

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)

REPUBLIC OF NIGER

Ministry of Planning

BUSINESS CLIMATE, COMPETITIVENESS, AND COVID-19 RESPONSE SUPPORT PROJECT - (P176074)

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)

Draft

May 8, 2021

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Republic of Niger (hereinafter the "Recipient") will implement the Business Climate, Competitiveness, and COVID-19 Response Support Project, (the "Project") with the involvement of the Implementation Unit of the Growth and Competitiveness Support Project (*Projet d'Appui à la Croissance et à la Compétitivité*—PRACC) under the supervision of the Ministry of Planning. The International Development Association (hereinafter the "Association"), has agreed to provide financing for this project.
2. The Recipient will implement material measures and actions so that to ensure that the Project is implemented in accordance with the Environmental and Social Standards (**ESSs**). This Environmental and Social Commitment Plan (**ESCP**) sets out material measures and actions, any specific documents or plans, as well as the timing for each of these.
3. The Recipient will also comply with the provisions of all other environmental and social (E&S) documents required under the Environmental and Social Framework (ESF) and referred to in this ESCP, such as the Environmental and Social Management Framework (ESMF), the Stakeholder Engagement Plan (SEP), the Labor Management Procedures (LMP), Codes of Conduct and the action plan for the prevention of SEA/SH and violence against children (VAC), as well as the timelines specified in those E&S documents.
4. The Recipient is responsible for compliance with all ESCP requirements, even when implementation of specific measures and actions is conducted by the Ministry or unit referenced in paragraph 1 above.
5. Implementation of the material measures and actions set out in this ESCP will be monitored and reported to the Association by the Recipient as required by the ESCP and the conditions of the legal agreement, and the Association will monitor and evaluate the progress and completion of the material measures and actions throughout implementation of the Project.
6. As agreed between the World Bank and the Recipient, this ESCP may be revised from time to time during implementation of the Project, to reflect adaptive change management or unforeseen circumstances or in response to assessment of the Project performance conducted under the ESCP itself. In such circumstances, the Recipient will agree to the changes with the World Bank and will update the ESCP to reflect such changes. Agreement on changes to the ESCP will be documented through the exchange of signed letters signed between the Association and the Recipient. The Recipient will promptly disclose the updated ESCP.
7. Where Project changes, unforeseen circumstances or Project performance result in changes to the risks and impacts during Project implementation, the Recipient shall provide additional funds, if needed, to implement actions and measures to address such risks and impacts, which may include risks of work accidents, risks related to environmental issues, health, safety, labor influx and gender-based violence.

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

CONCRETE MEASURES AND ACTIONS		TIMETABLE	RESPONSIBLE ENTITY/AUTHORITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTS</p> <p>The Recipient will prepare and submit to the Association through the Project Implementation Unit (IU) regular monitoring reports on the implementation of this ESCP, the degree of preparation and implementation of the environmental and social documents required under the ESCP, the stakeholder engagement activities, and the operation of the grievance redress mechanism(s).</p>	<p><i>Each quarter starting from the effective date of the Project,</i></p>	Project Implementation Unit (PIU)
B	<p>INCIDENTS AND ACCIDENTS</p> <p>a. The Recipient will immediately notify the Association of any incident or accident directly or indirectly related to the implementation of the Project that has or may have serious consequences for the environment, communities affected by the Project, the public, or staff (including fatal accidents or any allegation of GBV in connection with Project implementation).</p> <p>b. The Recipient will provide sufficient details of the incident or accident, indicating the immediate measures taken or to be taken without delay to address it and including all information provided by any suppliers or service providers. Subsequently, as per the Association's request, prepare a report on the incident or accident and propose measures to prevent its recurrence.</p>	<p>a. <i>Notify the Association within 48 hours after becoming aware of the incident or accident, or 24 hours in case of a fatality</i></p> <p>b. <i>A report must be provided within a timeframe acceptable to the Association.</i></p>	Project Implementation Unit
C	<p>CONTRACTORS MONTHLY REPORTS</p> <p>The Recipient will require suppliers and service providers to prepare and submit monthly monitoring reports to the PIU, including on the implementation of environmental, social, health, and safety requirements contained in procurement documentation.</p>	<p><i>Monthly, following the signing of the supplier or service provider contract and throughout Project implementation</i></p>	Project Implementation Unit
ESS1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

CONCRETE MEASURES AND ACTIONS		TIMETABLE	RESPONSIBLE ENTITY/AUTHORITY
1.1	<p>ORGANIZATIONAL STRUCTURE</p> <p>The existing Competitiveness and Growth Support Project P127204 (PRACC) Implementation Unit will also serve as the Implementation Unit for the Business Climate, Competitiveness, and COVID-19 Response Support Project.</p> <p>The staff already engaged by the PRACC Implementation Unit, including environmental and social safeguard specialists, will act as staff for this project. The environmental and social safeguard specialists will ensure the implementation and monitoring of the measures contained in the safeguard instruments and ensure continuity between the effective date and the start of activities.</p>	<p><i>The PRACC environmental and social safeguard specialist will be retained as environmental and social safeguard specialist throughout project implementation. Additional specialists, such as a specialist on SEA/SH issues, may be engaged after the project's effective date.</i></p>	<p>Ministry of Planning Project Implementation Unit/PIU Coordinator</p>
1.2	<p>ENVIRONMENTAL AND SOCIAL ASSESSMENT</p> <p>An Environmental and Social Management Framework (ESMF) has been prepared. It will be consulted, published, and adopted by the Recipient and disseminated nationally and on the Association's website.</p>	<p><i>The final version of the ESMF will be adopted and published prior to Project appraisal and the measures will be implemented throughout Project implementation</i></p>	<p>Project Implementation Unit</p>

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

<p>1.3</p>	<p>MANAGEMENT TOOLS AND INSTRUMENTS</p> <p>a. The Recipient will also prepare the following documents:</p> <ul style="list-style-type: none"> - Environmental and Social Management Framework (ESMF); - Labor Management Procedures (LMP); - Stakeholder Engagement Plan (SEP) with the project’s Grievance Mechanism (GM); - Specific Environmental and Social Impact Notices (ESIN) and Environmental and Social Impact Assessments (ESIA) required for sub-projects in a manner acceptable to the Bank and in accordance with the ESMF. - <p>b. The Recipient will adapt the existing PRACC Project implementation manual (or procedures manual) with a section on “Environmental and Social Safeguards,” which will describe in detail:</p> <ul style="list-style-type: none"> - The role of the procurement specialist in drafting terms of reference, bidding documents, and contracts; - The role of environmental and social safeguard specialists in drafting the sections on environmental and social safeguards to be included in bidding documents and works contracts; - Minimum environmental and social clauses (including codes of conduct, coordination, reports and monitoring, grievance redress mechanism) to be included in bidding documents and works contracts; - Environmental and social indicators to be included in the monitoring system; - Timetables. 	<p>a. <i>The ESMF will be prepared, consulted, approved, and adopted by the Recipient and published nationally and on the World Bank website; it will be adopted by the Recipient prior to Project evaluation.</i></p> <p><i>The SEP will be prepared, consulted, approved, and adopted by the Recipient and will be published on the national and World Bank websites prior to Project evaluation.</i></p> <p><i>The LMP will be prepared, consulted, adopted, and published prior to appraisal .</i></p> <p><i>Throughout Project implementation.</i></p> <p>b. <i>Prior to carrying out the relevant Project activities and throughout Project implementation.</i></p> <p>c. <i>No later than 3 months after the effective date and throughout implementation of mitigation measures throughout the life of the Project</i></p>	<p>Project Implementation Unit/</p>
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ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

<p>1.4</p>	<p>MANAGEMENT OF CONTRACTORS</p> <p>a. The Recipient will incorporate the relevant aspects of this ESCP, including the ESMF, LMP, SEP and any other Environmental and Social Impact Notices (ESIN) and Environmental and Social Impact Assessments (ESIA) into procurement documents and contracts with suppliers and service providers.</p> <p>b. The Recipient will ensure that all contracts require suppliers, service providers, and subcontractors to comply with the aforementioned management tools and instruments.</p> <p>c. The Recipient will ensure that all bidding documents and contracts for services other than consulting services under the Project require suppliers, service providers, and subcontractors to adopt a code of conduct that will be signed by all workers. This code of conduct will apply to contracts or services other than consulting services commissioned or carried out in accordance with said contracts. It will cover, violence against children, and sexual exploitation and abuse, as well as sexual harassment with clear sanctions for non-compliance and continued training to reinforce the messages in the codes of conduct.</p>	<p>a. <i>Prior to the preparation of the procurement documents and the preparation of bidding documents for the relevant Project activities and throughout Project implementation</i></p> <p>b. <i>Before engaging suppliers and service providers</i></p> <p>c. <i>Before implementation phase of activities throughout Project implementation</i></p>	<p>Project Implementation Unit</p>
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ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

1.6	<p>MONITORING BY THIRD PARTIES:</p> <p>The Recipient will ensure that the National Environmental Assessment Office (BNEE) and its branches at regional, departmental, and communal levels, as well as the environmental and social focal points of other relevant ministries shall be mobilized to complete and verify the monitoring of the Project's environmental and social risks and impacts.</p> <p>Depending on their mission and their areas of expertise, they will ensure compliance with the provisions set out in this ESCP and shall support the implementation of the agreed social and environmental risk mitigation measures and actions.</p> <p>Quarterly reports thus produced by the various bodies or individuals will be sent to the PIU for review and approval by the BNEE and sent to the Recipient for assessment and archiving in the Project files. Due to the sensitivity of these interventions and in the interests of clarity and proper implementation, the Recipient will share these reports with the Bank for its information.</p>	<i>From the start of project activities</i>	Project Implementation Unit/
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ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

CONCRETE MEASURES AND ACTIONS	TIMETABLE	RESPONSIBLE ENTITY/AUTHORITY	
ESS2: LABOR AND WORKING CONDITIONS			
2.1	<p>LABOR MANAGEMENT PROCEDURES</p> <p>The Recipient will develop, consult, adopt, publish, and implement labor management procedures (LMP) in accordance with national legislation and the requirements of ESS2, including but not limited to the prohibition of SEA/SH, forced labor, and child labor.</p> <p>LMPs also include a specific grievance mechanism (GM) and measures to mitigate the risk of sexual exploitation and abuse (SEA), and health and safety (H&S) as required in the SEA/SH response and elimination action plan. In addition to signing the codes of conduct, which define and sanction any act of SEA/SH, all Project staff, including employees and their employers, will be invited to take part in occasional workshops/sessions to inform and raise awareness about SEA/SH/H&S throughout the life cycle of the Project.</p>	<p><i>The LMP will be prepared, published, consulted, and adopted prior to the commencement of project activities and then implemented in accordance with its content throughout Project implementation</i></p>	<p>Project Implementation Unit Suppliers and service providers</p>
2.2	<p>GRIEVANCE REDRESS MECHANISM FOR PROJECT WORKERS</p> <p>The Recipient will establish, maintain, and operate a specific grievance mechanism for Project workers as described in the LMP and in accordance with ESS2.</p>	<p><i>To be prepared upon Project implementation and used throughout Project implementation</i></p>	<p>Project Implementation Unit</p>
2.3	<p>OCCUPATIONAL HEALTH AND SAFETY AT WORK (OHS)</p> <p>a. The Recipient will adopt and implement OHS measures specified in the Project ESMF, including but not limited to measures to prepare for and respond to health emergencies.</p> <p>b. The Recipient shall ensure that Project suppliers and service providers comply with these occupational health and safety (OHS) measures. .</p>	<p>a. <i>Before the start of . Before publishing supplier/service provider expressions of interest (integration of H&SW measures).</i></p> <p>b. <i>Throughout Project implementation</i></p>	<p>Project Implementation Unit Suppliers and service providers</p>

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

CONCRETE MEASURES AND ACTIONS		TIMETABLE	RESPONSIBLE ENTITY/AUTHORITY
2.4	<p>PROJECT WORKER TRAINING AND AWARENESS</p> <p>The Recipient, through the PIU, BNEE, and the Ministry of Labor, will work with suppliers and/or service providers to organize training for Project workers that will include a presentation of risks and impacts as well as the benefits of the Project. This training will be offered both to project staff (for better awareness and to better conduct their supervision missions) and to workers (for better awareness and prevention and to reduce the risk of accidents) linked to the project.</p> <p>Particular attention will be paid to the following aspects:</p> <ul style="list-style-type: none"> • Environmental and social compliance; • Gender-based violence (GBV) and SEA/SH in particular; • Child labor/forced labor; • Grievance redress mechanism (including a mechanism for submitting complaints relating to SEA/SH/H&S, pollution and damage during the implementation of Project activities; hygiene, health and environment; compliance with codes of conduct, etc.); • Measures relating to COVID-19. <p>The <i>Recipient</i> will provide the <i>Bank</i> with quarterly monitoring and implementation reports on this action plan for awareness raising and capacity building on risk management measures for Project employees.</p>	<p><i>Throughout Project implementation</i></p>	<p>Project Implementation Unit/PIU Coordinator – Environmental and Social Safeguard Specialist – Monitoring and Evaluation Specialist</p> <p>Suppliers and service providers</p>
ESS3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	<p>RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</p> <p>The Recipient shall ensure that (i) resource efficiency and pollution prevention and management measures will be covered by the Environmental and Social Impact Notices (ESIN) and Environmental and Social Impact Assessments (ESIA) to be prepared under section 1.3. The Recipient commits, under section 1.4, to ensure that suppliers, service providers, and subcontractors comply these instruments and tools.</p>	<p><i>Before the start of Project activities.</i></p> <p><i>Throughout the Project implementation period</i></p>	<p>Project Implementation Unit</p>
ESS4: COMMUNITY HEALTH AND SAFETY			

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

CONCRETE MEASURES AND ACTIONS		TIMETABLE	RESPONSIBLE ENTITY/AUTHORITY
4.1	<p>COMMUNITY HEALTH AND SAFETY</p> <p>The Recipient will develop and implement throughout the Project measures and actions to assess and manage specific risks and impacts on the community and Project workers in accordance with appropriate H&SW protocols and include such measures under the ESMF, in a manner satisfactory to the World Bank.</p>	<p><i>At the commencement of relevant Project activities and throughout Project implementation</i></p>	<p>Project Implementation Unit/PIU Coordinator – Environmental and Social Safeguard Specialist – Monitoring and Evaluation Specialist</p>
4.2	<p>RISKS OF GENDER-BASED VIOLENCE AND SEXUAL EXPLOITATION AND ABUSE</p> <p>The Recipient will develop, adopt, and implement a gender-based violence action plan to assess and manage the risks of GBV/sexual exploitation and abuse in a manner acceptable to the World Bank.</p> <p>The Recipient will ensure that all bidding documents and contracts for services other than consulting services in connection with the Project require suppliers and service providers, subcontractors, and consultants to adopt a code of conduct that will be signed by all workers. This code of conduct will apply to contracts or services other than consulting services, commissioned or performed under said contracts, address gender-based violence, violence against children, and sexual exploitation and abuse, include an action plan for their effective enforcement, and provide training to this end.</p>	<p><i>Throughout Project implementation</i></p>	<p>Project Implementation Unit/PIU Coordinator – Environmental and Social Safeguard Specialist – Monitoring and Evaluation Specialist</p> <p>Suppliers and service providers/manager</p>

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

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4.3	<p>SECURITY PERSONNEL</p> <p>The Recipient will ensure, where necessary, that service providers who require security services for their staff and property may, in accordance with the measures defined in the ESMF:</p> <ul style="list-style-type: none"> • give preference to existing security services in the project area; • where necessary, use public security services (gendarmes or national police) and ensure a formal agreement is signed, including clauses on compliance with the code of conduct; • provide training for security staff in a manner satisfactory to the Bank; <p>Any allegation of unlawful or abusive acts by military or security personnel deployed to protect project staff and property will be examined rapidly and action will be taken (or the relevant parties will be urged to take action) to prevent such acts from recurring.</p>	<p>Prior to the recruitment of security personnel. Agreements (including clauses on compliance with the code of conduct) will be enforced throughout Project implementation</p>	<p>Project Implementation Unit</p>
ESS5: LAND ACQUISITION, RESTRICTIONS ON LAND USE, AND INVOLUNTARY RESETTLEMENT			
5.1	This ESS is not relevant to the Project		
ESS6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			
6.1	This ESS is not relevant to the Project		
ESS7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			
7.1	<p>PLAN FOR INDIGENOUS PEOPLES</p> <p>No group or community or people meeting the criteria set out in paragraph 8 or 9 of ESS7 are present in the Project area.</p>		
ESS8: HERITAGE			
8.1	This ESS is not relevant to the Project		
ESS9: FINANCIAL INTERMEDIARIES			
9.1	This ESS is not relevant to the Project		
ESS10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

CONCRETE MEASURES AND ACTIONS		TIMETABLE	RESPONSIBLE ENTITY/AUTHORITY
10.1	<p>STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION</p> <p>The Recipient shall prepare, consult, adopt, disseminate, and implement the Project's Stakeholder Engagement Plan (SEP). As stakeholder consultation and involvement is an iterative process that will continue throughout the life cycle of the Project, the SEP remains subject to change. Such changes, when needed and initiated by the Recipient, must be confirmed with the Bank before appropriate consideration and in accordance with the requirements of ESS10. The new version of the SEP will be made public.</p>	<p><i>The SEP will be adopted and published prior to Project appraisal.</i></p> <p><i>Throughout Project implementation, the SEP will be disseminated and implemented. Once updated as required by both parties, it will be published again.</i></p>	Project Implementation Unit
10.2	<p>PROJECT GRIEVANCE REDRESS MECHANISM</p> <p>The Recipient will develop, maintain, and implement the Grievance Redress Mechanism with an appropriate monitoring and reporting system in accordance with ESS10 as described in the SEP.</p> <p>This Grievance Redress Mechanism will be supported by a communication plan to ensure that potentially affected local populations and communities are aware of its existence and know how to submit complaints.</p>	<p><i>The grievance redress mechanism will be operational from the start of Project activities and will be maintained throughout Project implementation</i></p>	Project Implementation Unit

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

CAPACITY SUPPORT (TRAINING)			
RC1	<p>Health and safety at work Training of Project workers and suppliers/service providers in health and safety at work, including prevention of risks related to COVID-19, STDs, and HIV/AIDS.</p> <p>Health and safety rules</p> <p>Solid and liquid waste management</p>	During Project implementation	Project Implementation Unit
RC2	<p>The Bank's new Environmental and Social Framework (ESF)</p> <p>Stakeholder identification and engagement</p> <p>Contents of the Environmental and Social Commitment Plan (ESCP)</p> <p>Contents of the Stakeholder Engagement Plan (SEP)</p> <p>Stakeholders that may be directly concerned are: PIU, central management officers, the Technical Committee, the Steering Committee, the Coordinator, the managers of the Project components.</p>	During Project implementation	Project Implementation Unit

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

CAPACITY SUPPORT (TRAINING)			
RC3	<p>Environmental and social management module: National environmental and social legislation: the law defining the fundamental principles of environmental assessment in Niger and its implementing decree Good knowledge of management organization and procedures.</p> <p>Stakeholders that may be directly concerned are project workers/beneficiaries/local authorities/authorities/CRA/CIPMEN/SAHFI SA/Chamber of Commerce/NGOs</p>	During Project implementation	Project Implementation Unit
	<p>Conduct of ESIA, policies, procedures, and legislation on social issues in Niger Knowledge of implementation and monitoring process for ESIA, ESMP, etc. Monitoring and oversight of environmental and social aspects and reporting</p> <p>Beneficiaries are project workers/beneficiaries/local authorities/authorities/CRA/CIPMEN/SAHFI SA/Chamber of Commerce/NGOs</p>	During Project implementation	Project Implementation Unit

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP) - (P176074)

CAPACITY SUPPORT (TRAINING)			
RC4	<p>Environmental and social screening processes and tools and provisions for the application of effective measures to manage environmental and social risks and impacts and security risks recommended during implementation of sub-projects</p> <p>Beneficiaries are project workers/beneficiaries/local authorities/authorities/CRA/CIPMEN/SAHFI SA/Chamber of Commerce/NGOs</p>	During Project implementation	Project Implementation Unit
RC5	<p>Employment and working conditions module</p> <p>Employment conditions under national labor legislation Codes of conduct for suppliers, service providers, and subcontractors</p> <p>Rules relating to child labor and the minimum age for child employment.</p> <p>Beneficiaries are suppliers, service providers, and subcontractors</p>	During Project implementation	Project Implementation Unit

CAPACITY SUPPORT (TRAINING)			
RC6	<p>GRM and SEA/SH module</p> <p>Procedures for recording and handling complaints, archiving</p> <p>Procedures for resolving complaints</p> <p>Documentation and handling of complaints</p> <p>Use of the procedure by the various stakeholders</p> <p>Raising public awareness</p> <p>GBV/SEA/SH risk awareness, prevention, and mitigation measures</p> <p>Beneficiaries are suppliers, service providers, and subcontractors</p>	During Project implementation	Project Implementation Unit