

## Annex 5: Environmental and Social Action Plan

---

### SFF – Local Development Project (P156257)

#### I. Objectives

1. **The Environmental and Social Action Plan (ESAP)** provides a time-bound planning framework for the environmental and social safeguards instruments, the production of which has been deferred into the project implementation period under paragraph 12 of OP10.00. This paragraph allows for condensed procedures and deferral of the safeguards instruments in situations of urgent need for assistance. This ESAP also provides general policies, guidelines, codes of practice and procedures to be integrated into the implementation of the Bank supported Somalia Special Financing Facility for Local Development (SFF-LD) Project.

2. **The objective of the ESAP** is to ensure that the planned project activities and related Environment and Social (E&S) assessment and management instruments and processes will be in compliance with the national legislation of Somalia (as far as existing), as well as the Bank's operational safeguards policies, and are duly and diligently implemented in a logical sequence with the environmentally and socially relevant project activities. This means that, as a general principle, E&S assessments and instruments should be completed, disclosed and consulted on before (i) before designs are finalized and contracts awarded; and (ii) project-funded activities with relevant E&S footprints may commence.

3. **This ESAP was prepared by the Task Team** under OP10.00, paragraph 12 and complies with the triggered World Bank safeguards policies, specifically OP4.01. The ESAP is subject to public disclosure as part of the Project Appraisal Document (PAD). In addition, it will be disclosed both in-country (in the appropriate communication channels, concerned sector ministries, and other public places of project intervention areas) as well as at the World Bank InfoShop during project preparation.

#### II. Project Scope and Context

4. **The project scope** is described in detail in the PAD in section III A, as well as Annex 2. In summary, the Project will support the rehabilitation and reconstruction of damaged and deteriorated community infrastructure, such as roads, drainage systems, and public buildings, as well as the (re)construction of markets. The identification of subprojects is achieved through a rigorous consultative process with community-based stakeholders, who decide on the subprojects to be financed for a specific community. This approach is expected to strengthen cohesion and cooperation among the community members, create a stronger sense of shared ownership, and joint responsibility for the repair and maintenance of assets. Finally, the implementation of Government-funded projects through federal and local agencies would increase citizen-government trust, and perceptions of Government reach, competence and accountability

5. **Fragility and Conflict Context:** One important consideration is the context of Somalia's current country conditions, in terms of security, capacity constraints, but also the environmental

and social baseline. It is important to note that due to the prolonged state of fragility and conflict, state functions have been reduced to very low levels of governance, technical expertise, governance and state presence. Under this pretext, the design of complex and sophisticated safeguards processes and instruments will neither be possible, nor conducive to the project's E&S performance. It thus is proposed to develop E&S instruments that are as simple and robust as possible. Practical examples for this approach include the maximum use of detailed templates and checklist formats with preconfigured lists of the scope of activities, linked to the range of anticipated impacts, the related mitigation measures, and the M&E arrangements to ascertain proper implementation. These can easily be completed by non-specialist personnel, attached to construction contracts, and are readable and accessible by the Contractor's site personnel.

### **III. Compliance with World Bank Safeguards Policies**

6. Activities supported by the proposed operation are expected to have certain site-specific adverse environmental and social impacts. This ESAP has been developed specifically for these proposed activities to ensure due diligence, to avoid causing harm, and to ensure consistent treatment of social and environmental issues by the Government of Somalia. The purpose of this plan is also to assist the Temporary Implementation Unit (TIU) in screening the subprojects for their likely social and environmental impacts, identifying E&S management requirements and prioritizing the investments. The World Bank's policy on Environmental Assessment (OP/BP 4.01), is triggered for this project, which has been classified as environmental category B.

7. **OP 4.01 Environmental Assessment.** The nature of the proposed project activities triggers OP 4.01 due to anticipated limited environmental and social impacts which will occur within close project boundaries on existing footprints, and be mostly of a temporary nature. The triggering of OP4.01 necessitates the preparation of general E&S management and "good housekeeping" instruments. Considering the limited scale and magnitude of rehabilitation and improvement works as well as the confinement of activities to existing footprints, the proposed operations is classified as category 'B'.

8. The team has not identified any meaningful alternatives to the current project design, as the project contents, geographic scope and activities are predefined by (i) pre-existing structures, infrastructure and assets, and (ii) the need to share and equally balance project benefits between all regions and provinces. There is some scope for variation in identifying subprojects; however, such variations will have negligible influence on any differential environmental or social adverse impacts.

### **IV. Sequencing and Tentative Implementation Schedule for Safeguards Processing**

9. As a general principle, the implementing agency will agree to apply the following minimum standards during implementation: (1) inclusion of standard Environmental Codes of Practice (ECOP) (Attachment 4) in the bid documents for rehabilitation, improvement and reconstruction activities for all subprojects; (2) review and oversight of any major reconstruction works by qualified specialists; (3) implementation of environmentally and socially sound options for disposal of any hazardous waste (e.g. medical waste, debris or drain spoils, oil-contaminated

soils or rubble); and (4) provisions for adequate and satisfactory budget and institutional arrangements for monitoring effective implementation.

10. The following time-bound deployment of the above described safeguards instruments is anticipated to manage and mitigate the potential adverse impacts:

- a. ***During project preparation*** a conceptual approach to safeguards management has been discussed, and draft template for the “checklist-type” ESMP been prepared and shared with the Client in order to swiftly initiate the preparation of this safeguards instrument after project effectiveness. Moreover, the TOR for the design and supervision Consultant will contain provisions for environmental screening, determination of safeguards requirements, and the preparation of the checklist-type ESMPs for specific subprojects.
- b. ***Immediately after project effectiveness, during the first three months of implementation:*** During this early implementation period the Design and Supervision Consultant (DSC) will be contracted. The DSC’s environmental / social specialist will be familiarized with the project’s safeguards framework and instruments, as well as the TIU (temporary implementation unit). To establish the required skills and capacities, a 1-2 day workshop will be prepared and delivered by the World Bank to DSC and TIU staff in Mogadishu. The training will be designed with a strong dissemination plan in mind, and contain a “train the trainers” module for the delivery of a half day workshop on E&S good practice, management principles and good housekeeping. This half day workshop would be subsequently delivered by DSC and TIU staff to stakeholders in the participating regions, including Contractors, community members, local environmental specialists and local TIU staff.
- c. ***During project implementation period:*** The key safeguards document in the project is the simplified, checklist-type ESMP. For each subproject an E&S screening will be performed by the TIU and DSC, to determine if (a) the project conforms with the positive list; (b) if there are potential adverse E&S impacts that need to be managed with the foreseen instrument, the ESMP, or (c) there are no or negligible E&S impacts (e.g. for interior restoration of a public building) and consequently no safeguards instruments are required. If the project is deemed eligible (by checking against the positive list) the DSC prepares the ESMP, which is ex-ante reviewed by the TIU and ex-ante spot-checked (ca. 20-30% of the subprojects) by the World Bank’s task team. The ESMPs would become part of the works contracts, set the E&S standards and compliance mechanisms, and serve as a contractual basis for supervision and enforcement of good E&S practice during the works (monitored and enforced by DSC). Comprehensive ESIA’s will not be required, as most structures and installations are existing, and the project would only finance their repair, reconstruction or reinstatement, or works with minor additional footprints, within insensitive environmental settings.

11. **Preparation time for safeguards instruments including Bank review, revisions, clearance, and approval steps.** The preparation of the checklist ESMP has intentionally been simplified to the extent possible, providing sufficient, basic due diligence arrangements for a low-risk project, while minimizing transaction cost and time. The checklist ESMP can be filled by a trained engineer or Consultant in less than 1 (one) days’ time, and the review process is equally swift. It is estimated, that without undue effort, the World Bank will be able to ex-ante review 20-30% ESMP produced for the anticipated subprojects.

12. **Consultations and Disclosure.** The PAD with this ESAP will be disclosed and in the public domain before project approval. The template for the checklist ESMP will be disclosed in all affected communities, where sub-projects are planned to take place. As the sub-projects will have been determined via an extensive and inclusive consultation process, the ESMP will not require a separate round of consultations. During the consultations planned for sub-project identification, the safeguards arrangements, instruments, roles and responsibilities will be a separate, key item on the agenda. The completed ESMPs for specific subprojects will again be disclosed, but on an absence of objection basis.

13. **Implementation of safeguards instruments, if applicable, development of secondary instruments (e.g., subproject ESMPs or RAPs to be developed, by whom and by when).** After finalization of the ESMPs, no further safeguards instruments will be required. The checklist-format ESMPs will be customized to specific construction projects and become part of the tender and contract documents. No tender package will be issued without an attached ESMP and no contract signed without respective clauses obliging the Contractor to the ESMPs use and implementation.

14. **Implementation Monitoring:** The monitoring of safeguards compliance during project implementation, especially during and after construction works, is challenged by the currently poor security situation, severe access restrictions, and the longer term perspective of high volatility. Thus safeguards monitoring has been included into the TOR for the DSC, who will also be responsible for technical quality, measurements, procurement and fiduciary compliance. The TOR specify that the Consultant will have strong field presence via local agents, and will cover all key areas and construction activities. The TOR further specify a detailed methodology and approach for safeguards monitoring, recording and reporting, as well as measures for rectification in case of non-compliance.

## **V. Roles & Responsibilities, incl. Supervision Arrangement for Safeguards Preparation, Implementation & Monitoring**

15. **The overall responsibility** for the implementation of the above described safeguards instruments and processes will be with the TIU (temporary implementation unit). The TIU will be responsible for the overall technical project quality as well as economic performance, as well as fiduciary and safeguards compliance. In the absence of domestic environmental regulations, the latter will be represented by the Banks E&S safeguards policies.

16. **The TIU will be supported by a contracted design and supervision consultant (DSC).** This entity will comprise engineering staff, as well as safeguards specialists. Among the responsibilities of the DSC will be safeguards-related tasks, such as:

- Screening of subprojects regarding their E&S impacts;
- Assigning the appropriate safeguards process and instrument (i.e., decision if the project is eligible, and if yes, an ESMP is required or not);
- Production of ESMP, where required;
- Integration of ESMP into tender and contract documents for civil works;

- Supervision of ESMP implementation and overall E&S compliance; initiating remedial action in case of non-compliance;
- E&S monitoring and reporting.

17. The Bank Task Team will be responsible for (i) verification of the screening results and decisions on sub-project eligibility and required safeguards approach (ESMP yes or no?); (ii) ensuring the timely commencement of the preparation of the ESMPs; (iii) spot-checks of ESMP quality and compliance with Bank requirements; (iv) spot-checks on proper ESMP implementation. Also, the task team will ensure that no contracts for works that have a physical impact are signed or any construction activities start without the required safeguards instruments in place.

## **VI. Estimated Costs for Safeguards Preparation and Implementation Process**

18. The cost of preparing the required safeguards instruments is estimated to be about USD 50,000, assuming ca. 20 sub-projects requiring checklist ESMPs at USD 2,500 per sub-project. This cost may vary, according to the pricing of the bidders on the DSC contract. In any case, the bidding documents must make clear reference to these safeguards-related duties and responsibilities in the bidding documents for the DSC contract, and contain line items in the BoQ, where the required services can be priced.

19. The implementation of ESMPs is expected to cost only a small fraction of design and construction cost, as most mitigation measures will be very generic, off-the-shelf, and implementable without specialized skills, experience or equipment. Assuming a proportion of about 1 %, for every USD 100,000 spent on construction activities, environmental mitigation and management measures would cost around 40,000-45,000 USD.

**Attachments:**

1. **Attachment 1:**List of Negative Subproject Attributes
2. **Attachment 2:** Checklist of Possible Environmental and Social Impacts of Projects
3. **Attachment 3:** Guidelines for preparation of an ESMP
4. **Attachment 4:** Codes of practice and mitigation of potential environmental impacts
5. **Attachment 5:** Safeguards Procedures for Inclusion in the Technical Specifications of Contracts
6. **Attachment 6:** Guidelines for land and asset acquisition, entitlements and compensation
7. **Attachment 7:** Protection of Cultural Property

## Attachment 1: List of Negative Subproject Attributes

Subprojects with any of the attributes listed below will be ineligible for support under the proposed emergency infrastructure renewal project.

<b>Attributes of Ineligible Subprojects</b>
<b>General Characteristics</b>
<ul style="list-style-type: none"><li>• Concerning significant conversion or degradation of critical natural habitats.</li></ul>
Damages cultural property, including but not limited to, any activities that affect the following sites: <ul style="list-style-type: none"><li>• Archaeological and historical sites; and</li><li>• Religious monuments, structures and cemeteries.</li></ul>
Requiring pesticides that fall in WHO classes IA, IB, or II.
<b>Sanitation</b> New wastewater treatment plants to serve 10,000 or more households.
<b>Solid Waste</b> New disposal site or significant expansion of an existing disposal site.
<b>Irrigation</b> New irrigation and drainage schemes.
<b>Dams</b> Construction of dams more than 5 meters high. Rehabilitation of dams more than 15 meters high.
<b>Power</b> New power generating capacity of more than 10 MW.
<b>Income Generating Activities</b> Activities involving the use of fuel-wood, including trees and bush. Activities involving the use of hazardous substances.

## Attachment 2: Checklist of Possible Environmental and Social Impacts of Projects

### I. Subproject Related Issues

S No	ISSUES	YES	NO	Comments
<b>A.</b>	<b>Zoning and Land Use Planning</b>			
1.	Will the subproject affect land use zoning and planning or conflict with prevalent land use patterns?			
2.	Will the subproject involve significant land disturbance or site clearance?			
3.	Will the subproject land be subject to potential encroachment by urban or industrial use or located in an area intended for urban or industrial development?			
<b>B.</b>	<b>Utilities and Facilities</b>			
4.	Will the subproject require the setting up of ancillary production facilities?			
5.	Will the subproject require significant levels of accommodation or service amenities to support the workforce during construction (e.g., contractor will need more than 20 workers)?			
<b>C</b>	<b>Water and Soil Contamination</b>			
6.	Will the subproject require large amounts of raw materials or construction materials?			
7.	Will the subproject generate large amounts of residual wastes, construction material waste or cause soil erosion?			
8.	Will the subproject result in potential soil or water contamination (e.g., from oil, grease and fuel from equipment yards)?			
9.	Will the subproject lead to contamination of ground and surface waters by herbicides for vegetation control and chemicals (e.g., calcium chloride) for dust control?			
10.	Will the subproject lead to an increase in suspended sediments in streams affected by road cut erosion, decline in water quality and increased sedimentation downstream?			
11.	Will the subproject involve the use of chemicals or solvents?			
12.	Will the subproject lead to the destruction of vegetation and soil in the right-of-way, borrow pits, waste dumps, and equipment yards?			
13.	Will the subproject lead to the creation of stagnant water bodies in borrow pits, quarries, etc., encouraging for mosquito breeding and other disease vectors?			
<b>D.</b>	<b>Noise and Air Pollution Hazardous Substances</b>			
14.	Will the subproject increase the levels of harmful air emissions?			
15.	Will the subproject increase ambient noise levels?			
16.	Will the subproject involve the storage, handling or transport of hazardous substances?			
<b>E.</b>	<b>Fauna and Flora</b>			
18.	Will the subproject involve the disturbance or modification of existing drainage channels (rivers, canals) or surface water bodies (wetlands, marshes)?			
19.	Will the subproject lead to the destruction or damage of terrestrial or aquatic ecosystems or endangered species directly or by induced development?			
20.	Will the subproject lead to the disruption/destruction of wildlife through interruption of migratory routes, disturbance of wildlife habitats, and noise-related problems?			

<b>F.</b>	<b>Destruction/Disruption of Land and Vegetation</b>			
21.	Will the subproject lead to unplanned use of the infrastructure being developed?			
22.	Will the subproject lead to long-term or semi-permanent destruction of soils in cleared areas not suited for agriculture?			
23.	Will the subproject lead to the interruption of subsoil and overland drainage patterns (in areas of cuts and fills)?			
24.	Will the subproject lead to landslides, slumps, slips and other mass movements in road cuts?			
25.	Will the subproject lead to erosion of lands below the roadbed receiving concentrated outflow carried by covered or open drains?			
26.	Will the subproject lead to long-term or semi-permanent destruction of soils in cleared areas not suited for agriculture?			
27.	Will the subproject lead to health hazards and interference of plant growth adjacent to roads by dust raised and blown by vehicles?			
<b>G.</b>	<b>Cultural Property</b>			
28.	Will the subproject have an impact on archaeological or historical sites, including historic urban areas?			
29.	Will the subproject have an impact on religious monuments, structures and/or cemeteries?			
30.	Have Chance Finds procedures been prepared for use in the subproject?			
<b>H.</b>	<b>Expropriation and Social Disturbance</b>			
31.	Will the subproject involve land expropriation or demolition of existing structures?			
32.	Will the subproject lead to induced settlements by workers and others causing social and economic disruption?			
33.	Will the subproject lead to environmental and social disturbance by construction camps?			

## II. Site Characteristics

S No	ISSUES	YES	NO	Comments
1.	Is the subproject located in an area with designated natural reserves?			
2.	Is the subproject located in an area with unique natural features?			
3.	Is the subproject located in an area with endangered or conservation-worthy ecosystems, fauna or flora?			
4.	Is the subproject located in an area falling within 500 meters of national forests, protected areas, wilderness areas, wetlands, biodiversity, critical habitats, or sites of historical or cultural importance?			
5.	Is the subproject located in an area which would create a barrier for the movement of conservation-worthy wildlife or livestock?			
6.	Is the subproject located close to groundwater sources, surface water bodies, water courses or wetlands?			
7.	Is the subproject located in an area with designated cultural properties such as archaeological, historical and/or religious sites?			
8.	Is the subproject in an area with religious monuments, structures and/or cemeteries?			
9.	Is the subproject in a polluted or contaminated area?			
10.	Is the subproject located in an area of high visual and landscape quality?			
11.	Is the subproject located in an area susceptible to landslides or erosion?			
12.	Is the subproject located in an area of seismic faults?			
13.	Is the subproject located in a densely populated area?			
14.	Is the subproject located on prime agricultural land?			
15.	Is the subproject located in an area of tourist importance?			
16.	Is the subproject located near a waste dump?			
17.	Does the subproject have access to potable water?			
18.	Is the subproject located far (1-2 kms) from accessible roads?			
19.	Is the subproject located in an area with a wastewater network?			
20.	Is the subproject located in the urban plan of the city?			
21.	Is the subproject located outside the land use plan?			

Signed by Environment Specialist: Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

Signed by Project Manager: Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

## **Attachment 3: Guidelines for preparation of the Environmental and Social Management Plan**

Under the ESIA process, once the potential impacts of the relevant activities have been identified, the next step of the ESIA process involves the identification and development of measures aimed at eliminating, offsetting, and/or reducing impacts to levels that are environmentally acceptable during implementation and operation of the Project. The ESMP should describe the identified negative environmental and social impacts, proposed mitigation measures, responsibilities for implementation of these measures, timeline for implementation and indicative budget for each item. A sample EMP Checklist for Low-Risk Topologies will be provided to the project implementing agencies as a stand-alone attachment.

### **Description of mitigation measures**

Feasible and cost effective measures to minimize adverse impacts to acceptable levels should be specified with reference to each identified impact. The plan includes compensatory measures if mitigation measures are not feasible, cost-effective, or sufficient. Specifically, the ESIA/ESMP should:

- Identify and summarize all anticipated significant adverse environmental impacts, including those involving involuntary resettlement;
- Describe each mitigation measure, including the type of impact to which it relates and the conditions under which it is required;
- Estimate any potential environmental impacts of these measures; and
- Provide linkage with any other mitigation plan (e.g. for involuntary resettlement) required for the Project.

### **Monitoring program**

In order to ensure that the proposed mitigation measures have the intended results and comply with national standards and donor requirements, an environmental performance monitoring section should be included in the ESMP. The ESMP identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed and the mitigation measures described in the ESMP. The monitoring program should give details of the following:

- Monitoring indicators to be measured for evaluating the performance of each mitigation measure
- Monitoring mechanisms and methodologies;
- Monitoring frequency;
- Monitoring locations;
- Monitoring budget.

**Capacity development and training:** The ESMP will draw on the existence, role and capability of environmental units on site or at the implementing agency and ministry levels. If necessary the ESMP will include actions to strengthen environmental and social capability in the agencies responsible for its implementation.

**Institutional arrangements:** Institutions/entities responsible for implementing mitigation measures and for monitoring their performance should be clearly identified. Where necessary, mechanisms for institutional coordination should be identified, as monitoring often involves more than one institution.

**Implementing schedules and cost estimates:** The ESMP provides timing, frequency, and duration of mitigation, monitoring and capacity development measures with links to overall implementation schedule of the Project, as well as related capital and recurrent cost and sources of funding. The plan for the ESMP should be specific in its description of the individual mitigation and monitoring measures and its assignment of institutional responsibilities.

## Attachment 4: Codes of Practice for Prevention and Mitigation of Environmental Impacts

Potential Impacts	Prevention and Mitigation Measures
<p>Impacts during construction:</p> <ul style="list-style-type: none"> <li>• Fuel-wood collection</li> <li>• Excessive water harvesting</li> <li>• Poor sanitation</li> <li>• Generation of solid (including hazardous) wastes</li> <li>• Groundwater contamination (oil, grease)</li> <li>• Accidents during construction</li> <li>• Impacts to physical cultural resources</li> <li>• Influx of migrant workers</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of fuel and water sources at the work camps to prevent stress to local communities due to cutting of firewood and collection of water.</li> <li>• Provision of proper, gender separated sanitation facilities at the work camps.</li> <li>• Removal of work camp wastes, proper disposal of oil, bitumen and other hazardous wastes.</li> <li>• Management of worker health and safety during construction period (refer to WBG Environmental Health and Safety Guidelines).</li> <li>• Use of chance-find procedures (refer to Attachment 4).</li> <li>• Provide comprehensive community participation in the planning, migration issue to be resolved through local redress mechanism.</li> <li>• Preference to employment of local workers.</li> </ul>
<p>Medical waste</p>	<ul style="list-style-type: none"> <li>• Wastes should be segregated at the point of generation according to their type: (a) Infectious, bio-contaminated wastes (including sharp materials); (b) chemical wastes (drugs, chemical solutions, etc.); (c) noninfectious, common wastes (paper, cardboard, glass, or the like; empty chemical product containers should be treated as chemical wastes).</li> <li>• Only puncture proof, hermetic plastic containers of 2–5 liter capacity or opaque glass bottles should be used to store sharp objects</li> <li>• For each hospital room, washable and easily disinfected PVC containers with a capacity of 40–50 liters should be used. Waste should be disposed of in colored bags according to national codification. Usually they are: red bags for bio-contaminated wastes; yellow bags for chemical wastes; black bags for common wastes.</li> <li>• These wastes should then be collected separately at latest 12–24 hours. The personnel assigned to handle medical waste should be properly trained and should wear protective gear such as with aprons, masks, boots and gloves.</li> <li>• Treatment should be done according to the type of waste. Sharp materials disposed in puncture proof containers should then buried in a protected sharp pit. Existing functioning nearby waste treatment facilities should be used but only if safe means of transport can be ensured.</li> <li>• Burial area should be isolated and protected to avoid illegal recycling. However, this may not be possible in permanent health facilities, due to lack of space. In such cases, protected areas should be used at landfill sites to receive treated wastes. Common wastes may be managed by the municipal waste-collection service, as long as they are not mixed and do not contain hazardous materials.</li> </ul>
<p>Borrow sites</p>	<ul style="list-style-type: none"> <li>• Design to prevent soil erosion and maintain slope stability</li> <li>• Avoid to have a borrow area close of the settlements</li> </ul>

<b>Potential Impacts</b>	<b>Prevention and Mitigation Measures</b>
<p>Access Roads - Drainage:</p> <ul style="list-style-type: none"> <li>• Design to provide adequate drainage and to minimize changes in flows, not limited to the road reserve.</li> <li>• Hampers free drainage, causes stagnant pools of water.</li> <li>• Increased sediments into ponds, streams, rivers due to erosion from road tops and sides.</li> <li>• Increased runoff and flooding</li> </ul>	<ul style="list-style-type: none"> <li>• Design to provide adequate drainage and to minimize changes in flows, not limited to the road reserve.</li> <li>• Provision of energy dissipaters, cascades, steps and check dams.</li> <li>• Provision of sufficient number of cross drains.</li> <li>• Balancing of cut and fill.</li> <li>• Re-vegetation to protect susceptible soil surfaces.</li> <li>• Rehabilitation of borrow areas.</li> </ul>
<p>Erosion:</p> <ul style="list-style-type: none"> <li>• Erosion of land downhill from the road bed or in borrow areas;</li> <li>• Landslides, slips or slumps;</li> <li>• Bank failure of the borrow pit.</li> </ul>	<ul style="list-style-type: none"> <li>• Design to prevent soil erosion and maintain slope stability.</li> <li>• Construction in the dry season.</li> <li>• Protection of soil surfaces during construction.</li> <li>• Physical stabilization of erodible surfaces through turfing, planting native vegetation for slope maintenance and creating slope breaks.</li> <li>• Rehabilitation and re-grading of borrow pits and material collection sites prior to finalization of the project.</li> </ul>
<p>Loss of vegetation:</p>	<ul style="list-style-type: none"> <li>• Balancing of cut and fill.</li> <li>• Re-vegetation with native species to protect susceptible soil surfaces.</li> <li>• Minimize loss of natural vegetation during construction.</li> <li>• Re-vegetation and replanting to compensate any loss of plant cover and tree felling.</li> </ul>

## **Attachment 5: Safeguards Procedures for Inclusion in the Technical Specifications of Contracts**

### **I. General**

1. The Contractor and his employees shall adhere to the mitigation measures set down and take all other measures required by the Engineer to prevent harm, and to minimize the impact of his operations on the environment.
1. The Contractor shall not be permitted to unnecessarily strip clear the right of way. The Contractor shall only clear the minimum width for construction and diversion roads should not be constructed alongside the existing road.
3. Remedial actions which cannot be effectively carried out during construction should be carried out on completion of each Section of the road (earthworks, pavement and drainage) and before issuance of the Taking Over Certificate:
  - (a) these sections should be landscaped and any necessary remedial works should be undertaken without delay, including grassing and reforestation;
  - (b) water courses should be cleared of debris and drains and culverts checked for clear flow paths; and
  - (c) borrow pits should be dressed as fish ponds, or drained and made safe, as agreed with the land owner.
4. The Contractor shall limit construction works to between 6 am and 7 pm if it is to be carried out in or near residential areas.
5. The Contractor shall avoid the use of heavy or noisy equipment in specified areas at night, or in sensitive areas such as near a hospital.
6. To prevent dust pollution during dry periods, the Contractor shall carry out regular watering of earth and gravel haul roads and shall cover material haulage trucks with tarpaulins to prevent spillage.

### **II. Transport**

7. The Contractor shall use selected routes to the project site, as agreed with the Engineer, and appropriately sized vehicles suitable to the class of road, and shall restrict loads to prevent damage to roads and bridges used for transportation purposes. The Contractor shall be held responsible for any damage caused to the roads and bridges due to the transportation of excessive loads, and shall be required to repair such damage to the approval of the Engineer.
8. The Contractor shall not use any vehicles, either on or off road with grossly excessive, exhaust or noise emissions. In any built up areas, noise mufflers shall be installed and maintained in good condition on all motorized equipment under the control of the Contractor.

9. Adequate traffic control measures shall be maintained by the Contractor throughout the duration of the Contract and such measures shall be subject to prior approval of the Engineer.

### **III. Workforce**

10. The Contractor should whenever possible locally recruit the majority of the workforce and shall provide appropriate training as necessary.

11. The Contractor shall install and maintain a temporary septic tank system for any residential labor camp and without causing pollution of nearby watercourses.

12. The Contractor shall establish a method and system for storing and disposing of all solid wastes generated by the labor camp and/or base camp.

13. The Contractor shall not allow the use of fuel wood for cooking or heating in any labor camp or base camp and provide alternate facilities using other fuels.

14. The Contractor shall ensure that site offices, depots, asphalt plants and workshops are located in appropriate areas as approved by the Engineer and not within 500 meters of existing residential settlements and not within 1,000 meters for asphalt plants.

15. The Contractor shall ensure that site offices, depots and particularly storage areas for diesel fuel and bitumen and asphalt plants are not located within 500 meters of watercourses, and are operated so that no pollutants enter watercourses, either overland or through groundwater seepage, especially during periods of rain. This will require lubricants to be recycled and a ditch to be constructed around the area with an approved settling pond/oil trap at the outlet.

16. The contractor shall not use fuel wood as a means of heating during the processing or preparation of any materials forming part of the Works.

### **IV. Quarries and Borrow Pits**

17. Operation of a new borrow area, on land, in a river, or in an existing area, shall be subject to prior approval of the Engineer, and the operation shall cease if so instructed by the Engineer. Borrow pits shall be prohibited where they might interfere with the natural or designed drainage patterns. River locations shall be prohibited if they might undermine or damage the river banks, or carry too much fine material downstream.

18. The Contractor shall ensure that all borrow pits used are left in a trim and tidy condition with stable side slopes, and are drained ensuring that no stagnant water bodies are created which could breed mosquitoes.

19. Rock or gravel taken from a river shall be far enough removed to limit the depth of material removed to one-tenth of the width of the river at any one location, and not to disrupt the river flow, or damage or undermine the river banks.

20. The location of crushing plants shall be subject to the approval of the Engineer, and not be close to environmentally sensitive areas or to existing residential settlements, and shall be operated with approved fitted dust control devices.

## **V. Earthworks**

21. Earthworks shall be properly controlled, especially during the rainy season.

22. The Contractor shall maintain stable cut and fill slopes at all times and cause the least possible disturbance to areas outside the prescribed limits of the work.

23. The Contractor shall complete cut and fill operations to final cross-sections at any one location as soon as possible and preferably in one continuous operation to avoid partially completed earthworks, especially during the rainy season.

24. In order to protect any cut or fill slopes from erosion, in accordance with the drawings, cut off drains and toe-drains shall be provided at the top and bottom of slopes and be planted with grass or other plant cover. Cut off drains should be provided above high cuts to minimize water runoff and slope erosion.

25. Any excavated cut or unsuitable material shall be disposed of in designated tipping areas as agreed to by the Engineer.

1. Tips should not be located where they can cause future slides, interfere with agricultural land or any other properties, or cause soil from the dump to be washed into any watercourse. Drains may need to be dug within and around the tips, as directed by the Engineer.

## **VI. Historical and Archeological Sites**

27. If the Contractor discovers archeological sites, historical sites, remains and objects, including graveyards and/or individual graves during excavation or construction, the Contractor shall:

- a. Stop the construction activities in the area of the chance find.
- b. Delineate the discovered site or area.
- c. Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be present until the responsible local authorities and the Ministry of Culture take over.
- d. Notify the supervisory Engineer who in turn will notify the responsible local authorities and the Ministry of Culture immediately (less than 24 hours).
- e. Contact the responsible local authorities and the Ministry of Culture who would be in charge of protecting and preserving the site before deciding on the proper procedures to be carried out. This would require a preliminary evaluation of the findings to be performed by the archeologists of the Ministry of Culture (within 72 hours). The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage, including the aesthetic, historic, scientific or research, social and economic values.
- f. Ensure that decisions on how to handle the finding be taken by the responsible authorities and the Ministry of Culture. This could include changes in the layout (such as when the

finding is an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage.

- g. Implementation for the authority decision concerning the management of the finding shall be communicated in writing by the Ministry of Culture; and
- h. Construction work will resume only after authorization is given by the responsible local authorities and the Ministry of Culture concerning the safeguard of the heritage.

## **VII. Disposal of Construction and Vehicle Waste**

28. Debris generated due to the dismantling of the existing structures shall be suitably reused, to the extent feasible, in the proposed construction (e.g. as fill materials for embankments). The disposal of remaining debris shall be carried out only at sites identified and approved by the project engineer. The contractor should ensure that these sites (a) are not located within designated forest areas; (b) do not impact natural drainage courses; and (c) do not impact endangered/rare flora. Under no circumstances shall the contractor dispose of any material in environmentally sensitive areas.

29. In the event any debris or silt from the sites is deposited on adjacent land, the Contractor shall immediately remove such, debris or silt and restore the affected area to its original state to the satisfaction of the Supervisor/Engineer.

30. Bentonite slurry or similar debris generated from pile driving or other construction activities shall be disposed of to avoid overflow into the surface water bodies or form mud puddles in the area.

31. All arrangements for transportation during construction including provision, maintenance, dismantling and clearing debris, where necessary, will be considered incidental to the work and should be planned and implemented by the contractor as approved and directed by the Engineer.

32. Vehicle/machinery and equipment operations, maintenance and refueling shall be carried out to avoid spillage of fuels and lubricants and ground contamination. An oil interceptor will be provided for wash down and refueling areas. Fuel storage shall be located in proper bounded areas.

33. All spills and collected petroleum products shall be disposed of in accordance with standard environmental procedures/guidelines. Fuel storage and refilling areas shall be located at least 300 meters from all cross drainage structures and important water bodies or as directed by the Engineer.

## **Attachment 6: Guidelines for Land and Asset Acquisition, Entitlements and Compensation**

### **I. Objectives**

1. Resettlement and land acquisition will be kept to a minimum, and will be carried out in accordance with these guidelines. Subproject proposals that would require demolishing houses or acquiring productive land should be carefully reviewed to minimize or avoid their impacts through alternative alignments. Proposals that require more than minor expansion along rights of way should be carefully reviewed. No land or asset acquisition may take place outside of these guidelines. A format for Land Acquisition Assessment Data Sheet is attached as Attachment 3(i).
2. These guidelines provide principles and instructions to compensate negatively affected persons to ensure that they will be assisted to improve, or at least to restore, their living standards, income earning or production capacity to pre-project levels regardless of their land tenure status.

### **II. Categorization**

3. Based on the number of persons that may be affected by the project, Project Affected People (PAPs) and the magnitude of impacts, projects will be categorized as follows:
  - (a) Projects that will affect more than 200 PAPs due to land acquisition and/or physical relocation and where a full RAP must be produced. If the RAP cannot be prepared prior to project appraisal, a waiver can be provided by the World Bank Managing Director (MD) in consultation with the Resettlement Committee. In such cases, the TT should agree with the Borrower on a timetable for preparation of the RAP.
  - (b) Projects that will affect less than 200 persons require the following documentation: (i) a land acquisition assessment, (ii) the minutes or record of consultations which assess the compensation claimed and agreement reached, and (iii) a record of the receipt of the compensation, or voluntary donation, by those affected (see below).
  - (c) Projects that are not expected to have any land acquisition or any other significant adverse social impacts; on the contrary, significant positive social impact and improved livelihoods are expected from such interventions.

### **III. Eligibility**

4. PAPs are identified as persons whose livelihood is directly affected by the project due to acquisition of the land owned or used by them. PAPs deemed eligible for compensation are:
  - (a) those who have formal legal rights to land, water resources or structures/buildings, including recognized customary and traditional rights;
  - (b) those who do not have such formal legal rights but have a claim to usufruct rights rooted in customary law; and

(c) those whose claim to land and water resources or building/structures do not fall within (a) and (b) above, are eligible to resettlement assistance to restore their livelihood.

#### **IV. Compensation Principles**

7. The project implementation agencies will ensure timely provision of the following means of compensation to affected peoples:

(a) Project affected peoples losing access to a portion of their land or other productive assets with the remaining assets being economically viable are entitled to compensation at a replacement cost for that portion of land or assets lost to them. Compensation for the lost assets will be made according to the following principles:

- (i) replacement land with an equally productive plot, cash or other equivalent productive assets;
- (ii) materials and assistance to fully replace solid structures that will be demolished;
- (iii) replacement of damaged or lost crops and trees, at market value;
- (iv) other acceptable in-kind compensation;
- (v) in case of cash compensation, the delivery of compensation should be made in public, i.e., at the Community Meeting; and
- (vi) in case of physical relocation, provision of civic infrastructure at the resettlement sites.

(b) Project affected peoples losing access to a portion of their land or other economic assets rendering the remainder economically non-viable will have the options of compensation for the entire asset by provision of alternative land, cash or equivalent productive asset, according to the principles in (a) i-iv above.

#### **V. Consultation Process**

8. The PMU and the concerned implementing entity will ensure that all occupants of land and owners of assets located in a proposed subproject area are consulted. Community meetings will be held in each affected district and village to inform the local population of their rights to compensation and options available in accordance with these Guidelines. The Minutes of the community meetings shall reflect the discussions held; agreements reached, and include details of the agreement, based on the format provided in Attachment 3(ii).

9. The PMU and the concerned implementing entity shall provide a copy of the Minutes to affected people and confirm in discussions with each of them, their requests and preferences for compensation, agreements reached, and any eventual complaint. Copies will be recorded in the posted project documentation and be available for inspection during supervision.

#### **VI. Subproject Approval**

10. In the event that a subproject involves acquisition against compensation, the PMU through the concerned implementing entity shall:

- (a) not approve the subproject unless satisfactory compensation has been agreed between the affected person and the local community; and
- (b) not allow works to start until the compensation has been delivered in a satisfactory manner to the affected persons.

## **VII. Complaints and Grievances**

11. Initially, all complaints should be registered by the PIU and the concerned implementing entity as the case maybe, which shall establish a register of resettlement/compensation related grievances and disputes mechanism. The existence and conditions of access to this register (where, when, how) shall be widely disseminated within the community/town as part of the consultation undertaken for the sub-project in general. A committee of knowledgeable persons, experienced in the subject area, shall be constituted at a local level as a Committee to handle first instance dispute/grievances. This group of mediators attempting amicable mediation/litigation in first instance will consist of the following members: (i) Head of District; (ii) Legal advisor; (iii) Local Representative within the elected Council; (iv) Head of Community Based Organization; and (v) Community leaders. This mediation committee will be set up at local level by the implementation agency on an “as-needed” (i.e. it will be established when a dispute arises in a given community).

12. When a grievance/dispute is recorded as per above-mentioned registration procedures, the mediation committee will be established, and mediation meetings will be organized with interested parties. Minutes of meetings will be recorded. The existence of this first instance mechanism will be widely disseminated to the affected people as part of the consultation undertaken for the sub-project in general. It is important that these mediation committees be set up as soon as RAP preparation starts. Disputes documented e.g. through socio-economic surveys should be dealt with by appropriate mediation mechanisms which must be available to cater for claims, disputes and grievances at this early stage. A template form for claims should be developed and these forms be collated on a quarterly basis into a database held at project level.

## **VIII. Verification**

12. The Mediation Meeting Minutes, including agreements of compensation and evidence of compensation made shall be provided to the Municipality/district, to the supervising engineers, who will maintain a record hereof, and to auditors and socio-economic monitors when they undertake reviews and post-project assessment. This process shall be specified in all relevant project documents, including details of the relevant authority for complaints at the municipal/district or implementing agency level.

## **Land Acquisition Assessment Data Sheet**

**(To be used to record information on all land to be acquired)**

1. Quantities of land/structures/other assets required:
2. Date to be acquired:
3. Locations:
4. Owners:
5. Current uses:
6. Users:
  - Number of Customary Claimants:
  - Number of Squatters:
  - Number of Encroachers:
  - Number of Owners:
  - Number of Tenants:
  - Others (specify): \_\_\_\_\_ Number: \_\_\_\_\_
7. How land/structures/other assets will be acquired (identify one):
  - Donation
  - Purchase
8. Transfer of Title:
  - Ensure these lands/structures/other assets are free of claims or encumbrances.
  - Written proof must be obtained (notarized or witnessed statements) for the voluntary donation, or acceptance of the prices paid from those affected, together with proof of title being vested in the community, or guarantee of public access, by the title-holder.
9. Describe grievance mechanisms available:

### Schedule of Compensation of Asset Requisition

<b>Summary of Affected Unit/Item</b>	<b>Units to be Compensated</b>	<b>Agreed Compensation</b>
a. Urban/agricultural land (m <sup>2</sup> ):	_____	_____
b. Houses/structures to be demolished (units/m <sup>2</sup> ):	_____	_____
c. Type of structure to be demolished (e.g. mud, brick, cement block, etc.,)	_____	Not Applicable.
d. Trees or crops affected:	_____	_____
e. Water sources affected:	_____	_____

Signatures of local community representatives, Sheikh/Head of Tribe:

Include record of any complaints raised by affected persons:

Map attached (showing affected areas and replacement areas):

## **Attachment 7: Protection of Cultural Property**

1. Cultural property include monuments, structures, works of art, or sites of significance points of view, and are defined as sites and structures having archaeological, historical, architectural, or religious significance, and natural sites with cultural values. This includes cemeteries, graveyards and graves.

### **Chance Find Procedures**

2. Chance find procedures will be used as follows:

- a) Stop the construction activities in the area of the chance find;
- b) Delineate the discovered site or area;
- c) Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be present until the responsible local authorities and the Ministry of Culture take over;
- d) Notify the supervisory Engineer who in turn will notify the responsible local authorities and the Ministry of Culture immediately (within 24 hours or less);
- e) Responsible local authorities and the Ministry of Culture would be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the archeologists of the Ministry of Culture (within 72 hours). The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage; those include the aesthetic, historic, scientific or research, social and economic values;
- f) Decisions on how to handle the finding shall be taken by the responsible authorities and the Ministry of Culture. This could include changes in the layout (such as when finding an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage;
- g) Implementation for the authority decision concerning the management of the finding shall be communicated in writing by the Ministry of Culture; and
- h) Construction work could resume only after permission is given from the responsible local authorities and the Ministry of Culture concerning safeguard of the heritage.

3. These procedures must be referred to as standard provisions in construction contracts, when applicable, and as proposed in section 1.5 of Attachment 5. During project supervision, the Site Engineer shall monitor the above regulations relating to the treatment of any chance find encountered are observed.

4. Relevant findings will be recorded in World Bank Project Supervision Aide Memoirs, and Implementation Completion and Results Reports (ICRs) will assess the overall effectiveness of the project's cultural property mitigation, management, and activities, as appropriate.

