitute the obligations of every person and article 7 puts in place guideline principles for the use and management of water resources. The proposed Program should therefore ensure that water resources are conserved and protected and avoid any dumping of hazardous waste that could pollute groundwater or surface resources.
9.	Law n° 70/2013 of 02/09/2013 governing biodiversity in Rwanda.	This Law determines modalities for the management and conservation of biological diversity within Rwanda. Article 30 stipulates that before the applicant is issued with the permit, he/she shall submit to the competent authority an environmental impact assessment.
Public and worker safety including from toxic chemical and hazardous waste		

No	Framework	Applicability
Policies		
10.	Law n° 66/2018 of 30/08/2018 regulating Labor in Rwanda.	The law has provisions on minimum age for employment, prohibition of child labour, sexual harassment, discrimination, and provisions for coverage of employees for any occupational accidents.
11.	Ministerial Order Determining Conditions for Occupational Health and Safety, May 2012.	Determine the general and specific rules and regulations relating to health and safety at workplace to secure the safety, health and welfare of persons at work and protect them against risks to safety and health arising from work. It also determines the types of works prohibited for pregnant or breastfeeding women.
12.	Regulation N°002 of 26/4/2018 governing e-waste management.	This law establishes a legal framework for electrical and electronic waste management in Rwanda with the aim to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipment, and by promoting resource efficiency through reuse, recycling and other forms of recovery of e-waste in environmentally friendly manner. **The chapter 2** of this regulation defines the Licensing regime, the capacities and the technical requirements from licensees for e-waste dismantling and refurbishing. **The chapter 3** of this regulation specifies the responsibilities and obligations of the licensees. **Article 23** gives a list of prohibited actions with regards to disposal and manipulation of e-waste.
13.	The National Cooling Strategy (2019)	The law proposes different actions including the promotion of a low carbon economy focusing on reducing emissions from the refrigeration and air conditioning sector, give guidance to technology suppliers on cooling products requirements in the Rwandan market and to consumers on the performance of air conditioners and refrigerators. This strategy aims to support Rwanda to phase out of HFCs and enforce the Kigali Amendment to the Montreal Protocol.
Land acquisition and or involuntary resettlement		
14.	The National Constitution of Rwanda	**Article 34** states every citizen's right to private property, whether personal or owned in association with others. Further it states private property, whether individually or collectively owned, is inviolable. However, this right can be interfered with in case of public interest, in circumstances and procedures determined by law and subject to fair and prior compensation. **Article 30** stipulates that private ownership of land and other rights related to land are granted by the State. The constitution provides that a law should be in place to specify modalities of acquisition, transfer and use of land (expropriation law).
15.	Law N° 27/2021 of 10/06/2021 Governing Land in Rwanda	This law is a revision of the law N° 43/2013 of 16/06/2013. It determines modalities of acquisition, registration, allocation, possession, transfer, management and use of land. **Chapter 2** indicates the modalities for land tenure and certification of land rights.
16.	Law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest	This law determines procedures relating to expropriation in the public interest. **Article 4** states that every project, at any level, which intends to carry out acts of expropriation in the public interest, shall budget for valuation of the property of the person to be expropriated and for fair compensation. **The chapter 5** provides a list of activities and infrastructures that could be considered as of public interest. **The chapter 6** describes the competent authorities to carryout expropriation in the public interest and procedures to be followed and the rights of persons being expropriated.
Data Protection Laws		
17.	Data Protection Law 2020	The purpose of this law provides (i) mechanisms through which the protection and privacy of personal data will be ensured in connection with its processing in Rwanda, (ii) to ensure the free flow of non-personal data within and outside Rwanda by laying down rules relating its protection. The law also address issues relating to personal data protection and privacy, seeking to safeguard fundamental rights to privacy by

No	Framework	Applicability
Policies		
		regulating the processing of data and providing the individual with rights over their data.
18.	Law n°24/2016 of 18/06/2016 governing information and communication technologies.	The aim of this Law is to establish a framework for Information and Communication Technologies (ICT) policy and regulation. **Article 124** in on privacy and data protection. This article specifies that electronic communications network or services must remain confidential to that subscriber and or user for whom the data is intended.

5   SECTION V: INSTITUTIONAL FRAMEWORK FOR ENVIRONMENTAL AND SOCIAL SYSTEMS IN PARTICIPATING COUNTRIES

79. This chapter presents the institutional framework for management of environmental and social systems as relevant to the project. On the overall, management responsibilities for these systems rest upon different functionaries, located in a semi-hierarchical structure but which has considerable decentralized mandates and responsibilities, from the national level to grassroots structures in some countries like Tanzania and Ethiopia. These responsibilities are provided by the Environmental Management Laws in respective countries as discussed below.

5.1   RWANDA ENVIRONMENTAL AND SOCIAL INSTITUTIONAL FRAMEWORK

5.1.1   The Ministry of Environment (MoE)

80. This Ministry is responsible for the development of policies, laws and regulations as well as coordination of all activities in the management of land, water resources, forest, mining activities and environment, as well as their follow up and evaluation. This Ministry will be involved in the intended project because its implementation and operation phases may have negative effects on natural resources such as soil and water as well as the environment.

5.1.2   Rwanda Environment Management Authority (REMA)

81. The Law no. 16/2006 of 03/04/2006 determines the organization, functioning and responsibilities of Rwanda Environmental Management Authority stipulates in article 3 that REMA has the responsibility to examine and approve EIA reports at any level of socio-economic activities undertaken by any person. And the updated Law no. 63/2013 of 27/8/2013 determining the mission, organization and functioning of Rwanda Environmental Management Authority mandates REMA in its article 3 to: closely monitor and assess development Programs to ensure compliance with the laws on environment during preparation and implementation. Monitor and supervise impact assessment, environmental audit, strategic environmental assessment and any other environmental study. REMA may authorize in writing any other person to analyze and approve these studies.

5.1.3   Rwanda Development Board RDB

82. RDB is the institution conducting the environmental licensing process for new projects on behalf of the REMA, as part of the general licensing procedures.

5.1.4   The Ministry in charge of Information and Communications Technology (ICT)

83. Following the Rwanda e-waste policy 2016, this Ministry has leading role in the development of an E-waste policy and strategic plan for the management of E-waste and oversee the implementation of the E-waste strategic plan in collaboration with the Ministry in charge of Trade and Industry.

5.1.5   The Ministry in Charge of Trade and Industry

84. Following the Rwanda e-waste policy 2016, this Ministry has a leading role in the process of establishing: a) E-Waste management facilities, systems, and sustainable management framework. b) E-waste management financing framework such as the collection of advanced recycling fees and E-waste levy along with operational and management procedures.

5.1.6   Rwanda Utilities Regulatory Authority RURA

85. The RURA's mandate within the ICT sector, is to license, monitor and enforce license obligations, manage scarce resources, advise policy makers on ICT related issues and represent Rwanda in

international organizations on issues pertaining to ICT. This institution is also in charge of preparing a conducive environment for cybersecurity, defines regulations governing e-waste management in Rwanda, including by issuing e-waste technical guidelines for handling and disposal of e-waste and enforce the licensing regime.

5.1.7 Enviroserve Rwanda Green Park

86. This private company was established by the Government of Rwanda in partnership Enviroserve Rwanda Green Park and the GIZ in January 2018 and is dedicated to electronic and electrical waste recycling, green growth, and the circular economy. The facility located in Bugesera Industrial Park conducts a modern and environmentally friendly state of art e-waste dismantling and recycling of e-waste. This facility has so far collected 3,328 tons of e-waste including solar e-waste, dismantled 2,500 tons of e-waste and refurbished 5,430 computers (for schools).

Subproject registration process

87. As per the Rwanda environmental regulations, all subprojects requiring a full ESIA or partial ESIA shall be registered with the Competent authority, Rwanda Development Board (RDB), before the beginning of subproject environmental study. In this regard, the PIU will recruit consultants to screen and proceed with the registration of the subprojects requiring full or partial ESIA to RDB. On the other side, RDB will screen all received applications for E&S risks assessment and will request business owner or client whose subproject requires ESIA or ESMP to hire a Consultant to proceed with the registration of the subproject to RDB.

88. The first step for subproject registration is the preparation and submission of a proposed subproject in the form of the project brief to RDB by the Consultant on behalf of the the PIU. RDB will notice the project brief as the developer's formal application for an environmental assessment (EA) and records it. The project brief provides information on the intended subproject as well as the basis for the screening and on which RDB approves the EA Terms of Reference (ToRs) submitted together with the project brief by the Consultant.

89. It contains the following information:

   a. Name, title and address of the developer.
   b. Name, purpose, objectives and nature of the subproject, including attributes such as size of subproject, design, activities that shall be undertaken during and after the establishment of the project, products and inputs, etc.
   c. Description of the proposed project sites and its surroundings and alternative sites, if any, where the project is to be located.
   d. Description of how the proposed subproject and its location conform to existing laws, regulations and policies governing such project and the use of the site/area proposed for its location.
   e. Any likely environmental impacts that may arise due to implementing various phases/stages of the project and proposed mitigation measures thereto.
   f. Description of any other alternatives, which are being considered (e.g. siting, technology, construction and operation procedures, sources of raw materials, handling of wastes etc., decommissioning/closure and site restoration).

g.   Any other information that may be useful in determining the level of EA required.

h.   Stakeholders in the project implementation

90. The project brief will be submitted together with the proposed terms of reference (ToRs) for review and approval. As per the current procedures, the submission is made online by the Consultant. RDB will take a maximum of 15 days to review the project brief, organize a site visit in collaboration with the project proponent, and review and approve the submitted ToRs. The PIU shall review and validate the ToRs and share with World Bank for review and clearance as well.

5.2   TANZANIA ENVIRONMENTAL AND SOCIAL INSTITUTIONAL FRAMEWORK

91. Institutional arrangement for Environment systems in Tanzania

5.2.1   The Vice President's Office (VPO)

92. At the national level the Office of President Office (VPO), through the Division of the Environment (DoE) is responsible for the environment. The Minister responsible for environmental affairs namely the Minister of State, Union and Environment) is under the Vice President's Office (VPO). The Minister is responsible to issue guidelines and regulations relating to the environment, including the articulation of policy guidelines for its promotion, protection and sustainable management, and designate duties to relevant entities. These responsibilities are provided by the EMA Cap.191 Section 13.

93. The EIA and Audit Regulations (2005) mandate the Minister for environmental affairs the responsibility for approving development projects, through the issuance of a decision letter/EIA Certificate. The Minister may delegate responsibility for EIA authorization to the Director of Environment, LGAs and Sector Ministries.

5.2.2   Division of Environment DoE

94. The Division of Environment (DoE) under the VPOs is led by the Director for Environment. The Environmental Management Act 2004, Cap. 191 Section 14 mandates the director to coordinate, advise, assess, monitor and report on environmental related aspects and activities in the country. The Division is responsible for coordinating environmental policy, the EMA and EIA Guidelines; approving, signing and issuing Environmental Certificates; advising government on all environmental matters; enforcing and ensuring compliance with national environmental quality standards; and, providing policy direction and leadership on all matters, particularly those relating to hazardous waste management under the EMA. Overall, the DoE is responsible for the development of policy options, and coordination of the broad-based environmental Programs and projects. In particular, the office is charged with the duties and responsibilities of environmental research, environmental policy making, environmental planning and monitoring as well as environmental coordination of both national and international environmental issues.

95. The Director of Environment advises the Minister for Environment for approval of environmental assessment reports (e.g., environmental impact statements (EIS) and environmental audits) for development projects.

5.2.3   *National Environmental Management Council (NEMC)*

96. The NEMC is a corporate body was established under EMA (2004) Section 161 as a corporate body is has the mandate for enforcement, compliance, review and monitoring of Environmental Impact Assessment (EIA), research and awareness raising, including the facilitation of public participation in environmental decision making. Its roles and responsibilities are stipulated under the EIA and Audit Regulations (2005) which include:

   ▪ overseeing the undertaking of EIA for new development projects, including project registration, approval of the terms of reference and review of the EIA
   ▪ environmental audit
   ▪ environmental monitoring and reporting.

97. NEMC has five key divisions each with the relevant aspects of environmental management (Compliance and Enforcement; Environmental Impact Assessment; Environmental Information, Communication and Outreach; Environmental Planning and Research). NEMC is also mandated to establish officer and appoint officers across the country to further its responsibilities for environmental management more effectively. In discharging their roles, divisions collaborate with Units (i.e. Legal Service Unit, Internal Audit Unit, Public Relations and Communication Unit, ICT and Statistics Unit, Procurement Management Unit, and Planning, Monitoring and Evaluation Unit).

5.2.4   *National Environmental Advisory Committee (NEAC)*

98. The NEAC was established under EMA Section 11 to advise the Minister responsible for Environment and other sector ministries on environmental matters. For this project the NEAC are responsible for advising the minister or sector ministry on the protection and management of the environment based on the EIS environmental standards, guidelines and regulations pertinent to environmental protection

5.3   Cross-sectoral Advisory Committee

99. Section 22 of the EMA (2004) provides for the establishment of a Cross-sectional technical Advisory Committee.

5.4   Sector Ministries

100.   Sector Ministries in the country are required under EMA Section 30 to establish Environmental sections which are responsible for implementing and reporting all sector-specific environmental matters. These sections are also obliged by the EIA and Audit Regulations (2005) to participate in relevant cross-sectoral advisory committee for reviewing EIA, reviewing and verifying audit reports, monitoring ongoing projects, and preparing and submitting monitoring reports to the NEMC.

5.4.1   *Regional Secretariats*

101.   The regional secretariat was established under Part II, Section 10 of the Regional Administration Act, 1997. The secretariat assists the regional commissioner. Sections 34 and 35 of the EMA confer additional roles to the regional secretariat to coordinate all environmental matters within a region and, through a regional environment management expert, to advise Local Government Authorities (LGAs) on implementation and enforcement of EMA requirements at their jurisdictions.

5.4.2   *Local Government (Council-level) Environmental Management Committees*

102.   Local Government authorities (LGA) at the Council level (City, Municipal, Town and District councils) are obliged by section 36 (1), (2) of EMA (2004) to designate an Environmental Management

Officer (EMO) and to form Environmental Management Committees. The EMA 2004 delineates the roles and functions of officers and committees for environment management at the level of local government administration. LGAs are to appoint an environment management officer to oversee day-to-day management of environmental aspects in collaboration with city, municipal or district environment management committees. The functions of the EMO are to:

i.   Advice the environmental management committee to which he/she belongs on all matters related to the environment.

ii.   Promote environmental awareness in the area he/she belongs on the protection of the environment and the conservation of natural resources.

iii. Monitor the preparation, review and approval of Environmental Impact Assessment for local investments.

5.4.3   Ward, Mtaa (Sub-Ward) and Village Environmental Committees

103.   The responsibilities of these committees formed at the grassroots level include enforcing the principles of EMA (2004) at local level; reporting on the state of the local environment including making investigations, mediating conflicts related to environmental matters and intervening in the case of a with respect to environmental quality.

104. The national EIA procedure requires the following steps:

- Registration – by proponents to NEMC for assessment.
- Screening - for making decisions on further environmental and social considerations.
- Scoping - for identification of key issues to guide an ESIA.
- ESIA – which will also include an environmental and social management plan.
- Review – by the Technical Review Committee (TRC) comprised of all project relevant technical persons. If needed, the TRC process may require a public hearing process.
- Environmental decision-making which entails permissions (or refusals if need be) for development of the project.
- Project Implementation.
- Environmental audits: - for monitoring and auditing for verification of compliance, impacts, and feedback.
- Decommissioning: end of project life – the report which is submitted to NEMC

5.4.4   Responsibilities during registration and screening

105.   In the screening process, the Regulatory Authorities (NEMC, the District, Municipal or Town authorities) that is charged with the mandate of overseeing the implementation and execution of EIA is responsible for the following:

- Issuing registration forms for the proposed project.
- Availing technical advice on procedural requirements, policies and regulations.
- Screening all proposed projects (public or privately owned).
- Preparing and issuing screening reports to the developer.

106.   Compliance and reporting is obliged to the project proponent in terms of securing and filling in the Registration forms accordingly and timely; availing all relevant information about the proposed

project as requested by the regulatory authority according to section 87 (3 &4) of EMA 2004, and subscribing to all fees associated with EIA process.

The institutional setup that governs environmental issue in Tanzania is presented in Figure 5-1. As indicated in the figure the layers of decision making from national to Village/Mtaa/Hamlet levels.

Figure 5-1 – Management of Environment in Tanzania
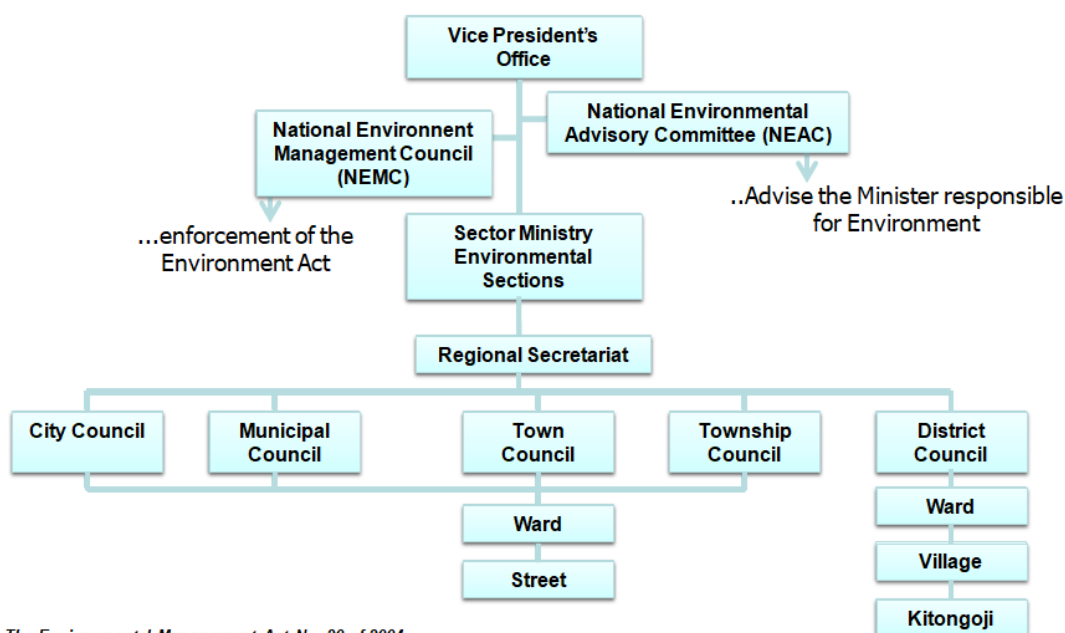
107.   Source: The Environmental Management Act No. 20 of 2004

Institutional arrangement for Social systems in Tanzania

108.   Social Risk Management in Tanzania is managed under a number of Ministry departments and Government agencies as defined below:

5.4.5   The Ministry of Health, Community Development, Gender, Elders and Children (MoHCGDEC)

109.   The Ministry of Health, Community Development, Gender, Elders and Children (MoHCGDEC) is the overall coordinating body for gender-related work at the national level. MoHCGDEC is also responsible for Gender Based Violence / Sexual Exploitation and Abuse- Sexual Harassment at the Local level, (inclusive of regions, districts, wards and villages)[6] NPA-VAWC Protection Committees have been established at National, Regional, District, Wards and Village levels to lead operationalization of NPA – VAWC[7].

110.   There has been the establishment of One Stop Centres to provide free counselling and legal aid services to GBV survivors. There are seven (7) centres in Hospitals in Tanzania Mainland at; Amana Hospital in Dar es Salaam Region and the Regions of Kilimanjaro at Hai, Mbeya, Iringa, Simiyu, Mwanza

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[6] United Republic of Tanzania 2011, Violence Against Children in Tanzania: Findings from National Survey 2009, Page 26

[7] United Republic of Tanzania, Beijing Plus 25, Page 15

and Shinyanga and it is expected to open another one soon in Kibaha, in coastal region. There are 6 centres in Tanzania Zanzibar hospitals including Mnazi mmoja, Kivunge, Makunduchi, Chake chake, Wete and Micheweni[8]

5.4.6   *Occupational Safety and Health Authority (OSHA)*

111.   The Occupational Safety and Health Authority (OSHA) was set up in 2001 under the Ministry of Labor and Employment to administer occupational health and safety at workplaces in the country. The role of OSHA is to improve health and safety (wellbeing) of workers and workplaces by promoting occupational health and safe practices in order to eliminate occupational accidents and diseases, hence achieve better productivity in the workplaces. The Ministry of Labor and Employment is the main actor with the oversight role of ensuring that decent work is practiced and maintained in Tanzania. It provides directives, technical advice, enforces legislations, proposes amendments, allocates resources, oversees all activities carried out by OSHA and ensures that occupational safety and health rules and regulations are adhered to and maintained at workplaces.

5.5   The Prime Minister's Office – Labour, Youth, Employment and Persons with Disabilities (PMO-LYED)

5.5.1   *The Persons with Disability Unit*

112.   The unit is responsible for providing expertise and services to persons with disability. Persons with disabilities have a significant contribution in socio economic development, and their contributions can be even greater when accessibility to basic services such as health, education, transportation, emergency and disaster response, resilience building, sanitation and water and access to information and communications. These accessibilities hinder their full and effective participation in socio economic development hence leading to disproportionate rates of poverty, deprivation and exclusion.

5.5.2   *Labour Division*

113.   The division responsible to facilitate conducive working environment for both employers and employees in labour and social security matters and timely issuance of Work Permit services in the Country. Adherence to employment and labour standards leads harmonious labour relations; improved labour productivity and consequently fasten socio-economic development. This objective intended to strengthen implementation of ILO Minimum Labour Standards[9].

5.6   ETHIOPIA ENVIRONMENTAL AND SOCIAL INSTITUTIONAL FRAMEWORK

114.   The assessment finding revealed that, the Ethiopia has a well-established and functional environmental and social risk and impacts management system. In the key implementing agencies and oversite bodies, most of the activities related to Environmental, Social, health and safety and gender management issues are handled as an integral part of the organizations functional units. This section describes existing practice of Environmental and social risk and impact management in the implementing agencies and oversight bodies.

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[8] United Republic of Tanzania, CEDAW Report: List of issues in relation to the Seventh and Eighth Periodic report 2016, CEDAW/C/TZA/Q/7-8/Add
[9] https://www.kazi.go.tz/

5.6.1   The Federal Environment, Forest and Climate Change Commission (EFCCC)

115.   Ethiopia have environment protection institutions at Federal and Regional levels mandated to enforce the EIA Proclamation and other environmental management related policies and legislations. The EFCCC is the Federal environment institution responsible to enforce the EIA law at National level. The EFCCC have, among others, the Environmental and Social Impact Assessment Directorate and other related departments which are fully dedicated for administration and enforcement of the EIA law at Federal levels. The EIA directorate in EFCCC is staffed with experts who have skills in various areas. As per proclamation 916/2015, the powers and duties of EFCCC includes:

- Coordinate activities to ensure that the environmental objectives provided under the Constitution and the basic principles set out in the Environmental Policy of the Country are realized.
- Establish a system for evaluating and decision making, in accordance with the Environmental Impact Assessment Proclamation, the impacts of implementation of investment Programs and projects on environment prior to approvals of their implementation by the concerned sectoral licensing organ or the concerned regional organ.
- Enforcing and ensuring compliance to the EIA proclamation.
- Reviewing EIAs and monitoring the implementation of EIA recommendations.
- Regulating environmental compliance and developing legal instruments that ensure the protection of the environment.

5.6.2   Sector environment units:

116.   The Sector Environment Units have the responsibility of coordinating and implementing activities in line with environmental protection laws and requirements (Article 14, Proclamation 295/2002).

5.6.3   The Regional Environment, Forest and Climate Change Bureaus/Authorities (EFCCB)

117.   There are also Regional Environment institutions in the nine regions responsible for enforcing the EIA system. Most of these Regional Environment Forest and Climate Change Authorities/Bureaus have organizational structures that go down to the Zone and Woreda levels. Whereas the Federal EFCCC is responsible for enforcing the EIA law on development projects licensed by the Federal Government and on those that will have trans-regional impacts, the regional environment protection bureaus are generally responsible for enforcing the EIA law on development projects licensed by their respective regional authorities. Within the regional environment protection authorities, though some variation exists between regions, the woreda level offices are usually mainly responsible for carrying out environmental performance monitoring of approved project ESMPs and for review and approval of Schedule III (Category C) sub projects.

118.   In the context of the Regional Statistics P for R project, where certain subprojects are to be carried Country wide, both the Federal and Regional environment protection offices are going to play a major role during the implementation of the ESSA and its associated guidelines.

5.6.4 *Ministry of Labour and Social Affairs (MoLSA)*

119.   Occupational safety and health protection activities are handled by different institutions. The Ministry of Labor and Social Affairs (MOLSA) is mandated to design mechanisms that ensure the safety and health of workers[10]. In line with this, Proclamation No. 1097/2018, which specifies the powers and duties of the federal ministries has given MOLSA, in article 29(3) to "establish a system to prevent occupational accidents and occupational diseases; issue occupational health and safety standards and supervise their implementation;". MoLSA is responsible to ensure industrial peace, maintain employee's health and safety at workplace, improve working condition and environment, promote efficient and equitable employment services; and maintain developmental social welfare of citizens. Enforcing the Labor law No.1156/2019, Occupational Safety & Health, Public Safety and Social welfare protection activities, prevention of child labor are also among the mandates, roles and responsibilities of their Ministry.

120.   The protection of occupational safety and health for employees in public service institution is largely dependent on the Federal Civil Service law administered and implemented by the Federal Proclamation No.1064/2017-Proclamation on Federal Civil Service Commission This Proclamation shall be applicable to all offices and employees falling under the definitions of "government institution" and "civil servants". The objectives of occupational safety and health shall be: a) to maintain the safety and health of civil servants and enhance their productivity, b) to arrange, improve and keep suitable workplace for the safety and health of civil servants; and c) to guarantee high level performance of a government institution based on social wellbeing. The provisions of this section shall also be applicable to temporary workers.

121.   The Ministry of Urban Development and Construction is also responsible for protecting public safety as well as Occupational Safety and Health aspects on construction sites. Proclamation No. 624/2009 and regulation no. 243/2011 serves to protect the safety of the public and workers in the construction sector for which the Ministry is mandated to implement the laws. Article 31 and 36 states that precautionary measures to be taken during construction and necessary facilities required by persons with disabilities in public buildings.

122.   In general, MOLSA is better placed in terms of its overall capacity and OSH enforcement and supervisory capabilities to coordinate tasks related to labor safety and health in collaboration with other similar organizations.

5.6.5 *Bureau of Labor and Social Affairs (BOLSA).*

123.   Regional governments have established bureau/agency responsible to implement the national vision and set mission of the Ministry. Woreda and town administrations have offices whose responsibility is investigation and supervision of establishment (commercial and manufacturing plants) to ensure that all stakeholders are adhering to the labor law (Proclamation No.1156/2019). Ensuring rights and interest of persons with disabilities and the elderly is included in policies and laws of federal and regional governments and are mainly the duty of the Ministry.

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[10] MoLSA has been restructured and re-established as Ministry of Labour and Skill Development during the formation of the new FDRE Government in 4th October 2021. A new Minister has also been assigned for the Ministry.

5.6.6   Social Protection and vulnerable groups

124.   MoLSA is also responsible for the coordination and implementation of the Social Protection Policy, which was prepared in 2015. Given the multidimensional nature of the policy implementation, a **Federal Social Protection Council (FSPC)** was established consisting of members drawn from the relevant federal offices and other stakeholders. To implement the policy across the federal structure, institutional arrangements and accountability mechanisms were established at regional, zonal, and woreda levels. It plays an overarching role in the design, amendment, implementation and monitoring of occupational health and safety policies, directives and guidelines, and makes sure that sector ministries and other executive organs perform their responsibilities related to health and safety issues in their respective mandate areas.

5.6.7   Social Capacity and Assessment

125.   A detailed analysis of the Ethiopia regulatory system shows that the social management systems are not as well developed as those for environmental management except in the context of land acquisition through the applicable proclamation on Land.   Although the national and regional governments have Social Welfare departments, the social management is usually fragmented across many ministries and departments which make coordination of social issues complicated.   The understanding of social aspects and management are not well understood in comparison to the needs of the PforR principles.   The program will hire a safeguard specialist (or seconded from relevant E&S management institutions) at the PIUs to manage social risks expected from the program implementation.

5.6.8   Ministry of Women, Children and Youth (MoWCY)

126.   MOLSA has also a mandate to support vulnerable members of society. It is responsible for organizing and coordinating support for vulnerable groups. This entails assessing and providing technical support to address the social and occupational health and safety related risks and taking appropriate measures to mitigate these risks. It has the necessary structure at regional, zonal and woreda levels.

127.   The Ministry of Women, Children and Youth (MoWCY) is responsible for follow-up of the implementation of international conventions and national laws pertaining to women, children, and youth, conducting/commissioning research and formulating policies and guidelines, collaborating with organizations working on women and child issues, and providing capacity building support to ensure the equal participation and benefit of women and the protection of children's rights and security[11].

128.   The ministry has three branches, namely women, children and youth. In order to address the wide-ranging problems of women, children and youth, the ministry has carried out several activities that included gender mainstreaming, reducing Harmful Traditional Practices (Female Genital Mutilation and Early Marriage), children Care and Support, establishing children parliament, reducing youth unemployment rate and increasing Youth Representation in the legislative and judiciary. Even

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[11] The Ministry of Women, Children and Youth has been recently restructured and re-established as Ministry of Women and Social Affairs during the formation of the new FDRE Government held in 4th October 2021. A new Minister has also been assigned to the Ministry.

though the tasks of the ministry require working in coordination with other basic sectors and oversight bodies, the coordination is yet to be developed.

129.   MoWYC has bureaus (Bureau of Woman, Children and Youth) in all ten regional states and the two chartered city administrations. In all regions, the bureau is organized around three core processes: gender development, empowerment, and child protection.

5.6.9   Public Participation/Consultation

130.   The practice of involving the community and engaging the stakeholders in projects starting from planning to implementation monitoring and performance evaluation is significantly improving. The public consultation guideline for ESIA recently prepared and endorsed by EFCCC will help the effort of the implementing agencies and stakeholders to participate the project affected communities and other stakeholders in the program implementation process.

5.7   KENYA ENVIRONMENTAL AND SOCIAL INSTITUTIONAL FRAMEWORK

5.7.1   Institutional Responsibilities for Environmental Systems

Ministry of Environment and Forestry

131.   The Ministry of Environment and Forestry is responsible for the environment at the policy level. The Ministry of Environment and Forestry mission statement and the key objective is to facilitate good governance in the protection, restoration, conservation, development and management of the environment, water and natural resources for equitable and sustainable development.

132.   The mandate of the ministry is to monitor, protect, conserve and manage the environment and natural resources through sustainable exploitation for socio-economic development aimed at eradication of poverty, improving living standards and ensuring that a clean environment is sustained now and in the future. The ministry comprises of various directorates at the headquarters and the following parastatals and departments including the National Environment Management Authority.

National Environment Management Authority (NEMA)

133.   NEMA is the principal instrument of Government in the implementation of all policies relating to the environment.   NEMA is the administrative body that is responsible for the coordination of the various environmental management activities in Kenya. NEMA is also responsible for granting Environmental and Social Impact Assessment (ESIA) approvals and for monitoring and assessing activities in order to ensure that the environment is not degraded by such project activities.

National Environmental Complaints Committee

134.   The National Environmental Complaints Committee (NECC) is established under Section 31 of EMCA. The NECC is concerned with the investigation of complaints relating to environmental damage and degradation generally. The NECC has powers to investigate complaints against any person or even against NEMA or on its own motion investigate any suspected case of environmental degradation. The NECC is required by law to submit reports of its findings and recommendations to NEMA.

National Environment Tribunal

135. EMCA established the National Environment Tribunal which has the jurisdiction to hear appeals from the decision of National Environment Management Authority particularly on, the grant of a license or permit or a refusal to grant a license or permit, or the transfer of a license or permit; the imposition of any condition, limitation or restriction on a license the revocation, suspension or variation of a license; the amount of money payable as a fee and the imposition of an environmental restoration order or environmental improvement order. These appeals must be brought with 60 days of the decision so appealed. The tribunal is prohibited from extending this timeline by Rule 7 of the National Environmental Tribunal Procedure Rules, 2003, and thus does not hear any appeals brought outside it. EMCA gives the Tribunal the power to hear appeals against decisions of the Director-General of NEMA, NEMA itself, or NEMA Committees.

Figure 5-2: Summary of the Administration of the Environment in Kenya
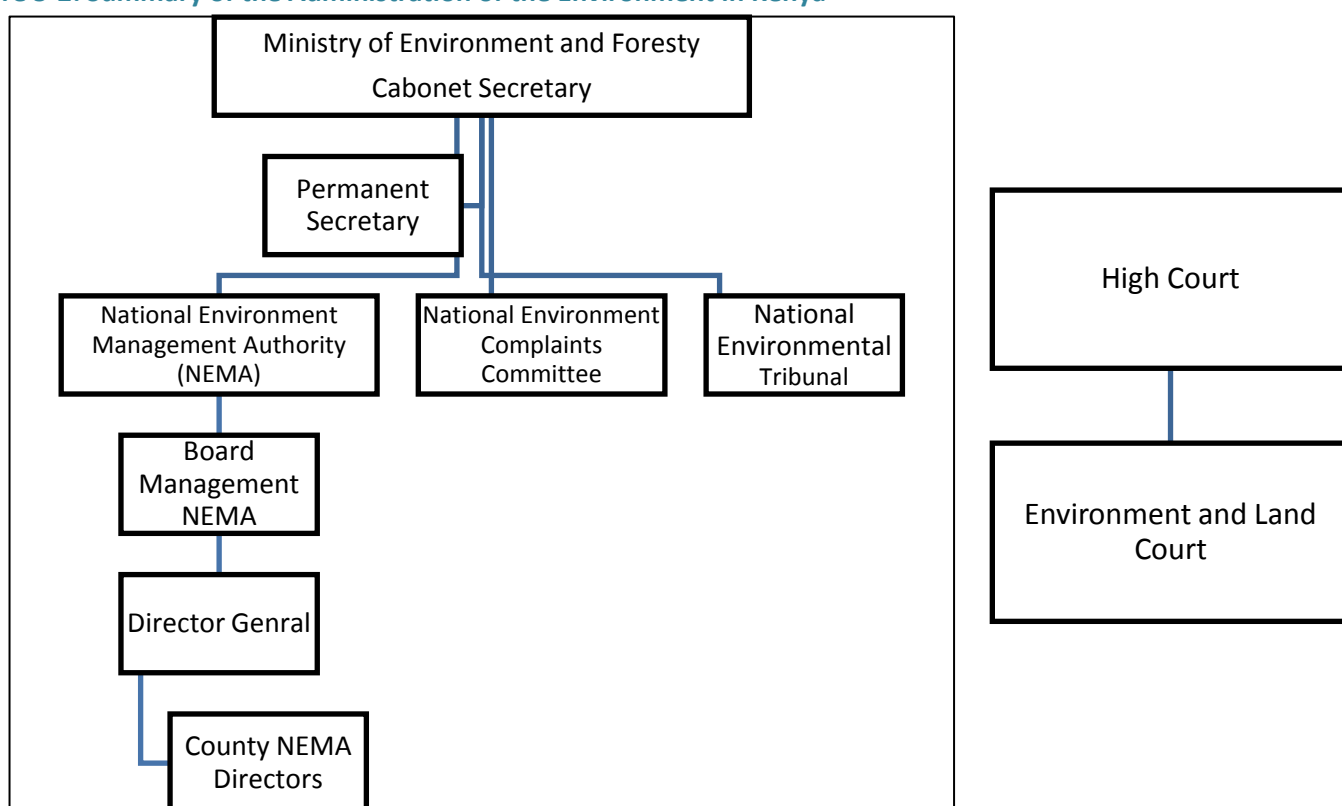
Environment and Social Impact Assessment Process in Kenya

136. The Environmental Impact Assessment (EIA) is a process and management technique, which allows consideration of the likely environmental and social impacts of development prior to its proceeding. This provides an opportunity to ensure that the design is optimized in an integrated manner, minimizing negative environmental and social impacts, and maximizing positive impacts.

Screening of proposed subprojects as Part Project Preparation

137.   Screening of investments will commence right at the project inception phase as soon as the specific investment details are known including nature and scope, proposed location, and area among other parameters, regardless of the level of risk. This will be carried out in parallel with the technical studies of the projects, with a scenario analysis based on social and environmental risks. The screening process could result in any of the following determination: -

   i)   Summary Project Report (SPR)
   ii)   Comprehensive Project Report (full ESIA)

138.   NEMA is the institution designated to decide on whether a full-scale ESIA is necessary for proposed investments or otherwise. To make this determination, a project report must be submitted to NEMA in order to make a determination and this is part of the screening.

139.   Project Reports for proposed subprojects under the Program will be prepared by NEMA registered Lead EIA and audit experts, and reviewed by the PIU safeguards specialist then submitted to the NEMA for further determination.

140.   It must be noted that the Program will not support projects of high risks as categorized under the amended EMCA (2015), often projects under Schedule 2, and under Public Notice issued in March 2020 on the processing of EIA reports. The Public Notice categorizes projects that require a Summary Project Report (SPR) or Comprehensive Project Report (CPR) based on the risks. EIA regulations allow for approval of proposed projects at the project report stage and have been effectively used by NEMA to grant EIA license to low/medium risk projects without requiring a full EIA study to be done.

The National Construction Authority (NCA)

141.   The object for which the Authority is established is to oversee the construction industry and coordinate its development.   The Authority is in-charge of, among others; (i)accrediting and registering contractors and regulate their professional undertakings;(ii) accredit and certify skilled construction workers and construction site supervisors; (iii) develop and publish a code of conduct for the construction industry. Although not directly involved in environment and social management, the authority has the oversight for the management of construction sites including safety aspects of the projects. The authority will issue licenses for any construction projects under EARSP and will also have supervision roles as part of their mandate to manage quality assurance in the construction industry.

Directorate of Occupational Safety and Health Services (DOSHS)

142.   The Directorate of Occupational Safety and Health Services (DOSHS) is one of the departments within the Ministry of Labour and East African Community Affairs, whose primary objective is to ensure the safety, health, and welfare of all workers in all workplaces. DOSHS is mandated to develop and implement effective systems for the prevention of workplace diseases, ill health, and accidents to reduce damage to property and work injury compensation claims for improved productivity.   The Directorate enforces the Occupational Safety and Health Act, 2007 (OSHA, 2007) with its subsidiary legislation which aims at the prevention of accidents and diseases at work.

143.   It also administers the Work Injury Benefits Act, 2007 (WIBA, 2007) which provides for compensation of workers who have been injured or have suffered a disease out of and in the course of employment. The Directorate is also the lead agent in implementing the National Policy on Occupational Safety and Health. In fulfilment of its responsibility of identifying hazards at workplaces and assessment of risks with a view of preventing accidents, diseases and damage to property, the Directorate will play a key role in the EARSP by inspecting and auditing of workplaces to promote best practices and ensure compliance with safety and health standards as set out in OSHA, 2007 and its subsidiary legislations.

5.8   Institutional Responsibilities for Social Systems

144.   Social Risk management in Kenya is not clearly defined by law or the regulatory framework. Social risk management functions are scattered in various institutions and departments within National Government Agencies as well as County Government Ministries. The following institutions have the responsibility to manage social risks.

Department of Social Development under the State Department of Social Protection, Ministry of Labour and Social Protection

145.   The Department of social development derives its mandate form Executive Order No. 1 of 2018 that includes: community mobilization, family promotion and protection, community development policy, registration of self-help groups, implementation of the Social Protection Policy, policies and Programs for persons with disabilities, policies, and Programs for older persons, national volunteerism policy, vocational training and rehabilitation of persons with disabilities. Focuses on the empowerment of families and communities for sustainable social development towards improving their livelihoods.

National Council for Persons with Disabilities (NCPD)

146.   Oversight of all matters concerning persons with disability with the statutory responsibility for facilitation of disability mainstreaming Programmes, formulating and developing measures and policies designed to achieve equal opportunities for PWDs, cooperating with the government during the National Census to ensure that accurate figures of PWDs are obtained; issuing orders requiring the adjustment of buildings that are unfriendly for use by PWDs, recommending measures to prevent discrimination against PWDs, encouraging and securing the rehabilitation of PWDs within their communities and social environment, registering persons with disabilities and institutions and organizations giving services to PWDs and raising public awareness on disability.

State Department of Labour in the Ministry of Labour and Social Protection

147.   The Labour Department under the Ministry of Labour and East African Community Affairs responsible for the implementation of the three major laws namely: The Employment Act, 2007, The Labour Institutions Act, 2007, and The Labour Relations Act, 2007.

148.   This is done through the formulation and implementation of the National Labour Legislation and policy through the National Labour Board and sectoral wages councils as well as the National Tripartite

Consultative Council. The Department is also responsible for operationalizing the tripartite mechanism in handling labour issues through a tripartite dialogue process which involves consultation between workers, employers, and government representatives. The Labour Department will be responsible for ensuring the labour laws and other legislation under its mandate are addressed under the Program.

National Gender Equality Commission

149.   NGEC has the oversight and surveillance of all matters concerning gender equality and equity. Promoting gender equality and equity; coordinating gender mainstreaming in national development; and facilitating gender mainstreaming in national development.

150.   National Gender Equality Commission (NGEC) is a constitutional Commission established by an Act of Parliament in August 2011, as a successor commission to the Kenya National Human Rights and Equality Commission according to Article 59 of the Constitution. NGEC derives its mandate from Articles 27, 43, and Chapter Fifteen of the Constitution; and section 8 of NGEC Act (Cap. 15) of 2011, with the objectives of promoting gender equality and freedom from discrimination.

151.   The over-arching goal for NGEC is to contribute to the reduction of gender inequalities and the discrimination against all; women, men, persons with disabilities, the youth, children, the elderly, minorities and marginalized communities

Kenya National Commission on Human Rights

152.   The Kenya National Commission on Human Rights (KNCHR) is an autonomous national Human rights institution established under article 59 of the Constitution of Kenya 2010 with the core mandate of furthering the promotion and protection of human rights in Kenya. The Commission plays two key broad mandates:

- It acts as a watch-dog over the Government in the area of human rights.
- It provides key leadership in moving the country towards a human rights state.

153.   The main goal of KNCHR is to investigate and provide redress for human rights violations, to research and monitor the compliance of human rights norms and standards, to conduct human rights education, to facilitate training, campaigns and advocacy on human rights as well as collaborate with other stakeholders in Kenya.

Management of Environmental and Social Procedures

154.   Section 58 of the EMCA has been amended and directs that proponent of any project specified in the second schedule shall undertake a full EIA study prepared by a registered and licensed EIA and audit expert and submit the EIA study report to NEMA prior to being issued with any license. In recognition that certain projects may not require full EIA, the EMCA gives NEMA the power to direct a project proponent to forego the submission of the EIA report in certain cases.

155.   The social management systems in Kenya are not as well developed as those for Environmental management except in the context of land acquisition. Since the social management procedures are not explicit in the EMCA, the social risks of the projects are supposed to be analyzed and reported as part of the EIA process of the project, together with their mitigation measures.

EIA and Monitoring

156.   Monitoring has been defined as a process whereby states observe, measure, evaluate and analyze by recognized scientific methods the risks or effects" of pollution or environmental harm. It is a continuous or periodic determination of actual and potential effects of any activity or phenomenon of the environment whether short-term or long-term. Unlike prior EIA, monitoring is generally undertaken after the project has begun, to check initial EIA predictions and determine whether further measures are needed to abate or avoid pollution or environmental harm. It is also done for purposes of conducting research or identifying patterns and trends, which reflect the state of the environment. Under Article 1 of the 1992 OSPAR Convention, monitoring has been defined as the "repeated measurement" of the following three factors:

i)   The quality of the environment and each of its compartments;
ii) Activities or natural and anthropogenic inputs which may affect the quality of the environment; and
iii) The effects of such activities.

Environmental Audit

157.   Section 68 of EMCA obligates NEMA with the responsibility of carrying out an environmental audit of all activities that are likely to have significant effect on the environment such as ongoing projects commenced prior to the coming into force of the regulations or new projects undertaken after completion of an environmental impact assessment study report. In carrying out an environmental audit study the auditor must carry out an appraisal of all the project activities including the production of goods and services; give adequate consideration to environmental regulatory frameworks, environmental health and safety measures and sustainable use of resources. The principles applicable to EIA are also relevant in an environmental audit.

6   SECTION VI: PROGRAM INSTITUTIONAL CAPACITY AND PERFORMANCE ASSESSMENT IN MANAGING ENVIRONMENTAL AND SOCIAL RISKS

158.   This section analyses the implementation related to the performance of key implementing institutions/agencies associated with the participating countries' environmental and social legal/regulatory framework for the EA Regional Statistics Program. The section also highlights the challenges of the institutional framework along with an assessment of their current capacities. The section then goes on to analyze the processes of planning, monitoring, and decision making in the Program, the strategy adopted by the country, and the current grievance redress systems in place; all from an environmental and social perspective.

159.   The ESSA team assessed the quality and efficacy of the environment and social management systems with the participating countries, particularly focusing on institutional capacity, structure, practices, procedures, mechanisms, and effectiveness of implementation at the National levels. The team also consulted with the PIU and stakeholders, including, EPA, NEMA, REMA and NEMC to understand their role in the implementation of this Program. The assessment was reviewed based on previous similar engagements of the systems with these institutions, and their performance records on PforR and IPF projects funded by WB.

160.   This assessment indicates that there is a robust environmental management system, as it exists and designed at the national level. The assessment noted the overall social risk management systems are scattered and weak in participating countries. However, there is unevenness in the implementation of environmental and social risk mitigation measures, which can be traced to either lack of capacity and technical knowledge, especially on social issues, for effective implementation within the participating countries. Therefore, implementation of the environmental and social systems for the Program will largely rely on personnel capacity of NEMA, REMA, NEMC, and EPA for Program E&S implementation.

6.1   Tanzania Institutional Capacity

6.1.1   National Environment Management Council (NEMC)

Policy and Legislative Framework Support

161.   **E-Waste Legislation** – Tanzania has recently enacted a law which specifically targets electronic waste (The Environmental Management (Control and Management of Electrical and Electronic Equipment Waste) Regulations, 2021). It serves as the principal legislation in governing e-waste related matters in the country. The main and primary objective of this law is to promote proper management of e-waste to protect human health, and environment while ensuring sustainable development. The law applies to all categories of electrical and electronic equipment wastes with respect to generation, collection, storage, transportation, importation, exportation, distribution, selling, purchasing, recycling, refurbishing, assembling, dismantling and disposal of electrical and electronic equipment waste or components, and their movement into and? /or outside Mainland Tanzania.

162.   This law includes provisions and directives on administration and institutional arrangement on e-waste (Part IV), control and management of e-waste (Part V), in country movements of e-waste (Part

VI), transboundary movement of e-waste (Part VII), responsibilities of a person in possession of e-waste, government departments, manufactures, and consumers (small and bulk), (Part VIII), compliance and enforcement (Part IX), general provision (Part X). The law directs that the Minister may, in the execution of the powers vested upon him/her by these Regulations in managing e-waste, shall be assisted in the discharge of his/her duties under these Regulations by the Director of Environment, the Council, Regional Environmental Management Expert, local government, the Environmental Inspectors. With existence of this law, there is assurance that the potential e-waste to be generated by the project will be handled and managed properly though we expect some challenges in interpretation and enforcement of this act which is new.

163.   NEMC has extensive experience in environmental assessment and management capacity (including monitoring and enforcement) as provided for by the EMA. DoE and NEMC have coordinated the development of several regulations and guidelines that are relevant for this Program including:

- Strategic Environmental Assessment
- Environmental Impact Assessment and Audit
- Registration of Environmental Experts
- National sand harvesting guidelines
- Hazardous Waste Control and Management
- Noise quality
- Water quality standards
- Air quality standards
- Soil quality standards
- Solid waste management

Organization and Program Structure

164.   To fulfill its functions NEMC works through linkages to institutions established by the EMA at different levels including environment units and departments in all ministries, environmental management offices and environmental committees at the regional, district and village levels. Within each ministry, it is the Environmental Section's responsibility to ensure that environmental concerns are integrated into the ministry's social economic developmental planning and project implementation to ensure attainment of environmental sustainability

Human Resources

165.   The NEMC officers at the head office and zonal offices are well qualified and possess the requisite skills necessary for management of environment including ensuring that environmental assessments (i.e. ESIA, Audit) are compliant with regulatory requirements. However, given the large size of the country in terms of landmass it limits the capacity of NEMC to supervise all on-going projects and enforce compliance through on-site monitoring. NEMC officers, therefore, focus mostly on the review and monitoring of high-risk projects at the expense of other projects.

166.   NEMC's lack of sufficient financial and human resources to cover the whole country creates a situation where projects with possibly huge impacts on the environment are not regularly supervised or monitored to ensure that they are complying with license obligations and regulations or implementing mitigation measures. In the end, monitoring is often left to self-monitoring by the

proponent of a project with little oversight from NEMC independent view particularly at LGAs and other lower levels.

Budget Resources/Financial Capacity

167.   For many years NEMC's budget was dependent on the government treasury, but in 2015, the government directed NEMC to focus on raising and utilising income from its own sources to cover its expenses, except costs for Personal Emoluments (PE). Therefore, the council has taken several measures to expand opportunities of revenue collection. However, the inadequate funding has remained to be a challenge to NEMC. With the minimal annual budget, NEMC fails to fully carry out its auditing and monitoring mandate.

Capacity Building Recommendations

168.   The assessment has established a limited awareness of the sector ministries, LGAs, and the public of their role and responsibility in implementing EMA. Accordingly, a comprehensive capacity-building and awareness-raising campaign targeting sector ministries, LGAs, and government institutions on their roles and responsibilities under the EMA in environmental management, enforcement, and compliance is highly recommended.

6.1.2   Occupational Safety and Health Authority (OSHA)

Policy and Legislative Framework Support

169.   OSHA was set up in 2001 under the Ministry of Labor and Employment to administer occupational health and safety at workplaces in the country. The role of OSHA is to improve health and safety (wellbeing) of workers and workplaces by promoting occupational health and safe practices in order to eliminate occupational accidents and diseases, hence achieve better productivity in the workplaces.

170.   The Ministry of Labor and Employment is the main actor with the oversight role of ensuring that decent work is practiced and maintained in Tanzania. It provides directives, technical advice, enforces legislations, proposes amendments, allocates resources, oversees all activities carried out by OSHA and ensures that occupational safety and health rules and regulations are adhered to and maintained at workplaces.

171.   In fulfilment of its responsibility of identifying hazards at workplaces and assessment of risks with a view of preventing accidents, diseases and damage to property, the Authority will play a key role in the Program by inspecting and auditing of workplaces to promote best practices and ensure compliance with safety and health standards as set out in Occupational Health and Safety Act, 2003 and its subsidiary legislations.

Institutional Capacity and Resources

172.   The department is represented in 6 zones across the country which are Coastal zone, Northern Zone, Lake zone, Central zone, Southern highlands zone and Southern zone. The officers at these zones are qualified and possess the requisite skills necessary for managing health and safety risks. However, the offices are understaffed, with the capacity assessment findings revealing that most officers are not able to cover their regions within the zones as required. The officers are also not given enough resources (including budget) to cover the wide regions assigned. This has made it difficult for

the staff to enforce and monitor the health and safety requirements as per the OSHA and WB requirements, especially for infrastructure projects.

Capacity Building Recommendations

173.   The assessment has recommended close collaboration with social partners and the Program to support Implementing Agency on OHS risk management and national OSHA requirements. Also, the Program will work and sensitize workers, employers and general public at large to enhance their understanding and role in the Program.

Public and Worker Safety
174.   Due to capacity problems, monitoring and enforcement by OSHA are mostly missing in many projects, with many active construction sites not being registered or visited by an officer as required by the national framework on safety.

6.1.3   Social Capacity and Assessment

175.   A detailed analysis of the Tanzania regulatory system shows that the social management systems are not as well developed as those for environmental management except in the context of land acquisition. Although the LGAs have Social Welfare Departments, the social management is usually handled by individual ministries/departments executing the projects, without any involvement of the Social Departments. The understanding of social aspects and management is however weak, and not well understood in comparison to the needs of the PforR principles.

Land Acquisition

176.   Tanzanian law has clear procedures for landholders and generally extends eligibility for compensation to recognized or customary land users or occupiers lacking full title. But it does not recognize tenants, squatters, or encroachers as being entitled to assistance or any allowances for transportation or disturbances to this group, etc. There is also no clear policy on resettlement and relocation of large groups of people – this is however not likely to happen under this program.

Technical Guidance and Implementation Capacity Recommendation
177.   Because the Program's needs for land are expected to be met mainly using land already owned by Government, the projects under the PforR will thus be screened against the Exclusion Criteria as prescribed in this ESSA, and those whose land take risks are not permissible under PforR will be dropped.

178.   The Environment and Social Focal point person will ensure that local legal and regulatory requirements are followed and to mitigate the gaps identified in this ESSA, and to guide land acquisition and/or displacement.

 Addressing Resource Constraints:
179.   The NBS and OCGS should designate Environmental and Social officer for the Program who will oversee land acquisition process in cases where there is no land available within existing facilities and is within the permissible risk in the exclusion criteria.

180.   The NBS and OCGS should aslo share land ownership legal documents on the proposed sites with the Bank before commencement of construction works.

6.1.4 *Implementing Agency – Tanzania National Bureau of Statistics and Office of Chief Government Statistician (OCGS), Zanzibar*

181.   The Ministry of Finance and Planning is responsible for the project. The project will be implemented by the Tanzania Bureau of Statistic (NBS) and the Office of Chief Government Statistician (OCGS), Zanzibar who are the custodian of all statistic issues in the country. Assessment has indicated that both NBS and OCGS have experience in working with the World Bank which they have gained through the Tanzania Statistical Master Plan (TSMP) project; and the Development Support for Tanzania Statistics, known as European Union Trust Fund (EUTF) project which all have been supported by the World Bank. This project will benefit from the past projects. It has further observed that the NBS's and OCGS structure does not consist of Environmental and Social Expert nor a section dedicated for overseeing environmental and social issues.

182.   There are no clear guidelines that indicate how NBS handle environmental and social issues apart from appreciating existence of the Environmental Management Act (2004) which is the principal legislation governing environmental issues countrywide. In order to ensure compliance to the national laws and regulations as well as the WB P4R Principles NBS should seek the assistance of the environmental and social expert from within the government system to assist in the implementation of the project activities.

183.   The Program will also benefit from East African Community (EAC) guidelines on labour and grievance management. Environment and Social issues will be coordinated by the Program Implementation Unit, with technical guidance from the EAC Principal Environmental and Natural Resources Officer.

Environment and Social Capacity and Performance Assessment

Preparation and Implementation of the Environmental and Social Impact Assessment (ESIA)

184.   The NBS and OCGS, Zanzibar have experience in implementing World Bank funded projects, but they lacks in-house human resource capacity and experience to manage environmental and social impact assessment. Therefore, continuous capacity development will be needed for the PIU to effectively implement environmental and social safeguards.

6.1.5 *Data Protection Procedure and Relevant Institutional Arrangement*

185.   For NBS to ensure effective data protection and cyber security it is technically recommended to observe CIA Triad[12]. The CIA Triad model identifies confidentiality, integrity, and availability as key elements for information security. Consequently, NBS and OCGS Zanzibar will have to ensure that it has functional and strong Cyber Security Policy capturing all necessary strategies including antiviruses choice, use of strong passwords, multi-factor authentications, access control, choice of operating system, cyber security audits, and a workable business continuity plan for both infrastructure and people (e.g., working area recovery, disaster recovery site, HR policy-personnel retention and succession plan). Likewise, NBS and OCGS, Zanzibar will have to ensure selection and conformity to

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12 Fenrich, K. (2008). Securing your control system: the" CIA triad" is a widely used benchmark for evaluating information system security effectiveness. Power Engineering, 112(2), 44-49.

international standards of data protection and cyber security; as well as develop manuals and procedures for the same.

186.   Literature indicates that, the best practice for data protection and cyber security in large organizations requires existence of the qualified technical personnel in the following key areas: network, database, application and risk and compliance. Each of this unit will have heads and functional teams with clear responsibilities in ensuring cyber defense and cyber response. The organizational chart below suggests the structure with key responsibilities listed.

Table 6-1 Proposed Organizational Structure for Data protection and Cyber Security
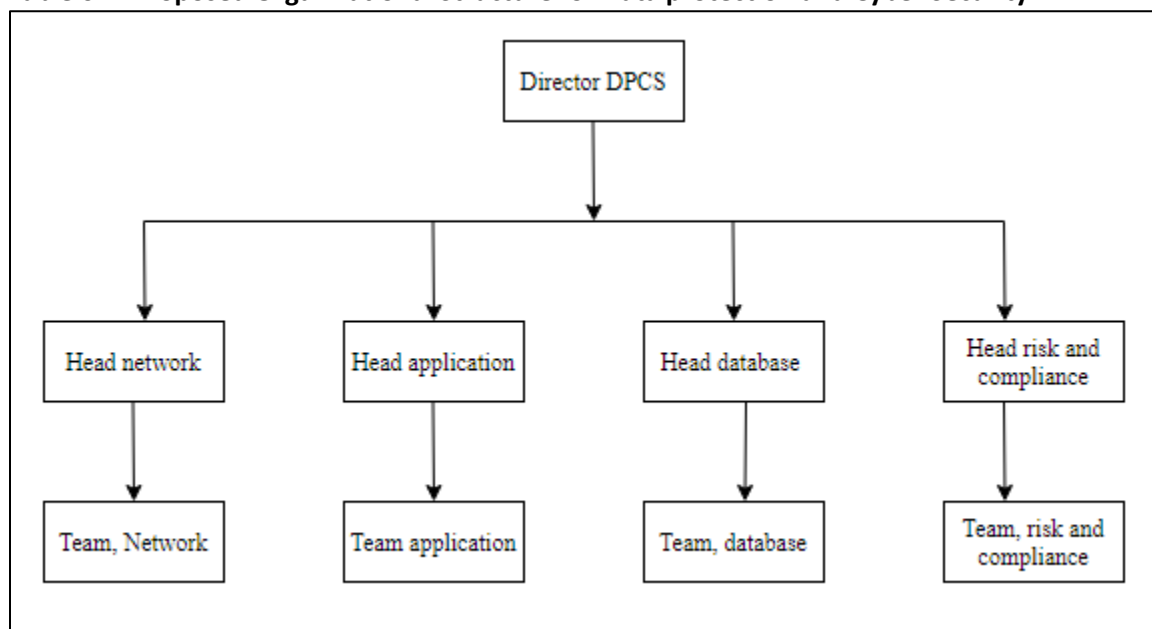
Key Roles and Responsibilities for Cybersecurity Team

187.   ***Director: Data Protection and Cyber Security***: responsible for ensuring that the data protection and cybersecurity policy is in place and enforced.

188.   ***Units Heads (Network, Application, Database and Risk and Compliance):*** responsible for Interpreting cybersecurity policy into operating standards and procedures; Interpreting standards and procedures into manuals; Undertaking capacity building of the standards and procedures on cybersecurity; and Enforcement of standards and procedures.

189.   ***Team Network, application, database, risk and compliance: These*** are functional units responsible for supporting activities in each section. In executing their duties, they have to abide to operating standards, procedures and manuals on cybersecurity.

6.2   Kenya Institutional Capacity

6.2.1   National Environment Management Authority

Policy and Legislative Framework Support

190.   Kenya has a fairly robust legal framework for environmental management, known as the Environmental Management and Coordination Act (EMCA), which provides the legal ground for the establishment of NEMA as well as other institutions responsible for the protection and management of the environment. Several guidelines and regulations have also been prepared by NEMA including EIA/EA regulations, which are aimed at ensuring that projects are subjected to environmental and social risk analysis to determine their likely adverse impacts before commencement. NEMA is mandated by the Environmental Management and Coordination Act (EMCA 1999, Amended 2015) to commit resources and implement actions necessary for effective environmental and social management.

191.   NEMA is charged with enforcing EMCA's provisions as well as other subsidiary legislation that has been passed over the last decade. The subsidiary legislation includes water quality, waste management, controlled substances, biodiversity, wetland, river and seashore, and environmental impact assessment (EIA) regulations. Most of the provisions contained in the EMCA, as well as the subsidiary legislations, are intended to provide regulations for the usage and type of allowable activity in the different ecosystems and habitats in Kenya. Thus, NEMA's main task is to review EIA Project Reports and grant licenses to proponents that plan to change the land-use. To complete this task, EMCA grants NEMA the power to compel any project proponent, authority, or ministry to comply with existing environmental regulations.

192.   NEMA has extensive experience in environmental assessment and management capacity (including monitoring and enforcement) as provided for by the EMCA. NEMA has developed several regulations and guidelines that are relevant for this Program including;

- Noise regulations
- Wetland
- Water quality
- Waste management
- Controlled substances
- Air Quality
- Biodiversity
- National sand harvesting guidelines
- Strategic Environmental Assessment guidelines
- E-waste guidelines

Organization and Program Structure

193.   The EMCA, 1999, was amended in 2015 to align it to the 2010 Constitution of Kenya, which led to devolved governance, including governance of some environmental aspects by the Counties. NEMA has established a County Office in all the 47 Counties, which are headed by County Director of Environment.

Human Resources

194.   The NEMA officers at the National and County levels are qualified and possess the requisite skills necessary for ensuring the management of environmental impacts of projects. However, most NEMA offices at the County level are understaffed, with most County NEMA Offices having a maximum of two environmental officers – the County Director of Environment and an Environment Officer, with the additional help of a few interns. This has made it difficult for the staff to handle the workload of EIA reports reviews, monitoring for compliance, and enforcement for County projects. Further, staff composition in most of the Counties do not always include officers specialized in social safeguards.

195.   NEMA's lack of sufficient resources create a situation where projects with possibly huge environmental and social impacts and risks are not regularly supervised or monitored to ensure that they are complying with license obligations and regulations, or implementing mitigation measures. In the end, monitoring is often left to self-monitoring by the proponent of a project with little oversight from NEMA independent view.

Budget Resources/Financial Capacity

196.   Much of the funding is from the Government of Kenya (GoK) after NEMA licensing fees were abolished in 2016. It is important to note that NEMA's review process is handicapped by a lack of adequate funding for the scale of its mandate. With the minimal annual budget, NEMA is stretched so thin that it is unable to carry out its auditing and monitoring mandate. It must review, on average, 1600 EIA reports per year (*Ibid.*).

197.   Funds are disbursed from NEMA headquarters in Nairobi and most of the officials could not provide the current financial year budget allocation for the County, even though they thought that the funds allocated were insufficient. This explains human resource deficit and reasons why NEMA Officers at the County level are forced to take up multiple roles such as accounting, technical tasks, and administrative tasks, which further limits their ability to focus on monitoring and enforcing compliance by project developers

Capacity Building Recommendations

198.   The training and capacity building efforts proposed include training of the implementing agency (the Kenya National Bureau of Statistics and partners including the Country Governments, Civil Registration Services and Ministry of Agriculture) on e-waste management. This should include also training of NEMA officers at the Counties (if there will be any activities at the counties) and headquarters to familiarize them with the ESSA and their roles and responsibilities in the Program.

6.2.2   Directorate of Occupational Safety and Health Services (DOSHS)

Policy and Legislative Framework Support

199.   The Directorate of Occupational Safety and Health Services (DOSHS) is one of the departments within the Ministry of Labour and East African Community Affairs, whose primary objective is to ensure the safety, health, and welfare of all workers in all workplaces. DOSHS is mandated to develop and implement effective systems for the prevention of workplace diseases, ill health and accidents to reduce damage to property and work injury compensation claims for improved productivity.

200.   The Directorate enforces the Occupational Safety and Health Act, 2007 (OSHA, 2007) with its subsidiary legislation which aims at the prevention of accidents and diseases at work. It also administers the Work Injury Benefits Act, 2007 (WIBA, 2007) which provides for compensation of workers who have been injured or have suffered a disease out of and in the course of employment.

201.   In fulfilment of its responsibility of identifying hazards at workplaces and assessment of risks with a view of preventing accidents, diseases and damage to property, the Directorate will play a key role in the EARSP by inspecting and auditing of workplaces to promote best practices and ensure compliance with safety and health standards as set out in OSHA, 2007 and its subsidiary legislations.

Institutional Capacity and Resources

202.   The department is represented in 29 counties across the country. However, it does not have representation in majority of the counties in the North-Eastern region. In the counties where the Director has presence, the officers at the counties are qualified and possess the requisite skills necessary for managing occupational health and safety risks. However, just like with NEMA County offices, the offices are understaffed, with the capacity assessment findings revealing that most officers are not able to cover their regions as required. The officers are also not given enough resources (including budget) to cover the wide regions assigned. This has made it difficult for the staff to enforce and monitor the health and safety requirements as per the OSHA and WIBA requirements, especially for infrastructure projects.

Capacity Building Recommendations

203.   The assessment has recommended close collaboration with DOSHS and the Program to support Program on OHS risk management and national OSHA requirements. Also, the Program will work and sensitize DOSHS with other key agencies to enhance their understanding and role in the Program.

6.2.3   Social Capacity and Assessment

204.   A detailed analysis of the Kenyan regulatory system shows that the social management systems are not as well developed as those for environmental management except in the context of land acquisition. Although the national government and counties have Social Welfare departments, the social management is usually handled by individual ministries/departments executing the projects, without any involvement of the Social Departments. The understanding of social aspects and management is however weak, and not well understood in comparison to the needs of the PforR principles. The program will hire a safeguard specialist (or seconded from relevant E&S management institutions) at the PIUs to manage social risks expected from the program implementation.

Public Participation Citizen Engagement, and Grievance Redress Mechanisms

205.   As part of the devolution process, the Counties have a formalized mechanism for public participation in the budget-making and policy preparation process. Through other WB funded projects such as KDSP and KUSP, the Counties have started formalizing and documentation of public participation, citizen feedback mechanism, and grievance redress mechanism that enable the citizens or project-affected persons to channel their grievances. However, more capacity building is needed in these areas to strengthen these systems. The implementing agency will establish a GRM system to facilitate handling of any complaints and grievances that may arise during implementation of this program.

6.2.4   Implementing Agency – National Treasury and Planning

206.   The NT is the executing ministry for EARSP at the national level and will, therefore, provide oversight of all Program activities to be funded. The KNBS under State Department of Planning will be the key implementing agency of the EARSP Program. KNBS will be in charge of the overall project implementation of the Program, and will be responsible for oversight of all related matters including policy guidance, supervision, and monitoring of environmental and social management.

207.   The main role of the Implementing Agency in the environmental and social management process of the EARSP will include:

   i.   Screening of proposed investments under the Program.
   ii.   Preparation of Program operation manuals for the environment and social management process.
   iii. Procure qualified consultants to prepare ESMPs and EIA/ESIA reports for investments determined to require full EIA/ESIA.
   iv.   Undertake supervision and monitoring of environmental and social aspects during project investment implementation.
   v.   Prepare quarterly environmental and social management project progress reports.

Other roles of NT on e-waste management will include:
   i.   Identify and collect all e-wastes (old/ used computers, laptops, phones, cables, etc.) for safe disposal.
   ii.   Coordinate collection and disposal of e-wastes generated by other participating agencies.
   iii. Hire a licensed e-waste handler to support handling and disposal of identified e-wastes.
   iv.   Assure confidentially of all data collected within the program.
   v.   Facilitate training of its staff and those of its partners on e-waste handling and disposal.

KNBS institutional capacity and staffing

208.   The KNBS has past experience in implementation of a PforR Program, having implemented the Kenya Statistics Program-for-Results (P149718). However, environmental and social risks of the project were not considered as significant, except for generation of electronic wastes (e-wastes). To facilitate management of e-wastes, KNBS staff were trained on e-waste management by Bank specialists. It also engaged a NEMA-licensed waste handler (East African Compliant Recycling Company) to support collection, handling and disposal of the e-wastes. This same model will be used in this program. However, KNBS will be required to hire (or get second personnel from an organization such as NEMA) qualified and experienced environmental and social specialist as part of the team to oversee safeguards implementation. Furthermore, KNBS will facilitate the training of not only its personnel involved in the implementation of this program but also personnel of its partners on e-waste management.

Budget Resources/Financial Capacity

209.   The safeguards personnel at KNBS level will require adequate support through budgetary allocations and provision of necessary facilities, equipment, and supplies to monitor implementation of safeguards for the Program.

6.2.5 Environment and Social Capacity and Performance Assessment

Preparation and Implementation of the Environmental and Social Impact Assessment (ESIA)

210. The NT has in the past been involved with WB funded projects, but mainly on Technical Assistance. There is limited evidence that the KNBS (under NT) has prepared and successfully implemented the necessary instruments such as the ESMP/ESIA or land acquisition to comply with relevant country systems and procedure for projects funded by the Bank and the Government of Kenya. The main risk will be the preparedness and capacity KNBS for the subprojects under the Program.

6.2.6 E-waste management by Private Sector in Kenya

211. The East African Compliant Recycling Company (EACR) is operating Kenya's first E-waste recycling facility, operating to international health, safety and environmental standards and establishing a local, sustainable IT E-waste recycling industry. The company is the first facility of its kind in East Africa to test a practical approach to E-waste recycling. The East Africa Compliant Recycling was designed as a scalable model for E-waste recycling. It was established in Mombasa in October 2011 as a pilot project with funding from HP.

212. Since beginning official operations, the EACR remains the only recycling facility in Kenya to accept, dismantle and separate all E-waste components and not just the valuable resources. Plastics, glass, batteries - everything - are all disposed in accordance with the highest international criteria while generating local income and employment opportunities.

213. The facility is able to manage e-waste whereby it receives end-of-life IT from business and public sector customers, as well as from the informal sector for recycling. EACR facility offers its workers advice on handling E-waste containing hazardous materials such as lead and cadmium. The company recycles E-waste at no cost. It supported the KNBS in handling and disposing e-wastes under the previous PforR project and the implementing agency will engage the same company to dispose e-wastes.

214. It should be noted that Kenya is reviewing its policies and regulations governing e-waste management. These include a National E-Waste Strategy that aligns with the East African E-Waste Strategy; National Solid Waste Policy and a Solid Waste Bill. Other are the Extended Producer Responsibilities Act, which will make it mandatory for all manufacturers and importers of electronics to incentivize re-collection or 'take-back-scheme' of electronic wastes. This also proposes the establishment of a Producer Responsibilities Organization which will manage incentives from e-waste manufacturers/ importers to facilitate collection and disposal of electronic wastes by formal and informal commercial e-waste handlers. Enactment of these policies will further strengthen the role of private agencies in the management of e-wastes.

6.3 Rwanda Institutional Capacity

6.3.1 Rwanda Environment Management Authority (REMA)

215. REMA has enhanced its human and financial capacities towards the implementation of the national Green Growth and Climate Resilience Strategy and the development of a green, circular economy approach for the country's economic transformation with the framework of the National Strategy for Transformation. REMA has in its mandate to closely monitor and assess development

Programs/ projects to ensure compliance with the laws on environment during projects preparation and implementation.

6.3.2   Rwanda Development Board

216.   The Rwanda Development Board RDB oversees the environmental licensing process for projects required to conduct EIA on behalf of the REMA, as part of the general licensing procedures. The districts are the decentralized entities responsible for enforcement of environmental and social laws, policies and strategies and the implementation of projects related to the protection, conservation, and promotion of the environment in Rwanda.

6.3.3   Rwanda Utilities Regulatory Authority RURA

217.   RURA fully provide the required monitoring for law enforcement and issuance of licenses including for e-waste management, ICT or other regulations. However, the collaboration and information sharing with REMA on environmental and social risks management, remains insufficient for a fully effective monitoring and supervising of e-waste management and other potential projects environmental and social risks.

218.   RURA fully provide law enforcement and issuance of licenses including for e-waste management, ICT or other regulations.

6.3.4   Enviroserve Rwanda Green Park

219.   Enviroserve Rwanda Green Park intends to build sustainable e-waste management value chain in Rwanda and has conducted a national awareness campaign and training of informal technicians in the 4 Provinces in partnership with RURA. This private structure has strengthened the e-waste value chain and technical capacities.

Implementation Challenges

220.   Insufficient collaboration and information sharing between the three entities involved in environmental and social risks management, remain a weakness for effective monitoring and supervising of projects potential impacts and risks and environmental audits.

221.   There are limited human and financial resources at the REMA office as well as at the decentralized entities (one environmental officer per district) to ensure close monitoring, auditing and environmental data analysis of projects implemented. Social potential impacts of projects are monitored at the districts but information is not gathered with the environmental information for a comprehensive E&S management.

6.3.5   Social Capacity and Assessment for Rwanda

222.   There are a few potential social risks for the PforR such as: chance of physical resettlement and/or land acquisition related to program interventions and difficulty of identifying relocation sites due to the limited land availability. The legal/regulatory system and Land Policy in the country includes provisions for compensating for loss of assets at replacement cost and livelihood restoration of adversely affected people. As per the Valuation Law, all people affected by expropriation must receive fair and just compensation. The calculation of fair and just compensation must be made by independent valuators.

223.   The national policies and laws offer an enabling environment for decentralized decision making. But implementation remains weak as systems are not fully developed and implementing agencies lack

capacity in terms of resources. To ensure community participation and inclusion of all sections of community for decentralized decision, to strengthen the capacity at NISR, **the Program will recruit a part time Environmental & Social consultant** to support the program awareness campaigns, follow-up on all compliance requirements to the national laws, monitor and report on the program performance.

224.   On Gender, Rwanda is globally recognized for its vision, strong commitment, and progress on gender equality. Rwanda is ranked as the 9th Country on gender parity (World Economic Forum's Gender Gap Report 202). Rwanda became the first country to have majority female representation in parliament at 56% (2008). Rwanda was ranked 2nd out of 52 on the AfDB Gender Equality Index, 2015 and was ranked the best place to be a woman in Africa (Global Competitiveness Report 2015). There is clear referral pathways to handle GBV cases in the Country through Isange One Stop Centers (IOSCs) and GBV reporting by law is mandatory in Rwanda.

6.4   Ethiopia Institutional Capacity

225.   The assessment finding revealed that, the country has a well-established and functional environmental and social risk and impacts management system. In the key implementing agencies and oversite bodies, most of the activities related to Environmental, Social, health and safety and gender management issues are handled as an integral the organization functional units.

6.4.1   *Federal and Regional Environment Protection Offices*

226.   The Country has environment protection institutions at Federal and Regional levels mandated to enforce the EIA Proclamation and other environmental management related policies and legislations. Environment, Forest and Climate Change Commission (EFCCC) is the Federal environment institution responsible to enforce the EIA law at National level. There are also Regional Environment institutions in the regions responsible for enforcing the EIA system. Most of these Regional Environment Forest and Climate Change Authorities have organizational structures that go down to the Zone and Woreda levels. Whereas the Federal EFCCC is responsible for enforcing the EIA law on development projects licensed by the Federal Government and on those that will have trans-regional impacts, the regional environment protection bureaus are generally responsible for enforcing the EIA law on development projects licensed by their respective regional authorities

6.4.2   *Central Statistical Agency of Ethiopia*

227.   CSA is led by one Director General and three Deputy Director Generals. In addition to the Directorates directly accountable to the three deputy director generals, there are several directorates, work units and departments that are relevant for environmental, social and gender risks and impacts management. These include ethical liaison Unit, legal service department and gender mainstreaming directorate directly accountable for the Director General and agriculture, natural resource and environmental statistics directorate directly accountable to economic and social statistics deputy general director.

228.   The Central Statistics Agency has recently concluded the implementation of a World Bank financed project: The Statistics for Results (SFR) project. The SFR project was aimed to strengthen the Central Statistics Agency's (CSA) institutional capacity and was engaged in the development of office

infrastructures and IT facilities. As a result, the CSA has gained experiences in Environmental and Social Risk Management through its practices of implementing the SRF ESMF for all the subprojects implemented. It managed to prepare and implement a number of ESIA/ESMP instruments for the head and branch office buildings constructed.

229.   The SRF PCMU consisted of an E&S risk management specialists, which was in charge of ESMF implementation has been disbanded after the termination of the SRF project. The E&S risk management experiences gained were not institutionalized into the CSA system, and as a result, the CSA currently lacks an E&S risk management unit. However, during the consultations, CSA's readiness to apply similar arrangements for E&S risk management through inclusion of safeguard specialists in the PIU to be established for the Regional Statistics PforR project was noted.

6.4.3   Planning and Development Commission (PDC)

230.   The Planning and Development Commission is member of the Council of Ministers with the rank of a Minister[13]. It is responsible for preparing development plans and monitoring and evaluation of their implementation. The objective of the Commission shall be to prepare five-year plans of national development in the framework of country wide balanced growth within the context of a long-term perspective plan of fifteen years and conduct periodic evaluation of the implementation of the plans. The Planning and Development Commission is responsible for the design of development frameworks such as the GTPs and creating a system for the monitoring and evaluation of the targets of the development plans. These development plans are centered in the Planning and Development Commission while sectoral M&E systems are in all the Ministries, Directorates and Agencies (MDAs) to monitor and evaluate their own sectoral development plans. The computation of the National Accounts numbers is in the PDC. Essentially, the PDC is the main user of these macro-economic aggregates.

231.   In relation to practices related to environmental and social risk management, it was noted during the consultations that the PDC has gained experiences in E&S management from the works it has done in partnership with several International and multilateral organizations such as Development Assistant Group (DAG), UNDP, IGAD and CoMESA.

232.   As a result, though there is no unit or section directly responsible to manage the environmental and social risk and impact management in its current organizational structure, PDC expressed during the consultation discussion that most of the existing directorates of the PDC have work unit and manpower (from directorate to officer level) relevant to manage the environmental, social, safety and gender risks and impacts. These include Occupational health and safety officer under the human resource directorate, Property landscaping and beautification section under the general services department, Gender department, Ethics department, Conflict management and Women, children and youth department. The ethics department has an established GRM committee of the organization which is also very instrumental in terms of managing the social, environmental and gender related grievance and concerns. The PDC has regional counterparts which are not directly reporting to it but have functional relationships.

233.   The federal civil service and labor law proclamations are employed at regional level to ensure basic safety of workers. However, the system in place is only responsive to demand for reconciliation between conflicting parties i.e the ministry did not have much involvement in the occupational safety

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[13] The PDC has been recently re-established as Ministry of Planning and Development during the formation of the new FDRE Government held in October 4, 2021. The former commissioner of PDC has also been assigned as Minister of the new Ministry of Planning and Development.

of the public sectors. The only relationship with government organization around safety is sharing experience and encouraging the good practice in the area.

234.   Most organization also focus on insurance as a safety measure for their workers. However, the insurance industry is focusing on compensation payment for damage instead of prevention.

6.4.4   The National Planning and Development Commission

235.   The National Planning and Development Commission have the system in place to address the grievance through the already established GRM committee and through Ethics department.

236.   Besides All regional governments have established their respective GRM structures down to woreda level with focal points located in the Kebeles. At kebele level, GRM committee members are drawn from kebele administration, teachers, DAs, HEWs, and the community. At woreda level, it is composed of representatives from the local administration, education, health, women and child affairs, and the community. The reporting structure starts from the woreda by the assigned GRM officers reporting to the woreda administrator, who in turn submits regular consolidated reports to the GRM office at the regional level. The head of the regional GRM office is accountable to the regional presidents and provides regionally consolidated reports to the Ethiopian Institute of Ombudsman. Regarding working documents, except Gambella and Afar, all regions have laws that enforces the implementation of GRM.

6.4.5   Ministry of Labour and Social Affairs (MoLSA)

Occupational and community Health and safety performance

237.   Now a day occupational health and safety is becoming a fundamental human right. Most of the activities of related with Occupational Health and Safety/ OHS / and Environmental and Social management/ ESM / issues are handled as an integral part of in several directorates of the government organization for instance in several governmental organizations, safety experts are assigned under human resource section/directorate. Similarly, Gender experts and women, children and youth experts are assigned in several government organizations.

Implementation Challenges

238.   According to the key informant from MoLSA, the federal civil service and labor law proclamations are employed at all level of the government structure to ensure basic safety of workers, however the law enforcement bestowed to MoLSA to ensure the adherence of the proclamation requirement for occupational health and safety in the public sectors is very limited. The system in place is only responsive to demand for reconciliation between conflicting parties. The only relationship with government organization around safety is sharing experience and encouraging the good practice in the area.

239.   Most government organization also focus on insurance as a safety measure for their workers. However, the insurance industry is focusing on compensation payment for damage instead of prevention.

240.   International and national legal frameworks and various national implementation strategies are in place which relate to GBV/SEA-SH such as the National Action Plan for Gender Equality and the National Strategy on Harmful Traditional Practices. Practical measures are also on progress, for instance, to strengthen the criminal justice response (build police and prosecutor capacity to deal with cases) or policies and procedures to tackle GBV/SEA-SH in the education system. Besides, there is a

National GBV Working Group/taskforce. However, inadequate protection from domestic violence and the lack of criminalization of marital rape continued harmful traditional practices weak coordination among service providers like medical, psycho-social, legal services etc. are inadequately prepared to deal with GBV/SEA-SH and the social work system remains as a challenge.

7   SECTION SEVEN: ASSESSMENT OF PROGRAM SYSTEM WITH PROGRAM FOR RESULTS FINANCING CORE PRINCIPLES

241.   This section summarizes the assessment of the capacity of Program institutions to effectively implement the Program environmental and social management system as defined in various rules, procedures, and implementing guidelines consistent with the core principles of *Program for Results Financing.* The section assesses the applicability of the core principles, Strengths, Weaknesses, Opportunities and Risks with respect to the policy and legal framework, the institutional context, and existing environment and social management procedures against these core principles.

242.   Based on the screening of environmental and social effects of the previous PforR Programs undertaken by the participating countries, review of the existing national environmental and social management systems, and the potential environmental and social risks to the achievement of the Program PDO, the assessment of environmental and social management systems relevant to the activities supported under the Program for each PforR Bank Policy is presented in the table below, using the Strengths-Weaknesses-Actions approach as adapted and applied to the Program context in the following way:

a) Strengths of the system, or where it functions effectively and efficiently and is consistent with the Bank Policy.
b) Inconsistencies and gaps ("weaknesses") between the country's environmental and social systems and the Bank Policy, and capacity constraints.
c) Actions to strengthen the existing system, especially being integrated into the relevant DLRs/DLIs and PAP for the Program.

Table 7-1 : Environmental and Social Management System Assessment

Core Principle 1: Program E&S management systems are designed to (a) promote E&S Sustainability in the Program design; (b) avoid, minimize, or mitigate impacts; and (c) promote informed decision-making relating to a Program's E&S effects.
Bank PforR Policy: Program Systems will: • Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments at the Program level.   • Incorporate recognized elements of environmental and social assessment good practice, including (i) early screening of potential effects; (ii) consideration of strategic, technical, and site alternatives (including the "no action" alternative); (iii) explicit assessment of potential induced, cumulative, and trans-boundary impacts; (iv) identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized; (v) clear articulation of institutional responsibilities and resources to support implementation of plans; and (vi) responsiveness and accountability through stakeholder consultation, timely dissemination of Program information, and responsive grievance redress measures.
Applicability – FULLY APPLICABLE   • **Core Principle 1** is considered in terms of environmental and social management (ESM) for the sector during implementation the proposed Program, as a key instrument to establish and strengthen the existing environment and social management systems under the executing agencies and related

implementing units. The principle becomes more relevant because the Program will include some investments in civil works related to construction, rehabilitation, and extension of new infrastructure services which will include house IT equipment, among others.

- These investments are likely to have physical footprint with a varying degree of environmental and social impacts, though expected to be localized, manageable and temporary, requiring minimal mitigation.
- Civil works could potentially generate environmental and social impacts due to raw materials extraction; disposal of e-waste, solid and liquid waste; land acquisition, involuntary displacement and resettlement; GBV/SEA; Child labour; social conflict; communicable diseases (HIV, COVID-19, etc), occupational health and safety for workers, as well as air and water pollution due to construction activities.
- Social impacts associated with the project may also occur in relation to data protection and security associated with collection and analysis of statistics.
- Program-related activities will, therefore, be required to undertake environmental and social assessment and implementing measures stated in the Environmental and Social Management Plan/Preliminary Environmental Reports to mitigate adverse environmental and social impacts.

STRENGTHS	WEAKNESSES
• The participating countries have solid environmental legal and policy framework in place to protect, conserve, and mitigate adverse impacts. • The national systems provide comprehensive frameworks for environmental screening, impact assessment, and management consistent with the core principles outlined in Program for Results Financing. However, the systems are weak in social screening and assessment. • Existing legislation also helps minimize or mitigate possible adverse impacts on the natural habitats, archaeological sites, and cultural resources. • The countries have developed policies and legislation on public participation and social development. • There is a well-defined policy framework to enhance transparency on the development projects. • Some of the Executing Agencies have experience in implementing similar subprojects and are familiar with the processes, procedures and requirements under PForR (and IPF), eg KNBS, TBS, NISR, CSA. • Rwanda and Kenya have established data protection laws while Ethiopia has a draft data protection legislation already	• The implementing agencies do not have Environmental and Social Management Systems (ESMS) within the institutions to manage environmental and social risks. • The implementing Agencies (KNBS, CSA/NPDC, TNBS, NISR) lack of enough and qualified human capacity to support Environmental and Social Management Systems (ESMS) of the Program. • The social risk management systems are not well defined, developed, and coordinated. • Insufficient capacity building activities on implementing agencies to ensure compliance to required environmental and social standards during project implementation. • Poor coordination among the various implementers and inadequate attention to environmental and social concerns. • Low budget allocation for oversight authorities such as NEMC, NEMA, EPA and RDB/REMA, OSHA, DOSH, Social, Gender, Children, Labour Officers (etc), Regional governments for Environmental and Social management. • Lack of integration of ESHS clauses as part of the bidding/contract documents which makes it difficult to enhance compliance during project implementation. • Poor compliance with local environmental regulations and good practices in waste management, including e-waste management. • Data protection laws have not been enacted in all countries. Only Kenya and Rwanda have passed Data

presented to the Council of Ministers and shall be tabled to House of Federation the first legislative session.	Protection Law, while Ethiopia's draft law will be tabled for approval this Ethiopia Calendar Year and Tanzania is preparing a data protection law with World Bank support under the "Tanzania Digital Foundations Project (P160766)"
OPPORTUNITIES • The implementing partners have been sensitized on the need to have ESMS in place and are familiar with requirements in implementing WB funded projects. • Development of appropriate guidelines, screening checklists, technical options, and manuals to ensure compliance with environment and social legislation within the Program. • The PIUs have an opportunity to build and strengthen their ESMS to manage environmental and social risks for proposed Program and future Programs. • Development of E-wastes recycling and disposal management guideline that applies for the E-waste stream to be generated during operations of the Program. • Opportunity to assist the host countries in implementing the new Data Protection Laws.	**RISKS** • During projects execution, there is a risk of poor implementation or mainstreaming of existing environmental and social management regulations in Program guidelines • No mechanism will be in place for safe and environmentally sound disposal of used IT equipment and related hazardous wastes. • Addressing the environmental and social management needs and challenges depend on capacity building of the key sector organizations both in terms of human and financial resources, training, and strong monitoring. • Inadequate or no budget allocation for environmental, social and safety management **LEVEL OF RISK - MODERATE**

Core Principle 2: Program E&S management systems are designed to avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources (PCR) resulting from the Program. Program activities that involve the significant conversion or degradation of critical natural habitats or critical physical cultural heritage are not eligible for PforR financing.

Bank PforR Policy: As relevant, the Program to be supported:
• Includes appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas.
• Supports and promotes the conservation, maintenance, and rehabilitation of natural habitats; avoids the significant conversion or degradation of critical natural habitats, and if avoiding the significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or Program activities.
• Takes into account potential adverse effects on physical cultural property and, as warranted, provides adequate measures to avoid, minimize, or mitigate such effects.

Applicability – APPLICABLE

- The provisions in Core Principle 2 are considered as part of the environmental and social management assessment process analyzed under Core Principle 1. The Program will not support investments that would either affect or convert critical natural habitats and will avoid the conversion of natural habitat.
- The proposed sites under the Program will be situated in built-up areas, with unknown physical cultural resources.
- Activities funded under the Program will not likely generate adverse impact on natural habitats, physical and cultural resources since civil works will be limited to existing offices/structures.
- In addition, the subprojects are expected to have a smaller physical footprint, and therefore preventive approach will be used in siting the proposed infrastructures to avoid adverse impacts on natural habitats and physical resources
- Disposal of e-waste could pose some risk to natural habitats and if not properly disposed properly.

STRENGTHS	WEAKNESSES
• The existing legislation for participating countries ESIA process considers physical cultural resources, includes screening for archaeological, historical, and cultural sites to ensure environmental and social sustainability. • The assessments incorporate the Program design and implementation of appropriate measures to minimize or mitigate possible adverse impacts on the natural habitats, archaeological sites, and cultural resources. • Program will exclude subprojects that have adverse impacts on natural habitats and physical cultural resources.	The weaknesses identified for Core Principle # 1 apply to Core Principle # 2. Others include: • Weak enforcement of civil contracts and laxity in monitoring during construction. • Weak capacity to assess the potential impacts on natural habitats and physical cultural resources.
OPPORTUNITIES	RISKS
The opportunities and actions identified for strengthening the system for Core Principle # 1 apply to Core Principle # 2. Others include: • Improve the level of awareness on safeguarding threatened habitats and PCRs. • Strengthen the screening procedures to include a checklist to assess whether a subproject has the potential for disturbing and affecting a known cultural or religious site.	The risks identified for Core Principle # 1 apply to Core Principle # 2. Others include: • Inability to screen subprojects and impacts on natural habitats and PCRs. • Specific measures to manage impacts on PCRs and natural habitats are not included in the subproject cost. • During civil works, known or unknown physical cultural resources, tangible and intangible resources like antiquities, relics of cultural and religious valued resources might not be properly identified and might be affected. • Lack of commitment and resources to implement E & S actions on PCRs as part of the Program Action Plan. **LEVEL OF RISK - LOW**

Core Principle # 3: Program E&S management systems are designed to protect public and worker safety against the potential risks associated with (a) the construction and/or operation of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.

Bank PforR Policy:
- Promotes community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure, or in carrying out activities that may be dependent on such infrastructure with safety measures, inspections, or remedial works incorporated as needed.
- Promotes use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through Program construction or operations; and promotes use of integrated pest management practices to manage or reduce pests or disease vectors; and provides training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions.
- Includes measures to avoid, minimize, or mitigate community, individual, and worker risks when Program activities are located within areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events.

Applicability – FULLY APPLICABLE
- The provisions in Core Principle # 3 are considered as part of the ESIA process analyzed under Core Principle # 1.
- Rehabilitation, construction, and operation of various physical infrastructures under the Program will expose the general public, as well as construction workers to risks such as dust, air pollution, noise, water pollution, solid waste, and toxic or hazardous materials at sites during civil works, which directly or indirectly resulted in occupational safety impacts. Therefore, Core Principle 3 *is fully applicable* to the Program.

STRENGTHS	WEAKNESSES
- The EIA regulation contains robust procedures and requirement for worker health and safety, requiring plans for accident prevention as well for health and safety of workers and communities, which are also part of contracts for civil works. - The host Government's standard contract conditions for contractors include provisions for public and worker safety (for example, regulations on the use of explosives, provision of barricades at the construction site, use of personal protection gear by workers, disposal of construction debris and wastewater, preventing the creation of conditions conducive to disease vectors, etc.). - The participating country systems have guidelines/regulations through agencies responsible for overseeing the management of construction sites, including public and worker	- Limited capacity and poor supervision to ensure compliance to required national standards within relevant agencies responsible for OHS. - Limited capacity in technical personnel, safety equipment provision, and budget by contractors to comply with national requirements and international good practices. - Poor coordination among the various implementing agencies, and inadequate attention to OHS concerns, particularly at the regional level. - There is a general lack of awareness on health and safety issues, particularly concerning exposure to workplace safety hazards aspects. - There are weak structures of disposal of e-waste, hazardous wastes, and capacity in the private sector is limited to dispose such waste.

safety risks from construction/operation of facilities. • The participating countries have Hazardous Waste Control and Management Regulations and the Guidelines for Management of Hazardous Waste which provide detailed requirements on hazardous waste management. Some countries like Kenya and Rwanda have private sector players who recycle e-waste.	
OPPORTUNITIES • Strengthening of Country systems to manage e-waste and OHS risks. • Improve awareness and implementation/ enforcement capacity of implementing partners on e-waste and contractors on OHS through training and orientations. • Creation of development of good practices and procedures for (i) construction site management, (ii) post-construction site rehabilitation, and (iii) proper management and disposal of e-waste and other hazardous waste. • Include worker's Code of Conduct in contract documents. • Enforcement of health and safety provisions in the contract. • Update the standard bid documents and contracts to spell out specific e-waste and OHS measures, where required, preparation, and implementation of Contractor ESMP. • Inclusion of appropriate requirements in civil works contracts and preparation of the required instruments of management plans such as Waste Management Plan, Air, and Noise Pollution, among others.	**RISKS** • Lack of accountability on disposal of e-waste after project completion. • Systematic implementation of OHS provisions requires enhanced awareness in the key sector organizations and strengthened monitoring. • Inability to ensure public and worker safety can result in physical injuries, including loss of life to the workers and public at and near construction sites. • Lack of enforcement of contracts resulting in non-compliance, accidents, and fatalities at the construction sites. • Non-reporting of project-related accidents and fatalities, and inaction on implementing agencies and contractor. **LEVEL OF RISK – MODERATE**

Core Principle # 4: Program E&S systems manage the land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards

Bank PforR Policy: As relevant, the Program to be supported:
- Avoids or minimizes land acquisition and related adverse impacts;
- Identifies and addresses economic and social impacts caused by land acquisition or loss of access to natural resources, including those affecting people who may lack full legal rights to assets or resources they use or occupy;
- Provides compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid prior to taking of land or restricting access;
- Provides supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment); and
- Restores or replaces public infrastructure and community services that may be adversely affected.

Applicability – NOT EXPECTED TO BE APPLICABLE
Screening of projects within the host countries will be done during project planning to determine if there will be any land acquisition or physical or economic displacement. In case land acquisition will be required, or there will be any economic/physical displacement, the respective subprojects will have to seek exemption from the WB to proceed at the screening stages, before commencement of subproject activities.
If there will be any need for land acquisition, host country regulations will be followed, including ensuring that compensation of land and affected PAPs is done before commencement of any civil works.

Core Principle # 5: Program E&S systems give due consideration to the cultural appropriateness or and equitable access to, Program benefits, giving special attention to the rights and interests of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, and to the needs or concerns of vulnerable groups.

Bank PforR Policy:
- Undertakes free, prior, and informed consultations if vulnerable and marginalized communities/ Traditional Local Communities are potentially affected (positively or negatively) to determine whether there is broad community support for the Program.
- Ensures that vulnerable and marginalized communities/ Traditional Local Communities can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the vulnerable and marginalized communities/ Traditional Local Communities.
- Gives attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or vulnerable and marginalized communities/ Traditional Local Communities. If necessary, special measures are taken to promote equitable access to Program benefits.

Applicability –PARTIALLY APPLICABLE
There is potential that data collected may be misused to marginalize certain groups of individuals or communities. Data collected may also be used for unfair distribution of resources.

STRENGTHS	GAPS
• The countries have existing or Draft regulations on data protection, to protect misuse of data on its citizens. • The policies, strategies and constitution clearly emphasis the rights of vulnerable individuals and groups as well as Underserved Traditional Local Communities to have access to services.	• Weak capacities to enforce compliance to required national standards on data protection • Poor commitment to protect misuse of data by the elites. • Weak capacity to disseminate information to promote social accountability and grievance redress mechanisms on data protection to majority of the citizens. • Lack of awareness among citizens on data protection rights.
OPPORTUNITIES	RISKS
• There is a commitment at the national governments to protect data collected, through the existing and draft laws. • Capacity building on management and training to encourage participation by the public. • Strengthen existing laws and regulations on data protection. • Development of robust stakeholder management strategies within the systems as part of the public consultations Programs to strengthen and systematize projects consultation processes and grievance redress mechanisms on data protection.	• Increased cyber security might not manage to protect data collected. • Use of data for purposes other than that for which it is intended. **LEVEL OF RISK – MODERATE**

Core Principle # 6: Program E&S systems avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
Bank PforR Policy: Considers conflict risks, including distributional equity and cultural sensitivities.
Applicability –NOT APPLICABLE • The Program will not undertake projects that will cause or exacerbate social conflict in fragile states, post-conflict areas or areas subject to territorial disputes, or cause social conflict or impact distributional equity or associated cultural sensitivities

8   SECTION EIGHT: INPUTS TO THE PROGRAM ACTION AND IMPLEMENTATION PLANS

243.   Based on the above assessment and findings, this section outlines key findings and recommended actions for improving the social and environmental management systems required for mitigating/minimizing those risks and gaps/challenges, where appropriate during the planning and implementation stages. These options for improvement of the environmental and social management system (ESMS) were discussed during the ESSA validation workshop with the stakeholders who will include Implementing agencies, stakeholders, and institutions and agencies responsible for environmental and social monitoring in the Program.

8.1   Key Findings on the Environmental and Social Systems Assessment

244.   The key findings of ESSA on environmental and social systems are:

i.   The participating countries have well developed and robust legislation, regulations, and systems to manage environmental, health, and safety risks. The national EIA systems have well-defined guidelines covering project registration and screening, ESIA process (scoping, alternative analysis, impact assessment, mitigation measures, management plan and consultation), monitoring and auditing, and decommissioning. However, there are no equivalent legislation or systems to manage distinctly social risks. The countries do not have well developed and defined Social Risk Management (SRM) System – there are different organizations handling social issues with poor coordination mechanisms.

ii.   The assessment identified the weakness in supervision/monitoring and poor enforcement which should be strengthened to address the potential environmental and social challenges that might be encountered during the implementation of the Program.

iii.   The Program's implementing units at Implementing Agencies do not have Environment and Social specialists with experience in PfoR. The implementing units will need to be strengthened to manage potential environmental and social risks along with a framework for monitoring the same.

iv.   The capacity to manage e-waste in participating countries remain weak, leading to poor management of e-waste, including poor enforcement by the authorities. The host countries have some few private sector players in e-waste management, with limited capacity to handle all the e-waste generated.

v.   Kenya and Rwanda already have dedicated legislations on data protection, Ethiopia has a draft legislation expected to be enacted this Ethiopian calendar year, while Tanzania shall be preparing its own dedicated legislation with World Bank support under the "Tanzania Digital Foundations Project (P160766)".

vi.   There is weak annual environment and social performance verification audit procedures for minimum conditions related to environmental and social safeguards under existing PforR Programs within the participating countries. The annual audit for the proposed Program needs to be well developed to ensure E&S risks are captured well in the audit process.

8.2   Program Action Plan Summary

245.   Though the potential environmental and social risks and impacts of investments and activities under this Program are expected to have minor impacts, the Program provides an opportunity not only to strengthen the weaknesses in the procedures mentioned above to identify and mitigate these potential effects but also to strengthen the Implementing agencies in three areas: (i) strengthening of environmental and social management systems, (ii) ensuring implementation and monitoring of environmental and social management; and (iii) building capacity for environmental and social management.

246.   To fill the gaps identified in the ESSA, the Program will support specific measures to enhance the participating country's environmental and social management system performance, including on e-waste management. These measures will be implemented through technical support of the institutions in charge of environmental and social management in in host countries (NEMA, NEMC, EPA, RDB/REMA, DOSH, OSHA, etc) to manage environmental and social issues, including the OHS risks.

247.   These measures have been consolidated into the ESSA Action Plan that guides the overall formulation of the Program. Implementation of environmental and social procedures contained in the Program's Operational Manual and Environmental and Social Risk Management Manual will be part of the performance criteria in the Program Assessment System that will be implemented for the Program.

248.   The implementation of some of these measures will be enhanced by their integration into the overall Program Action Plan and legally incorporated into the financing agreement of the Program. These action plans for the Program are grouped into three areas.

     i.   actions to strengthen the environmental and social management systems;
    ii.   actions to strengthen the implementation and monitoring of the environmental and social management of investments under the Program; and
   iii.   actions to build the capacity of relevant institutions for staff involved in the Program to enhance environmental and social management performance.

8.2.1   Strengthening of the Environmental and Social Management System

249.   The recommended actions under this theme are:

  (i)   Collaborate with relevant oversight authorities (NEMA, REMA/RDB, EPA, NEMC, DOSHS, OSHA) to provide targeted capacity building to staff at the PIU and contractors/suppliers on environmental and social risks, and OHS issues.
  (ii)   Develop Program Operation Manual (POM) incorporating environmental and social management procedures before launching of the Program.
 (iii)   POM to include Data security Management Plan to secure data and information collected from the citizens, including data privacy measures as necessary.
 (iv)   Incorporate E-Waste Management Plan as part of Environmental and Social Risk Management (ESRM) Manual.
  (v)   Establish ESMS coordination mechanisms with other institutions/entities/departments including the directorates of Occupation, Health, and Safety, labour, gender, social development, etc.
 (vi)   Establishment of a Grievance Redress Mechanism for the Program that is accessible to the project

beneficiaries. The environment and social risk management manual will provide a full description of the GRM process.

(vii) Use lessons learned and coordination of efforts of the actions under other PforRs in host countries on development of Environmental and Social Management System (ESMS) for the Program.

(viii) Hire a safeguard specialist (or second from relevant E&S management institutions) at the PIUs.

(ix) Ensure that all the bidding documents for specific investment include the environment and social clauses and the related costs.

(x) Establish stakeholder engagement process for the Program that integrates the planning process of the proposed investments in statistics and data.

8.2.2 Strengthening of implementation and monitoring of the environmental and social management system

250. The recommended actions under this theme are:

(i) Incorporation of environmental and social management implementation and monitoring procedures documented in the Program Operation Manual and Environmental and Social Risk Management Manual by implementing units for:
   - Supervision or monitoring of the ESMPs;
   - ES Reporting;
   - GRM monitoring; and
   - Monitoring Contractors/suppliers performance in terms of E&S issues.

(ii) Develop procedures for assessing the performance of the Program on environment and social management that relies on environment and social performance protocol, this will be outlined on the environment and social risk management manual.

(iii) Public disclosure of the ESIA and ESMP and other documents.

(iv) Monitoring of complaints and issues related to land acquisition and involuntary resettlement.

(v) Reporting of environmental and social incidents and accidents by the subprojects.

(vi) Incorporating ESMP and OSH contractor/supplier clauses in the bidding and contract documents.

(vii) The annual environment and social performance verification audit procedures will be strengthened under this Program to ensure a robust verification process, building on lessons learned from other PforR Programs.

8.2.3 Strengthening of environmental and social management capacities

251. The recommended actions under this theme are:

(i) Integration of environmental and social management into the Program's general capacity building plan, including ensuring a robust meaningful consultation process with stakeholders is achieved.

(ii) Training in environmental and social management for technical staff, officers and contractors/suppliers involved in the implementation of the Program.

(iii) Training in incorporating environmental and social risks, and the cost in the bidding documents and for the PIU and Procurement officers.

(iv) Train implementing agencies on data security and cyber crimes associated with large data

(v) Where land acquisition will be required, integration of environmental and social management into the Program's general capacity building plan, including land acquisition, user agreements,

voluntary land donations, and stakeholder engagement/consultation

8.2.4 COVID-19 Pandemic Management

252.   The participating countries have issued directives, policies and laws that touch on public health on COVID-19 Pandemic. The Program will therefore adhere to the Laws and Regulations that have been issued by the Government, and WHO Guidelines to ensure the risks associated with COVID-19 pandemic are mitigated during the Program Implementation.

Table 8-1 : Environmental and Social Risks Action Plan

Issue/Risk Description	Action/Completion	Timeframe	Responsible Party	Instrument
Need to strengthen environmental and social management systems	Program Environment and Social Risk Management Manual and POM to include: ❖ full description of <u>environmental and social management processes and procedures </u>for <u>proposed</u> investment projects (screening, appraisal, assessments, mitigation measures, monitoring and supervision etc.) ❖ Program guidance notes, guidelines and technical standards on subproject activities to include environmental and social management issues, including e-waste management	Before Program commencement	TNBS, CSA, NISR, KNBS	POM (dated covenant) Environment and Social Risk Management Manual
	<u>Coordination and review mechanisms</u> for environmental and social management systems to be led by relevant authorities in Environment and social dockets (eg NEMA, NEMC, EPA, RDB)	Continuous	NEMC, NEMA, EPA, RDB	Progress reports
Inadequate <u>implementation</u> of environmental and social management system	Include in DLIs and Key Result areas, Minimum Conditions (MC)/Performance Standards (PS) system ❖ Preparation - Incentives for inclusion of Program's ESMS processes/procedures in investment project preparations (minimum conditions and key result areas on investment project preparation) ❖ Performance - Incentives for application of ESMS processes/procedures in implementation of investments. (Performance standard on complete investment projects).	Continuous	TNBS, CSA, NISR, KNBS	Minimum Conditions (MCs)/Performance Standards and Annual Performance Annual (APA) process Verification for DLI 3.1 on infrastructure upgrades to include criteria on inclusion/application of ESMS processes and procedures.

Issue/Risk Description	Action/Completion	Timeframe	Responsible Party	Instrument
	Program subprojects and PIU reporting requirements to include reporting on ESMS performance, including social performance.	By effectiveness (POM)	PIU	POM that includes an Environment and Social Risk Management Manual
Non-compliance of Contractors to Program E&S requirements	PIU to develop induction and training Program for all their contractors/suppliers on ESMS, including OHS.

Ensure enough provisions are done for COVID-19 and WHO and Host countries protocols are adhered to. | Before commencement of projects

Throughout the Program | WB, Implementing agencies, NEMA, EPA, RDB, NEMC, OSHA, DOSHS | Training materials

Develop COVID-19 Guidelines |
| Insufficient staffing, knowledge and skills for managing environmental and social issues, including e-waste | Qualified and experienced staff assigned to coordinate environmental and social management at Implementing agencies
Role and responsibilities of safeguards specialists defined POM and the Environmental and Social Manual | By effectiveness (recruitment or secondment) | Implementing Agencies | POM (Program management and ESMS sections and ToRs) that includes an Environment and Social Risk Management Manual. |
| | Training in environmental and social management systems for technical staff at the Implementing Agencies. | Year 1 Continuous | WB, DOSHS, OSHA, EPA, NEMA, REMA NEMC | Technical Assistance component |
| Lack of project specific grievance redress mechanisms | Establishment of a Grievance Redress Mechanism (will be part of the overall GRM for the Program). | Year 1 Before commencement of the subprojects | PIU | POM that includes GRM in the Environment and Social Risk Management Manual |

Issue/Risk Description	Action/Completion	Timeframe	Responsible Party	Instrument
E-Waste Management	• Develop E-waste recycling and disposal management guidelines that applies for safe disposal of the E-waste stream to be generated during operation of Regional Statistics P for R project for the Implementing Agencies. • Program to work with Implementing agencies and other relevant agencies managing e-waste to strengthen and create awareness on e-waste management within the participating countries	• Continuous	• TNBS, CSA, NISR, KNBS • TNBS, CSA, NISR, KNBS • NEMA, NEMC, REMA, EPA	• POM that includes an Environment and Social Risk Management Manual • Information, education, and communication (IEC) materials on e-waste management
Data security and usage	• Sensitization and creation of awareness on Data Protection and Security laws and regulations to the citizens • Ensure that all data centers are properly secured • Program to ensure all agencies to be involved in data collection and handling sign non-disclosure agreements • all data and information that is publicly displayed is anonymized • Limit the number of people with access to non-anonymized data/ information, • Ensuring data and information collected is encrypted. • Assess level of knowledge, attitude, and practice for Implementing agencies' staff on data protection and security. • Undertake Cybersecurity Audit to determine whether Implementing agencies have proper data protection and security mechanisms and	• During operation	• Implementing agencies	• POM to include data protection and security protocols • Data security and usage measures will be considered in the DLI 2.4 supporting use of administrative data for Ethiopia and Tanzania on activities supporting interagency automatic data exchange and DLIs 2.1 – 2.3 requiring anonymization of survey micro-data before public dissemination

Issue/Risk Description	Action/Completion	Timeframe	Responsible Party	Instrument
	complies with relevant regulations. The Audit should include review of policies, standards, guidelines and procedures, as well as a review of professional certifications of IT technical personnel. • Undertake staff capacity building on data protection and security, which should include certification of personnel with access to public data and information			
Social Inclusion	• Engage with stakeholders who represent Indigenous People/ Sub-Saharan African Historically Underserved Traditional Local Communities and Vulnerable Groups (women, people living with disabilities etc) to inform the design of survey instruments, sampling strategies etc to ensure inclusion in data collected and available.	• During operation	• TNBS, CSA, NISR, KNBS •	POM to include need to engage, who with, timing and mechanisms. DLI 2.6 supports generation of representative master samples using non-traditional data sources and DLI 2.3 for Ethiopia support methodological improvement for measuring pastoral agriculture activity

Issue/Risk Description	Action/Completion	Timeframe	Responsible Party	Instrument
Land acquisition (Where applicable in participating countries)	• Conduct due diligence on all proposed sites where regional statistics offices are planned to be constructed to identify any requirements for land acquisition, physical and or economic displacement. • In case land acquisition will be required, or there will be any economic/physical displacement, the respective subprojects will have to seek an exception from the WB to proceed at the screening stage, before commencement of subproject activities.	• Before Project commencement	• TNBS, CSA, NISR, KNBS	• Bank waiver • RAP to be prepared in alignment with Core Principle 4.

9   SECTION IX: STAKEHOLDER CONSULTATIONS

9.1   Stakeholder consultations in Tanzania

253.   The main concerns raised by stakeholders are summarized below.

Table 9-1 – Stakeholder Comments in Tanzania

No.	Question/Comment	Response	Remarks
1.	What are the proposed project activities and what will be their environmental and social impacts?	**The project involves:** Strengthening the harmonization, quality and dissemination of statistics, through better survey data and routine data systems, and improving statistical infrastructure and institutional arrangements. Construction of Statistics Buildings in Simiyu, Lindi regions and Bemba Island, Zanzibar. Strengthening ICT networks and the availability of computer hardware and software. The proposed activities under 2 are likely to cause environmental pollution especially during construction phase. The activities under 3 are likely to generate e –waste which are hazardous.	The country has frameworks which specify how to handle construction activities. For e-waste, the country has enacted a law which specifically deal with the E – waste.
2.	The project must ensure that innovation and improvements in methodologies will not come at the expense of the comparability of statistics collected in the past	This is an important observation and the project will make sure that comparability is maintained, e.g. through 'bridge surveys' that include both the old and the new method in one single survey.	Agreed
3.	Tanzania faces the challenge that data collection is not centrally controlled and there is limited data harmonization. Different organizations collect and use data and have the autonomy to do that. The project must ensure that data from different organizations are shared and controlled centrally.	A better coordination of the multiple members of the national statistical systems is a central component of the project. This requires better regulatory arrangements, better quality control procedures, more automated data sharing and clarity on mandates for data checking data quality and producing official statistics.	Further strengthening of the regulatory environment may be needed for this, which the project will support.
4.	The project should consult the Vice President, Office of the Environment on how to deal with the issue of e-waste.	The project will make use of available institutional frameworks to manage any environmental problems that may emanate in the course of implementing the project.	Agreed
5.	Lack of available expertise to handle environmental and social issues at the NBS and Zanzibar OCGS can be resolved by hiring	The Bank will advise the project teams in Tanzania mainland and Zanzibar to hire environmental and social experts who will oversee relevant issues.	Agreed

	them from other government organizations responsible for the management of such environment and social issues.		
6.	Given the sensitivity of the project, NBS can ask for land allocation from the government but must ensure that proper procedures are followed to ensure smooth transfer of rightful ownership.	Tanzania has laws and regulations that guide resettlement and compensation which will be observed in case land acquisition is required.	Agreed
7.	How is the proposed statistical development P4R Program linked with the Agricultural Sector Development Plan II?	Strengthening the timely availability of agricultural statistics data is one of the subcomponents of the project. The details of the activities to be undertaken will be discussed and coordinated with the development partner -government coordination group on agricultural statistics.	Agreed
8.	Who are the stakeholders involved in the implementation of the Program activities? The project should consider taking on board academic institutions because universities have adequate skills to make use of statistical data but these are currently underutilized.	Stakeholders include all producers and users of statistical data. Promoting better use of statistical data including by researchers and higher learning institutions is an important component of the project. It will for example include a 'story telling competition' for university students, and training on data analysis will also be extended to academics. This could be part of a Training of Trainers to help strengthen statistical skills of local government officials across the country.	Agreed
9	How has this project made consideration to gender issues in its design and how it will assist in generating gender disaggregated statistics?	Yes, this is an important dimension of statistical development that will be put central in the strengthening of data collection as well as data analysis.	Agreed
10.	What are the strategies in place to train people in data management and protecting data privacy? There are open data source and protocols for sharing data however all are temporal. Therefore, it is important to train those who will be responsible for data handling during implementation of the project activities.	Strengthening database management is an important cornerstone of the project. As the operation promotes data sharing and data integration as part of a better coordinated and more centrally managed national statistical system, this will become even more important. See below for question on data protection.	
11.	In the country Tanzania, statistics is not a well-known issue and people tend to take it for granted. Awareness on the importance of statistics at lower level of education is important. There should be a mechanism to integrate statistic subjects in primary school as part of the mathematic subject.	Agreed that this is an important issue which requires discussions with the education authorities on the school curriculum. The team will explore this with the client and assess what can be done. Training of journalists on how to better use and interpret statistics is included in the project.	Agreed

12.	The project has prospects in many ways but there are many institutions dealing with data both private and government apart from the two mentioned institutions (NBS and the OCGS), how many institutions are going to benefit from the project?	In principle all members of the national statistical systems can benefit from this project. This includes government agencies at the national and local level that generate data and contribute to the generation of official statistics. In addition, important users of statistics can benefit from capacity building activities especially if they are involved in the policy making process.	Agreed
13.	There are security concerns on the likely social impacts resulting from updating of the census data using smart techniques. How sensitive will the information be and if so, how will the project protect the data? How will the project deal with the complaints from the communities on data leakage?	The operation will pay particular attention to data protection to safeguard data privacy. Obtaining ISO standards in this area is one of the disbursement linked results. Tanzania does not have a data protection law but it will develop one under a different WB project (Digital Tanzania).	Agreed
14.	Agribusiness related surveys are overlooked or lumped under general enterprises, however there are always specific issues related to agribusinesses that need to be looked out differently.	That is noted. Supporting enterprise surveys are an important activity of the project and adequate coverage of agro-industries will be emphasized.	Agreed
15.	Is the Program going to accommodate internships or students at Masters or higher levels who collect and use statistics in their studies?	The project will fund short and long-term training courses which could include obtaining Master's level degrees. The issue of internships has not yet been discussed with the client.	Agreed
16.	How are the civil society organizations going to be incorporated during project implementation?	Civil society members keen to use statistical data to advise government policy making should be able to participate in the trainings on data analysis, data interpretation and report writing. There are plans to invite media organizations for such trainings.	Agreed
17	Will both private and public universities benefit from this project?	This has not been discussed with the client, but in principle no distinction will be made between public and private universities.	Agreed
18	Some university institutions offer degree Programs on Monitoring and Evaluation that focus on data. How can the Program integrate such Programs during implementation?	Strengthening data use, including data analysis skills, will be an important component of the project. Training courses for high learning institutions are included in the project design.	Agreed

9.2   Recommendation to how to handle big data (Dr. Elimboto Yohana)

254.   Many businesses from very large to medium-sized, are from time to time becoming data-driven, and Big Data (https://www.tssfl.com/what-is-big-data-6364, extremely large data sets that may be analyzed computationally to reveal insights - patterns, trends, and associations between variables) is increasingly playing an important role in propelling such businesses on a day-to-day basis. Organizations have been depending on a variety of massive volumes of data that they can analyze to get insights that lead to better decisions and more strategic business moves. Data-centric decisions are becoming mandatory for businesses that want to strategize their endeavors in order to optimize success in achieving the desired ends. The best approach to deal with Big Data or generally any data for rapid scientific decision making is to develop and deploy algorithms and workflows to create data pipelines that handle and automate processes from data collection, storage, management to data retrieval, processing, analysis, insightful statistics, visualizations, and reports. The target is to deliver unprecedented data solutions with high speed, high accuracy, and high reliability. These pipelines can streamline automated solutions and cut off massively the time, resources, and processes employed to handle data tasks traditionally.

255.   The proposed approach can be demonstrated by the Tanzania Students and Scholars Foundation Limited Open Discussion Forums (TSSFL ODF - https://www.tssfl.com) which is currently a very robust cloud platform that facilitates inspiring and unprecedented technology-assisted solutions in teaching, learning, research, and problem-solving. One of the great successes of the TSSFL ODF is the ability to digitally automate various data tasks and research solutions. TSSFL ODF is equipped/integrated with state-of-the-art software and web-based technologies, ranging from scientific models/algorithms to systems, processes, and workflows that can be deployed to deliver data solutions. Several options that we have explored using the TSSFL ODF cloud platform can be adapted, adopted, and imitated for data collection using mobile, submission to a server, and then retrieving, processing, and analyzing the data. We have tested this methodology using TSSFL ODF by utilizing a suite of integrated tools, which include the Open Data Kit (ODK) Collect https://www.tssfl.com/tsfl-of-odk-collect-and-google-drive-integration-to-collect-store-manage-process-and-analyze-data-6425, KoBo Collect, KoBoToolbox web forms https://www.tssfl.com/kobo-collect-kobotoolbox-google-sheet-tssfl-odf-data-analysis-6464, and Google survey forms https://www.tssfl.com/first-public-service-webinar-accelerated-research-solutions-with-digital-technologies-6442 to automate data tasks with TSSFL ODF, from data collection to analysis, results, and reports.

256.   There is however no reason to hesitate from advancing to developing and/or deploying more diverse, efficient, and robust end-to-end solutions by creating data science workflows that add more intelligence to data science pipelines. These advanced solutions are inspired by the creative convergence of digital and ICT that is rapidly changing the way we conduct our daily businesses. The emergence and development of new data science-related skills, tools, and the ecosystem such as Artificial Intelligence, Machine Learning, Deep Learning, the Internet of Things (IoT), TensorFlow, PyTorch, (CUDA/OpenCL, cuDNN for threaded and parallel computing), and BlockChain Technology have introduced and influenced smarter ways of carrying out everyday tasks, and research is not an exception. The Eastern Africa Regional Statistics Program-for-Results, ESSA, and NBS capacity building and future prospects can thus focus and pay special attention to adapting robust approaches to efficiently carry out data-intensive tasks by employing Big Data models and pipelines for rapidly addressing various data and research challenges.

Table 9-2 – List of Participants in Tanzania

S/N	Name of Participants	Position	Institution
1.	Dr. Albina Chuwa	Statistician General	NBS
2.	Mr. James Mbogo	TSMP II Coordinator	NBS
3.	Ms. Mwanaidi Mahiza	Information and Technology Manager	NBS
4.	Ms. Esther Mnyagala	Head of Procurement Unit	NBS
5.	Mr. Stambuli Mapunda	Personnel and Administration Manager	NBS
6.	Mr. Aggrey Kinasha	M&E Specialist	NBS
7.	Ms. Mayasa Mahfoudh Mwinyi	Chief Government Statistician	OCGS, Zanzibar
8.	Ali Idrisa Shamte	Director of Standards and Coordination of Statistics and Research	OCGS, Zanzibar
9.	Dr. Aloyce Hepelwa	Senior Lecturer	Department of Agriculture Economics, University of Dar es Salaam (UDSM)
10.	Dr. Victoria Mushy	Lecturer	Institute of Resources Assessment (IRA), University of Dar es Salaam (UDSM)
11.	Dr. Elevatus Nkebukwa Mukyanuzi	Lecturer	University of Dar es Salaam (UDSM)
12.	Dr. Benedict Malele	Lecturer	Ardhi University (ARU)
13.	Godfrey Saga		East Africa Statistics Training Centre (EASTC)
14.	Nelson Ndifwa		East Africa Statistics Training Centre (EASTC)
15.	Dr. Lilian Mulamula	Lecturer	University of Dar es Salaam
16.	Mr. Kelvin Rweshobora		East Africa Statistics Training Centre (EASTC)
17.	Dr. Jeremia Makindara	Lecturer	College of Economics and Business Studies, Sokoine University of Agriculture (SUA)
18.	Ms. Joyce Minja		East Africa Statistics Training Centre (EASTC)
19.	Kelvin Rweshabora		East Africa Statistics Training Centre (EASTC)
20.	Dr. Yohana Elimboto		University of Dar es Salaam
21.	Mr. Benjamin Mchwampaka	Eastern Zone Manager, NEMC	National Environmental Management Council (NEMC)
22.	Dr. Ellen Otaru	Quality Assurance Coordinator & Chairperson of JET –Journalist Environmental Association of Tanzania	Haki Elimu
23.	Mr. Guesturd Haule	Head of Monitoring and Evaluation, Research and Learning	Foundation for Civil Society
24.	Ms. Pielina Lamba	Statistician, UNWomen	UNWOMEN, Tanzania

9.3   Stakeholder Consultations in Ethiopia

257.   The ESSA team of Ethiopia has carried consultative meetings as well as key informant interviews with the main stakeholders of the Regional Statistics PforR in Ethiopia from September 14-17/2021. The consulted stakeholder institutions consist of the two project implementing agencies, i.e. Central

Statistics Agency (CSA) and National Planning and Development Commission and three key Program over sighting bodies/ stakeholders including Environment, Forest and Climate Change Commission (EFCCC), Ministry of Labor and Social Affairs (MoLSA) and Ministry of Women, Children and Youth (MOWCY). A total of 5 consultative meetings were conducted in five national level government institutions. In this process a total of 22 senior officials and experts were consulted.. The consultation meetings and interviews were guided by selected proposed questions adopted from the ESSA preparation methodology guide customized for the present Regional Statistics PforR-Ethiopia. The main issues and concerns discussed during the consultation consisted of the following points:

258.   The CSA, as it is the practice with all other government institutions, have both the authority and responsibility to plan, request and utilize financial budget from the national treasury (i.e. Ministry of Finance) for all its activities and Programs including for Environmental, Social, Occupational Health and Safety aspects. It was expressed during the consultative meeting that the CSA had been able to commission an ESIA study from its own budgetary resources for the head office building project whose construction was financed by the Government. The PDC, being a government institution, also have similar authority and responsibilities in allocating resources for E & S management when deemed necessary.

259.   Both the CSA and PDC have a belief that their mainstream work activities are related to data collection, processing and dissemination which they consider to have low or insignificant potential environmental and social impacts. Consultation participants from the PDC underlined that most of the data exchanged with sector MDAs for national planning and to compute national accounts are usually in soft copy and the upcoming capacity building support activities including the present P for R are expected to strengthen further automation of these activities. From this perspective, the CSA and PDC do not have a unit or section that is directly responsible for handling E & S risk management works routinely in all their areas of operation. However, they have firm commitment that E & S risk management activities would be managed either by the existing related departments in the institutions or by special arrangements such as forming PIU, adhoc committees, commissioning of consulting experts, and through interagency collaboration.

260.   CSA consultation participants expressed that the Agency has recently concluded the implementation of a World Bank financed project: The Statistics for Results (SFR) project. As a result the CSA has gained experiences in Environmental and Social Risk Management through its practices of implementing the SRF ESMF for all the subprojects implemented. It managed to prepare and implement a number of ESIA/ESMP instruments for the head and branch office buildings constructed. The former SRF PCMU consisted of an E&S risk management specialists, who were in charge of ESMF implementation, has been disbanded after the termination of the SRF project. The E&S risk management experiences gained was not institutionalized into the CSA system, and as a result, the CSA currently lacks an E&S risk management unit. However, during the consultations, CSA's readiness to apply similar arrangements for E&S risk management through inclusion of safeguard specialists in the PIU to be established for the Regional Statistics PforR project was noted.

261.   It was noted during the consultations that the PDC has gained experiences in E&S management from the works it has done in partnership with several International and multilateral organizations such as Development Assistant Group (DAG), UNDP, IGAD and CoMESA. As a result, though there is no unit or section directly responsible to manage the environmental and social risk and impact management in its current organizational structure, PDC expressed during the consultation discussion that most of the existing directorates of the PDC have work unit and manpower (i.e. from directorate to officer level) relevant to manage the environmental, social, safety and gender risks and impacts.

These include Occupational health and safety officer under the human resource directorate, Property landscaping and beautification section under the general services department, Gender department, Ethics department, Conflict management and Women, children and youth department. The ethics department has an established GRM committee of the organization which is also very instrumental in terms of managing the social, environmental and gender related grievance and concerns.

262. The Human resource directorate of the CSA has a responsible section that administers issues related to Occupational Health and Safety. Certain workplaces and activities are studied by the section and recommended PPEs distributed accordingly (e.g. for Printing workers). However, the OHS protection activities do not cover all operational areas of the CSA including survey data collection workers.

263. Both the CSA and PDC expressed that they have a tradition of conducting consultations with their stakeholders. The CSA operational directorates including the Agriculture and Business Directorates, often conduct consultations with stakeholders during planning of surveys on methodologies and survey tools to be applied as well as data processing and dissemination mechanisms. The mechanisms applied for such stakeholder consultations consist of workshops, forums, meetings and by involving stakeholders in technical teams. These stakeholder consultations are understood to have been largely used for technical discussions and exchange of technical issues of concerns and would also need to consist E & S discussions.

264. In a similar manner the PDC also conducts consultations with its stakeholders. The PDC identifies a wide range of institutions as its stakeholders that consists of all Government organizations, NGOs and CSOs. Stakeholder consultations are carried during planning process, implementation as well as monitoring and evaluation. The mainstreaming of Environment and Sustainable Development Goals (SDGs) into the national plan is carried by PDC in collaboration with the Federal Environment, Forest, and Climate Change Commission (EFCCC).

265. Participants of the consultation at PDC raised questions on the scope of the ESSA assessment, by querying whether it is focused on National systems level, Organizational level or Project level? In response to the query, the consultants explained that the ESSA assessment is focused both at National ESMS level and Organizational (i.e. Institutional) levels. It was further explained that the proposed project being a P for R, it will be implemented in compliance with the country E&S requirements, which is being assessed for its compatibility with and fulfilment of the World Bank Policy on Program for Results core principles. Thus the ESSA assessment will look at the laws and policies defining the ESMS system at national level and also at the existing mechanisms and capacities of the institutions engaged in its enforcement. The ESSA is also focused on assessing PforR project implementing institutions such as CSA and PDC to understand the existing environmental and social risk management systems, practices, mechanisms, capacities and gaps and to recommend necessary capacity building measures in the Program action plan to fill in the gaps.

266. During the consultations held with MoLSA representative, it was noted that the Occupational Health and Safety provisions found in the labor law of Ethiopia (Proclamation No.1156/2019) essentially applies for work places in profit making organizations. However, the scope of application for the National OSH policy and strategy published by MoLSA in 2014 is explained to have stated it to be "in all work place and economic activities". The OHS protection for work places in public service institution (i.e. Government Institutions) is provided by the Proclamation on Federal Civil Servants (No.1064/2017). It was also explained that there are more than 578 OHS inspectors throughout the Country enforcing the OHS rules and regulations derived from the labor law. The present number of OHS inspectors is insufficient to cover the enforcement of OHS in all working places throughout the

country. Though the legal provisions for OHS in both the Federal labor and civil servant laws are elaborate, it was also explained that its enforcement is constrained by shortage of resources both in MoLSA and the civil service institutions.

Table 9-3 – List of Participants in Ethiopia

S/N	Name	Institution /organization	Position/responsibility
1	Biratu Yigezu	CSA	DG
2	Aberash Tariku	>>	Deputy Director
3	Kifle Gebre	>>	IT
4	Gizachew	>>	H.A.M
5	Zelalem H/Giworgis	>>	Business
6	Ahmed Ibrahim	>>	AM
7	Zewdie Adane	PDC	Advisor
8	Wosen Seido	>>	Director General
9	Eshetu Admasu	>>	HR Director
10	Asrat Telela	>>	Team Leader (M&E)
11	Lishan Sibhatu	>>	Team Leader (WCY)
12	Kidist Bekele	>>	General Director (Planning)
13	Tamiru Terefe	>>	Director
14	Feleke Demsie	>>	Director
15	Solomon Tesfaselassie	>>	Advisor
16	Whiden Negashi	>>	Director
17	Mesfin Yilma	MOLSA	Director/OHS
18	Tolosa Yadessa	EFCCC	ESIA Director
19	Lealem Birhanu	MoWCY	Team Leader
20	Dereje Tegrebelu	>>	Director
21	Yalemzewed Yeheyes	>>	Officer

9.4   Rwanda Stakeholder Consultation Meeting on The ESSA for The Eastern Africa Regional Statistics Program-For-Results

267.   Consultations were conducted on September 30th, 2021 through virtual conference facilitated by the National Institute of Statistics in Rwanda (NISR). The purpose of the meeting was to inform stakeholders about the proposed activities of the regional Program for Results and especially those planned in Rwanda and collect views on the potential problems associated with the project as well as the needs of the population likely to be impacted.

268.   The table below summaries the outcomes of the points discussed:

Table 9-4 – Stakeholder Comments in Rwanda

Category of discussion	Response / explanations given
Project potential environmental and social impacts and relevance of this ESSA tool in Rwanda	The potential environmental and social impacts of this project in Rwanda are mostly related to the installation of the Big Data and data campus that potentially my generate e-waste and other sorts of waste. The ESSA is an E&S safeguards tool prepared by the Bank for Project for Result type of project to ensure that the project implementers comply with the existing laws in the country. This document does not oppose to the preparation of safeguards documents by the implementing agency if required.
Lack of E&S staffing within the Implementing agency	The NISR has indicated that this lack of staffing does not hinder the overall implementation of the project but that the Institution will relocate its staff and plan for capacity building for effective monitoring of the ESSA implementation.
Institutional arrangement and how to relate the REMA and NISR withing this Project	REMA requires all entities that want to implement projects in Rwanda to conform to the national environmental laws. As such, this institution can give guidance to NISR and have the overall mandate to regularly monitor the project's compliance. It is NISR responsibility to prepare the required safeguards documents as required and prevent/mitigate potential impacts during project implementation.

Table 9-5 – List of Participants in Rwanda

#	NAMES	EMAIL
1	Eric MURERA	eric@enviroserve.ae
2	Jean Baptiste UKWIZAGIRA	jbukwizagira@minicom.gov.rw
3	Sylien GASANGWA	sgasangwa@environment.gov.rw
4	Marie Laetitia BUSOKEYE	lbusokeye@rema.gov.rw
5	Florian MUGABO	f.mugabo@fonerwa.org
6	George Bob NKURANGA	gnkulanga@worldbank.org
7	Norbert KAMANA	norbert.kamana@rura.rw
8	Juan Carlos Parra Osorio	jparraosorio@worldbank.org
9	Francoise KAYIGAMBA	fankayigamba@gmail.com
10	Benoit GASIGWA	bgasigwa@minict.gov.rw
11	Jean Claude NSABIMANA	jeanclaude.nsabimana@risa.gov.rw

12	MUSERUKA David	david.museruka@statistics.gov.rw
13	Jean Claude NYIRIMANZI	claude.nyirimanzi@statistics.gov.rw
14	MUPENDE Emmanuel	emmanuel.mupende@statistics.gov.rw
15	BUCYEDUSENGE Fabrice	fabrice.bucyedusenge@statistics.gov.rw

9.5 Kenya Stakeholder Consultation Meeting on The ESSA for The Eastern Africa Regional Statistics Program-For-Results

269. The main key issues from the engagement were

- How to formalize the informal e-waste handlers because at the moment they are considered 'illegal' yet they play a significant role in collecting and delivering the e-wastes to the formal e-waste handlers
- How to improve awareness on opportunities and challenges in e-waste management within private and public agencies and the broader public

Table 9-5 – List of Participants in Kenya

#	NAMES	INSTITUTION
1	Stephene Ngugi	KNBS
2	Esther Gathogo	Civil Registration Services
3	Anita Isige	World Bank Kenya
4	Tom Dienya	Ministry of Agriculture
5	Maurice Kamau	KNBS
6	John Makau	KNBS
7	Maina Nduati	World Bank Kenya
8	Walter Atito	Council of Governors
9	Benjamin Kibor	Ministry of Agriculture
10	Josphat Kavale	Civil Registration Services
11	Abdulkadir Awes	KNBS
12	Charles Muinde	KNBS
13	Mr. Omondi	KNBS
14	Mr. Mwaniki	KNBS

15	Loiuse Mathenge	Civil Registration Services
16	Robert Kin'gori	KNBS
17	Dorah Wawudah	KNBS
18	Joshua Patroba	East African Compliant Company

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