

Public Disclosure Authorized

Contingency Emergency Response Component

Environmental and Social Management Framework

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Tonga Climate Resilient Transport Project (TCRP)

FINAL DRAFT

July 2018

EXECUTIVE SUMMARY

This Report presents Environmental and Social Management Framework (ESMF) to address safeguards instruments relating to Component 3a of the Government of Tonga Pacific Resilience Programme - the Contingency Emergency Response Component.

This document addresses item c for triggering CERC from the Operating Manual which states “*Prepare and disclose all safeguards instruments required under the Environmental and Social Management Framework (ESMF) for said activities, if any, and implement any actions which are required to be taken under said instruments, in accordance with the provisions of Section I.F of Schedule 2 to this Agreement.*” “Said activities” are assumed to be: “any activities under Component 3a of the Project”.

In particular, this ESMF:

- Identifies indicative CERC-related activities.
- Defines procedures to assess the environmental and social impacts of these activities.
- Sets out measures/plans to reduce, mitigate and/or offset adverse impacts

In order to ensure that CERC subproject activities comply with the requirements of the Bank’s Safeguard Policies, a positive and negative list has been developed to provide guidance on critical imports and/or for emergency works, goods or services which may be eligible for financing.

CERC positive activities include: removal and disposal of debris from roadways and re-establishment of drainage systems damaged by the event; repair or reconstruct streets, roads, bridges, transportation and other infrastructure; re-establish telecommunications infrastructure; stabilisation of heavy coastal erosion; revegetation; hazardous waste removal; provision of water and Rehabilitation of water infrastructure; and land and sea transport of fuel.

A range of environmental and social impact mitigation measures have been recommended to facilitate these activities including: developing Environmental Plans and adopting measures to avoid or minimize impact.

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1 Introduction

1.1 Background

This Environmental and Social Management Framework (“ESMF”) addresses safeguards instruments relating to Component 4 of the Government of Tonga (“GoT”) Tonga Climate Resilience Transport Project (TCRTP) - the Contingency Emergency Response Component (“CERC”).

1.2 Scope

The GoT CERC Operating Manual (“OM”) sets out mechanisms for triggering CERC as follows:

9. As per the Financing Agreement (FA) dated June 30, 2015, the following measures must be taken to ensure proper and efficient implementation of Part 3(a) of the Project, the Recipient (Tonga) shall, prior to financing any activities under Part 3(a) of the Project:

- a. Make a declaration that an Eligible Crisis or Emergency has occurred, and obtain the Association’s written agreement with such determination;*
- b. Establish adequate implementation arrangements, satisfactory to the Association, including staff and resources for implementation of said activities; and*
- c. Prepare and disclose all safeguards instruments required under the Environmental and Social Management Framework (ESMF) for said activities, if any, and implement any actions which are required to be taken under said instruments, in accordance with the provisions of Section I.F of Schedule 2 to this Agreement.*

This document addresses item c, where the “said activities” are assumed to be: “any activities under Component 3a of the Project” [from Para 9 cited above.]

The ESMF referred to in item c. is assumed to be this document.

The GoT CERC OM states:

- 34. In accordance with the WB’s safeguards requirements, TCRTP is classified as Category B per OP/BP 4.01 on Environmental Assessments. Since the emergency sub-projects financed under the CERC are likely to be related to emergency provision of critical goods, it is expected that those subprojects will fall into Category C and therefore would require no environmental screening or assessment work. However, some CERC activities could include demolition, removal, repair or reconstruction of damaged public infrastructure, clearing of debris, or other activities, which could have potential negative impacts if not mitigated, and would therefore fall into Category B. It is even possible that there may be exceptional cases where a proposed sub-project would involve work in highly ecologically sensitive areas, potentially affect physical cultural resources, or require acquisition of substantial areas of land either temporarily or permanently for reconstruction work or relocation of a vulnerable population.*
- 35. In order to ensure that the CERC emergency subproject activities duly comply with the requirements of the WB’s Safeguard Policies (as outlined in the FA, POM and ESMF), the activities identified in the ACTION PLAN for financing under the CERC will be subject to a review by safeguards specialists to determine if they are eligible under the safeguard policies and compliance procedures used by the PMU for all activities financed under the PREP. The screening and environmental management procedures described in the POM will then be utilized. This will allow the possibility to exclude certain activities if the environmental or social impacts are too great, or to include appropriate mitigation*

measures for a proposed activity if feasible. Having the existing safeguards screening process in place will also allow a certain degree of flexibility and efficiency in processing potential subprojects or activities. The screening process would be based on the existing ESMF.

36. *For emergency response, Environmental Impact Assessments are required by the DOE.*

1.3 Objective of this Document

The objective of this document is to disclose safeguards instruments, as an Environmental and Social Management Framework (“ESMF”), as a basis for implementing CERC-related actions.

In the context that most CERC-related activities will fall under the OP 4.01 Category B or C classification [CERC OM para 33], but specific CERC-related activities are unknown, a CERC-specific ESMF is appropriate.

Under Annex A of OP 4.01, an ESMF is defined as:

An instrument that examines the issues and impacts associated when a project consists of a program and/or series of sub-projects, and the impacts cannot be determined until the program or sub-project details have been identified.

The ESMF sets out the principles, rules, guidelines and procedures to assess the environmental and social impacts. It contains measures and plans to reduce, mitigate and/or offset adverse impacts and enhance positive impacts, provisions for estimating and budgeting the costs of such measures, and information on the agency or agencies responsible for addressing project impacts.

The CERC-related ESMF which focuses on the core operational elements of this definition is provided as Annex 1 of this document.

In particular, this ESMF:

- Identifies indicative CERC-related activities.
- Defines procedures to assess the environmental and social impacts of these activities.
- Sets out measures/plans to reduce, mitigate and/or offset adverse impacts

2 Contingent Emergency Response Component (CERC)

2.1 General

This section of the report describes the scope of potential CERC-related works associated with roads, maritime and aviation infrastructure in Tonga as part of the TCRT Project.

The CERC is designed to provide swift response in the event of an Eligible Crisis or Emergency¹ through a portion of the undisbursed project envelope to address immediate post-crisis and emergency financing needs. The CERC may be used following natural disasters or other crises and emergencies allowing funds to be reallocated from other components of the project. In the event of an emergency event, it is not anticipated that a reallocation of project funds will cause serious disruption to project implementation. NEMO will be the implementing agency for the CERC.

Activities under TCRTP Component 4 will be governed by the World Bank Directive *Contingent Emergency Response Components (CERC)* (October, 2017). Disbursement of emergency financing under the CERC will be contingent upon:

- a) the recipient establishing a nexus between the disaster event and the need to access funds to support recovery and reconstruction activities (an “eligible event”); and
- b) submission to and no objection granted by the World Bank of an Emergency Action Plan (EAP).

The EAP will include a list of activities, procurement methodology and safeguards procedures.

The EAP will require consideration of safeguard implications for any proposed emergency supplies procurement or reconstruction activities. The World Bank, through the no objection process, will closely examine the nature of the proposed activities, particularly those involving civil works, to ensure

- (i) that they are not prohibited under the negative list and
- (ii) that the recipient is aware of the required safeguard compliance documentation before initiating the process by which the proposed works will be prepared and implemented.

Emergency activities financed under the CERC will involve financing provision of critical goods or emergency recovery and reconstruction works and it is likely these will fall into Category B or C under WB OP 4.01.

Activities that fall under Category C could involve procurement of emergency supplies such as medicine and water and do not require the application of safeguard instruments, post-screening or assessment.

Other emergency supplies, such as fuel products, will require safeguard instruments (such as EMPs) to ensure procurement, storage and

¹ Defined as “an event that has caused, or is likely to imminently cause, a major adverse economic and/or social impact associated with natural or man-made crises or disasters”, OP/BP 8.00, Rapid Response to Crises and Emergencies.

dispensing procedures are adequate.

Preparation of the EAP will have regard to this ESMF and safeguard instruments will require World Bank approval prior to commencement of activities. Importantly, the EAP will need to include procedures for:

- Consultation and disclosure;
- Integration of mitigation measures and performance standards into contracts; and
- Supervision/monitoring and reporting measures to ensure compliance.

In order to ensure that CERC subproject activities comply with the requirements of the Bank's Safeguard Policies, a positive and negative list has been developed to provide guidance on critical imports and/or for emergency works, goods or services which may be eligible for financing.

2.2 CERC Positive List

The following subproject or activities will be deemed eligible CERC-related activities, subject to each component being covered by way of explicit mitigation measures as set out in Section 3 of this ESMF.

- Debris removal
 - Clearance of debris from roadways, such as vegetation, large trees or tree members, construction debris (from work sites or from structures demolished during the event), abandoned vehicles, etc.
 - Remove and dispose of debris associated with any eligible activity;
 - Re-establish drainage systems damaged by the event
- Rehabilitation of road infrastructure, that may have been damaged during the event
 - Repair or reconstruct streets, roads, bridges, transportation and other infrastructure damaged by the event;
- Telecommunications
 - Re-establish telecommunications infrastructure damaged by the event;
- Coastal Erosion
 - Stabilise heavy coastal erosion;
- Revegetation
 - Replace vegetation destroyed by the event using native (not invasive) species or repair/mitigate damage caused by the event to a protected area or buffer zone (such as mangroves).

- Hazardous waste removal
 - Removal of hazardous wastes or asbestos containing materials from selected site
 - Construction of a secure temporary asbestos containing facility
 - Supply and Install Temporary Project Information Signs
- Provision of water and Rehabilitation of water infrastructure
 - Desalination of Water
 - Repair to water infrastructure
 - Delivery of water to areas that are cut-off
- Land and sea transport of fuel.
 - Bulk storage
 - Land Transport
 - Sea Transport

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2.3 CERC Negative List

Sub-projects with the following potential impacts will not be eligible for financing under the CERC component or the parent project:

- involve the significant conversion, clearance or degradation of critical natural habitats, forests, environmentally sensitive areas, significant biodiversity and/or protected conservation zones;
- will cause, or have the potential to result in, permanent and/or significantly damage to nonreplicable cultural property, irreplaceable cultural relics, historical buildings and/or archaeological sites;
- will negatively affect rare or endangered species;
- will result in involuntary land acquisition or resettlement;
- do not meet minimum design standards with poor design or construction quality, particularly if located in vulnerable areas;
- Require or involve:
 - purchase, application or storage of pesticides or hazardous materials (e.g. asbestos);
 - building a dam, structures that will alter coastal process or disrupt breeding sites of protected species;
 - sand mining or land reclamation;
 - land that has disputed ownership, tenure or user rights.

3 Measures to Address Impacts

3.1 Introduction

This section sets out impact mitigation measures in terms of:

1. Those activities identified in the CERC Positive List.
2. Generic (non-specified) activities screened as Category “B” (moderate impacts) under OP 4.01.

3.2 CERC Positive List Activities - Environmental and Social Management Framework

CERC-RELATED ACTIVITY	POTENTIAL IMPACT	ACTION TO BE INCLUDED IN ENVIRONMENTAL PLAN
A. Debris removal		
A.1. Clearance of debris from roadways, such as vegetation, large trees or tree members, construction debris (from work sites or from structures demolished during the event), abandoned vehicles, etc.	<input type="checkbox"/> Damage to surrounding land and vegetation through excessive clearance operations. <input type="checkbox"/> Interference with land use activities	<input type="checkbox"/> Adopt measures to avoid or minimize collateral damage <input type="checkbox"/> Environmental Plan to be developed
A.2. Remove and dispose of debris associated with any eligible activity;	<input type="checkbox"/> Disposal to locations where act of disposal causes adverse impacts.	<input type="checkbox"/> Disposal to approved locations (landfills) <input type="checkbox"/> Environmental Plan to be developed
A.3. Reestablish drainage systems damaged by the event	<input type="checkbox"/> Damage to surrounding land and vegetation. <input type="checkbox"/> Interference with land use activities.	<input type="checkbox"/> Adopt measures to avoid or minimize collateral damage <input type="checkbox"/> Environmental Plan to be developed
B. Rehabilitation of road infrastructure, that may have been damaged during the event		
B.1. Repair or reconstruct streets, roads, bridges, transportation and other infrastructure damaged by the event;	<input type="checkbox"/> Damage to surrounding land and vegetation. <input type="checkbox"/> Interference with land use activities	<input type="checkbox"/> Adopt measures to avoid or minimize collateral damage <input type="checkbox"/> Environmental Plan to be developed <input type="checkbox"/> Works to be supervised by qualified engineer.
C. Telecommunications		
C.1. Re-establish telecommunications infrastructure damaged by the event;	<input type="checkbox"/> Damage to surrounding land and vegetation. <input type="checkbox"/> Interference with land use activities	<input type="checkbox"/> Adopt measures to avoid or minimize collateral damage <input type="checkbox"/> Environmental Plan to be developed
D. Coastal Erosion		

<p>D.1. Stabilize heavy coastal erosion;</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Access to stabilization material (rock) could cause adverse impacts on land use and on biophysical environment such as biodiversity impacts, siltation. <input type="checkbox"/> Deposition could aggravate erosion problems elsewhere on the coast... 	<ul style="list-style-type: none"> <input type="checkbox"/> Stabilization works to be supervised by qualified engineer to avoid or minimize any adverse impacts.
<p>E. Revegetation</p>		
<p>E.1. Replace vegetation destroyed by the event using native (not invasive) species or repair/mitigate damage caused by the event to a protected area or buffer zone (such as mangroves).</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Insufficient seed stock or seedlings required to undertake replanting <input type="checkbox"/> Removal of seedlings/small trees from an area damages existing ecosystem 	<ul style="list-style-type: none"> <input type="checkbox"/> Adopt measures to avoid or minimize damage <input type="checkbox"/> Environmental Plan to be developed
<p>F. Hazardous waste removal</p>		
<p>F.1. Removal of hazardous wastes or asbestos containing materials from selected site</p>	<ul style="list-style-type: none"> <input type="checkbox"/> No manage facility available to receive waste for appropriate disposal <input type="checkbox"/> Health risks associated with handling hazardous wastes or asbestos if appropriate equipment unavailable. 	<ul style="list-style-type: none"> <input type="checkbox"/> If there is a risk of hazardous materials, the National Emergency Management Office (NEMO) would work with the Department of Environment (DoE) on testing the debris or water supply. If hazardous materials are detected, the DoE would inform the Ministry of Health who would work with the Ministry of Infrastructure and the Waste Authority to determine the best method to dispose of the hazardous waste. Please refer to the Waste Management Act 2005 and the Hazardous Wastes and Chemicals Act 2010. The Secretariat of the Pacific Regional Environmental Programme (SPREP) has also outlined procedures for the transport and removal of hazardous waste in Tonga and has noted that the Tapuhia Landfill on Tongatapu has the capacity to handle hazardous materials.

		<ul style="list-style-type: none"> <input type="checkbox"/> If NEMO, the Ministry of Infrastructure and the Waste Authority determine that the waste removal is beyond the capacity of the Waste Authority, a contractor should be hired to remove the waste using bidding. Annex 8 of the CERC OM contains a sample Request for Quotes (RFQ) for Asbestos Removal and a sample contract. <input type="checkbox"/> As noted in the CERC OM “as per the ESMF, and Environment Management Plan (EMP) should be debris ared for Hazardous Waste Management, which should include a detailed Hazardous Materials Management Plan”.
F.2. Construction of a secure temporary asbestos containing facility	<ul style="list-style-type: none"> <input type="checkbox"/> Damage to surrounding land and vegetation. <input type="checkbox"/> Conflict with other land use activities 	<ul style="list-style-type: none"> <input type="checkbox"/> Adopt measures to avoid or minimize damage <input type="checkbox"/> Environmental Plan to be developed
G. Provision of water and Rehabilitation of water infrastructure		
G.1. Desalination of Water	<ul style="list-style-type: none"> <input type="checkbox"/> Power demand to great to undertake process impacting other essential services <input type="checkbox"/> Conflict with other land use activities 	<ul style="list-style-type: none"> <input type="checkbox"/> Adopt measures to avoid or minimize collateral damage <input type="checkbox"/> Environmental Plan to be developed
G.2. Repair to water infrastructure	<ul style="list-style-type: none"> <input type="checkbox"/> Damage to surrounding land and vegetation. <input type="checkbox"/> Conflict with land use activities 	<ul style="list-style-type: none"> <input type="checkbox"/> Adopt measures to avoid or minimize collateral damage <input type="checkbox"/> Environmental Plan to be developed
G.3. Delivery of water to areas that are cut-off	<ul style="list-style-type: none"> <input type="checkbox"/> Safety risk to personnel 	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure adequate protection is provided.
H. Land and sea transport of fuel.		
H.1. Bulk storage	<ul style="list-style-type: none"> <input type="checkbox"/> Damage to surrounding land and vegetation <input type="checkbox"/> Spillage of hydrocarbons to sensitive environments 	<ul style="list-style-type: none"> <input type="checkbox"/> Adopt measures to avoid or minimize damage such as adequate bunding, etc <input type="checkbox"/> Environmental Plan to be developed

H.2. Land Transport	<input type="checkbox"/> Safety risk to personnel <input type="checkbox"/> Spillage of hydrocarbons to sensitive environments	<input type="checkbox"/> Ensure adequate protection is provided. <input type="checkbox"/> Environmental Plan to be developed
H.3. Sea Transport	<input type="checkbox"/> Safety risk to personnel <input type="checkbox"/> Spillage of hydrocarbons to sensitive environments	<input type="checkbox"/> Ensure adequate protection is provided. <input type="checkbox"/> Environmental Plan to be developed

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3.3 Generic Category “B” CERC-related Activities Environmental and Social Impact Mitigation Measures

Develop an Environmental Management Plan, based around elements of the impact mitigation hierarchy:

1. Avoidance:	Take measures to avoid creating impacts from the outset, such as careful spatial or temporal placement of infrastructure or disturbance. Avoidance is often the easiest, cheapest and most effective way of reducing potential negative impacts.
2. Minimisation:	Measures taken to reduce the duration, intensity and/or extent of impacts that cannot be completely avoided. Effective minimisation can eliminate some negative impacts. Examples include such measures as reducing noise and pollution, working with adjacent landowners and land users to minimise disruption where possible..
3. Rehabilitation/restoration	Measures taken to improve degraded or removed ecosystems following exposure to impacts that cannot be completely avoided or minimised. Restoration tries to return an area to the original ecosystem that occurred before impacts, whereas rehabilitation only aims to restore basic ecological functions and/or ecosystem services (e.g. through planting trees to stabilise bare soil).
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Collectively avoidance, minimisation and rehabilitation/restoration serve to reduce, as far as possible, the residual environmental impacts of a project.

4 Institutional Arrangements

The Project Management Unit (PMU) within MEIDECC will serve as the Coordinating Authority for the CERC in close collaboration with the National Emergency Operations Committee (NEOC). The PMU will be responsible for the preparation of an emergency action plan and its day-to-day implementation, including all aspects related to procurement, financial management, disbursement, monitoring & evaluation and safeguard compliance.

The NEOC is activated when a disaster has occurred or is imminent and, under the Emergency Management Act, 2007, has the responsibility to:

- a. activate ministries and organizations in response to an event that has happened, is happening or may happen;
- b. liaise with ministries, non government organizations and community groups in the execution of their emergency management roles and responsibilities;
- c. carry out initial assessment;
- d. collate and prioritize immediate disaster relief requirements; and

- e. manage the distribution of immediate relief supplies.

The NEOC will provide the inputs to the PMU to prepare the package the trigger the CERC including the declaration of disaster, the latest impact assessment of situation report and the list of goods and works to be included in the action plan.

The Line Ministries will provide the requisite technical assistance to the PMU as related to the finalization of procurement bidding documents and the technical supervision of the post recovery and reconstruction works. The Line Ministries will provide technical inputs to terms of references (ToRs), invitations to quote (ITQs), and any other procurement documents as well as provide technical specifications for goods and participate in evaluation of bids. However, the PMU can request, under the CERC, technical assistance for:

- Developing the Technical Specifications, Bidding Documents, ToRs, etc, if “in-house” capacity of the Line Ministries is not enough; and
- Site supervision of works.

The technical consultants will work closely with the Line Ministries but report to the PMU where the CERC funds are used.

The National Emergency Management Committee (NEMC) will provide the oversight and guidance for the project implementation including the implementation of the CERC. The NEOC would recommend that the CERC be triggered, and the NEMC will make the decision to trigger the CERC. The key responsibilities of the NSC with respect to the CERC are as follows:

- a. Ensure the delivery of the action plan outputs and the attainments of outcomes by facilitating coordination amongst the Line Ministries and Institutions participating in the action plan and by addressing coordination issues as they arise during the implementation of the action plan;
- b. Review action plan progress reports as submitted by the Project Coordinator and make decision thereon; and
- c. Assess all policy-related issues and provide guidance as needed.

The safeguards advisor in the Central Unit will also provide oversight of safeguard implementation as necessary.

The emergency action plan will be publicly disclosed on the PIU website.

5 Grievance Redress Mechanism

5.1 Grievance Redress Process

A grievance redress mechanism (GRM) is an important element of an ESMF.

For CERC-related activities it remains important that such a mechanism is available to address concerns and complaints promptly and transparently with no impacts (cost, discrimination) for any reports made by project affected people (APs).

The CERC-related GRM should:

- Record, categorize and prioritize the grievances (within 24 hours);
- Forward complaint to relevant agency for assessment and action as necessary, including TCRTP implementing agency (within 3 days);
- Respond to stakeholder to communicate decision and check adequacy (within 10 days);
- Settle the grievances via consultation with all stakeholders (within 14 days);
- Forward any unresolved cases to the relevant authority.

However, it must be recognized that CERC-related activities often need to be undertaken as

a matter of urgency, and that any CERC-related GRM must provide for timely resolution of critical issues, with non-critical issues able to be deferred until after the activities have been completed.

Many grievances will be minor and revolve around nuisances generated during construction such as noise, dust, vibration, etc. These should be resolved on site by the operational manager, who should adopt a good-faith and flexible approach within the constraints of undertaking the CERC-related activity.

Concerns relating to personal or community safety should be given high priority with the operation manager adopting a precautionary approach wherever practicable.

The operational manager will log all complaints in a Complaints Register which shall record:

- i) details and nature of the complaint
- ii) the complainant name and their contact details
- iii) date
- iv) corrective actions taken in response to the complaint.

It is vital that appropriate signage is erected at the sites of all works providing the public with updated hazard.

If the grievance is not remedied to the acceptance of the complainant, the Operations Manager shall convey the complaint details to his supervisor in his organisation for escalation as appropriate.

If in-house escalation does not resolve the issue, the complainant will have recourse to the Tongan legal system for post-event resolution.