SPC
Secretariat of the Pacific Community
Applied Geoscience and Technology Division (SOPAC)

PACIFIC ISLANDS FORUM SECRETARIAT

# Pacific Resilience Program (PREP)

## REGIONAL ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)

February 2015

## ACRONYMS

| | |
|---|---|
| ARAP | Abbreviated Resettlement Action Plan |
| BSRP | EDF10 ACP-EU/SPC Building Safety and Resilience in the Pacific Project |
| CCA | Climate Change Adaptation |
| CEO | Chief Executive Officer |
| CEAR | Comprehensive Environmental Assessment Report |
| CERC | Contingency Emergency Response Component |
| CFP | Chance Finds Procedure |
| CIF | Climate Investment Fund |
| COEP | Codes of Environmental Practice |
| CRSP | Climate Resilience Sector Project |
| CRICU | Climate Resilience Investment and Coordination Unit in Samoa |
| CROP | Council of Regional Organizations |
| DAC | Disaster Advisory Committee in Samoa |
| DMO | Disaster Management Office in Samoa |
| DRFI | Disaster Risk Financing and Insurance |
| DRR | Disaster Risk Reduction |
| ECOP | Environmental Codes of Practice (see COEP) |
| EA | Environmental Assessment |
| EDF10 | 10th European Development Fund |
| EEZ | Exclusive Economic Zones |
| EIA | Environmental Impact Assessment |
| EMP | Environmental Management Plan |
| EOC | Emergency Operations Center |
| ESIA | Environmental and Social Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| EWS | Early Warning System |
| FA | Financial Agreement |
| FPIC | Free prior and informed consultation |
| FSM | Federated States of Micronesia |
| GFDRR | Global Facility for Disaster Reduction and Recovery |
| GoS | Government of Samoa |
| GoT | Government of Tonga |
| GSD | Geoscience Division of SPC |
| HMMP | Hazardous Materials Management Plan |
| IDA | International Development Association |
| IPO | Indigenous Peoples Organisation |
| IPP | Indigenous Peoples Plan |
| IPPF | Indigenous Peoples Planning Framework |
| JNAPs | Joint National Action Plans |
| LUA | Land Use Agreement |
| M&E | Monitoring and Evaluation |
| MEIDECC | Ministry of Metrology, Information, Energy, Disaster Management, Environment, Climate Change and Communications in Tonga (formerly MEECCDMMIC) |
| MEECCDMMIC | Ministry of Environment, Energy, Climate Change, Disaster Management, Meteorology, Information and Communications in Tonga |
| MET | Meteorology Division |
| MFNP | Ministry of Finance and National Planning in Tonga |
| MHEWS | Multi-Hazard Early Warning System |
| MLSNR | Ministry of Lands, Survey and Natural Resources in Tonga |

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|---|---|
| MNRE | Ministry of Natural Resources and Environment in Samoa |
| MoF | Ministry of Finance |
| MoW | Ministry of Works |
| MWTI | Ministry of Works, Transport and Infrastructure in Samoa |
| NACCC | National Advisory Committee of Climate Change |
| NAPA | National Adaptation Plan for Action |
| NCC | National Council of Chiefs |
| NDC | National Disaster Council in Samoa |
| NDMOs | National Disaster Management Offices |
| NDP | National Disaster Plan |
| NEOC | National Emergency Operations Centre in Samoa |
| NEMP | National Emergency Management Plan in Samoa |
| NGO | Non-Government Organisation |
| NMHSs | National Meteorological and Hydrological Services |
| NRD | National Resources Division in Tonga |
| NSC | National Steering Committee for the PREP |
| OP | Operational Policy of the World Bank (safeguards) |
| PacRIS | Pacific Risk Information System |
| PAD | Project Appraisal Document |
| Pacific RAP | Pacific Regional Action Plan on Sustainable Water Management |
| PCR | Physical Cultural Resources |
| PCRMP | Physical Cultural Resources Management Plan |
| PCRAFI | Pacific Catastrophe Risk Assessment and Financing Initiative |
| PDO | Project Development Objective |
| PDNA | Post-Disaster Needs Assessment |
| PDRMPN | Pacific DRM Partnership Network |
| PEAR | Preliminary Environmental Assessment Report |
| PICs | Pacific Island Countries |
| PIEMA | Pacific Islands Emergency Management Alliance |
| PIFACC | Pacific Islands Framework for Action of Climate Change |
| PIFS | Pacific Islands Forum Secretariat |
| PHT | Pacific Humanitarian Team |
| PMU | Project Management Unit |
| POM | Project Operations Manual |
| PPCR | Pilot Program for Climate Resilience |
| PPN | Policy and Practice Note (of the World Bank) |
| PREP | Pacific Resilience Program (funded by World Bank) |
| PRP | Pacific Resilience Partnership |
| PSU | Program Support Unit of the PREP |
| PTS | Permanent Technical Secretariat |
| PUMA | Planning and Urban Management Agency in Samoa |
| RCU | Regional Coordination Unit of the PREP |
| RFA | Pacific Islands Disaster Risk Reduction and Disaster Management Framework |
| RMI | Republic of Marshall Islands |
| RNDRF | Regional Natural Disaster Relief Fund |
| RPF | Resettlement Policy Framework |
| RSC | Regional Steering Committee of the PREP |
| SA | Social Assessment |
| SCCF | Special Climate Change Fund |
| SIC | System Integrator Consultant |
| SMD | Samoa Meteorological Division |
| SOC | Seismic Operations Centre |
| SOPs | Standard Operating Procedures |
| SPC | Secretariat of the Pacific Community |

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|---|---|
| SPREP | Secretariat of Pacific Regional Environmental Program |
| SRDP | Strategy for Climate and Disaster Resilient Development |
| TA | Technical Assistance |
| TAL | Tonga Airports Limited |
| TC | Tropical Cyclone |
| TMD | Tonga Meteorological Department |
| TVET | Technical Vocational Education and Training |
| UNISDR | United Nations Office for Disaster Risk Reduction |
| VHT | Vanuatu Humanitarian Team |
| VLDP | Voluntary Land Donation Protocol of the World Bank |
| WB | World Bank |
| WMO SIDS | World Meteorological Organisation Small Islands Developing States |
| WMO | World Meteorological Organisation |
| WRD | Water Resources Division in Samoa |

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## How to Use this Document

This regional Environment and Social Management Framework (ESMF) has been prepared by SPC with the assistance of a consultant for the Pacific Resilience Program (PREP) in the Pacific Region.

This regional ESMF was developed during preparatory stages of the PREP. It serves as guidance for Implementing Agencies (IAs) and Project Management Units (PMUs) on environmental and social safeguard aspects of the Program, and how these will be managed during the implementation phase of the Program. The aim of this document is to inform the development of national-level Project Operations Manuals (POM) and safeguard tools and instruments for Projects in each participating country funded under PREP.

Where safeguard documents and frameworks exist for other World Bank-funded projects in participating countries, the document does not intend to supersede these, and the PMU is best placed to harmonize safeguard documents as required (subject to the Bank's approval).

## 1. Introduction

The Pacific Region is home to twenty-two island states, all of which are vulnerable to the impacts of climate change and natural disaster events. Pacific Island Countries (PICs) are susceptible to natural hazards such as tropical cyclones, flooding, tidal surges, droughts, volcanic eruptions, earthquakes and tsunamis, which can result in disasters that affect their entire economic, human, and physical environment and impact their long-term development agenda. Climate change projections suggest that the Pacific will face an even greater intensity of weather and climate-related hazard events in the coming years, making PICs among the most physically vulnerable nations in the world. The social and economic losses as a result of extreme events, paired with high population growth and rapid urbanization of the region, are likely to contribute to more people being affected by disasters and climate change. Hence, there is widespread acceptance of the need to strengthen disaster early warning and preparedness, and to mainstream disaster risk and climate change into development planning and financing.

In response to increasing demand for assistance from PICs, the World Bank ('Bank') began discussions about the possibility of a coordinated regional project to provide International Development Association (IDA) financing as well as technical assistance to support disaster risk reduction and resilience against natural disaster events.

Extensive regional consultation resulted in the development a coordinated package of IDA financing and technical assistance (TA) to PICs, called the Pacific Resilience Program (PREP). The PREP is a Series of Projects valued at $US40.1million that will be phased in over approximately seven years. More specifically, the PREP is a series of interdependent and overlapping Projects to multiple beneficiaries, who are facing a common set of development issues and share common development goals. Each of the country Projects are self-standing and will finance a different group of eligible beneficiaries, and each is expected to last approximately five years. Implementation for Phase I is planned to take five years, commencing in Q4 2015 and ending in Q2 2021. Phase II is scheduled to commence at Year Three of the Program.

The program aims to consolidate the results of on-going national and regional initiatives. The regional approach aims to help PICs to: (i) strengthen early warning and preparedness; (ii) create a framework for stronger and prioritized investments in resilience and retrofitting of key-public buildings to meet international standards; and (iii) improve post-disaster response capacity of the countries through strengthened financial resilience to disaster events.

The eleven PICs that are WB member countries[1] are eligible to participate when they are ready to participate in the PREP (according to agreed eligibility criteria). The Program will include a first phase (Phase I) which will include a regional IDA grant and a series of Projects for countries which are ready to join the program. The initial participants for Phase I are Samoa, Tonga, Vanuatu, the Republic of Marshall Islands (RMI), Pacific Islands Forum Secretariat (PIFS) and the Secretariat of the Pacific Community (SPC) while potential participants in Phase II include the Federated States of Micronesia (FSM), Fiji, and the Solomon Islands. Vanuatu and RMI will participate in an abridged Project design during

[1] PIC members of the Bank include: Federated States of Micronesia (FSM), Fiji, Kiribati, Palau, Papua New Guinea, Republic of the Marshall Islands (RMI), Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

Phase I, encompassing only Sub-component 3.1.2, which relates to the payment of disaster financing insurance premiums.

A second phase (Phase II) which will include additional investments for the Phase I countries (to be prepared at the beginning of Phase I) and additional countries that are ready to join the Program (potentially Federated States of Micronesia (FSM), Fiji and Solomon Islands). The rationale for including these countries in the PREP are threefold: (i) these countries all have a high risk profile and are subject to frequent rapid onset disasters; (ii) all (apart from FSM & Fiji) have been part of the Pacific Catastrophe Risk Assessment and Financing Initiative (PCRAFI) scheme, on which the PREP will build; and (iii) there has been previous World Bank engagement within all of these countries in the areas of disaster risk management (DRM) and climate resilience.

## 1.1 Purpose and Scope of the ESMF

This regional Environment and Social Management Framework (ESMF) has been prepared for the PREP in the Pacific region. The PREP has a shared development objective and approach, meaning each project has the same design features (same components and sub-components), but specific activities for each country may differ slightly. The ESMF has the following objectives:

(i) To establish clear procedures and methodologies for the environmental and social planning, screening, review, approval and implementation of subprojects to be financed under the Project;
(ii) To specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns, including those relating to gender and different sub-groups within the beneficiary communities, that will arise from the subprojects;
(iii) To determine the training, capacity building and technical assistance needed to successfully implement the provisions of the ESMF;
(iv) To establish the project funding required to implement the ESMF requirements; and
(v) To provide safeguard tools and templates for implementing the ESMF.

In order to implement the shared objective and approach, each project in the series will finance activities that would be implemented nationally in each participating country, as well as some activities (primarily technical assistance) are better implemented at the regional level. A regional framework eligible for financing has been developed (Table 1), from which countries can choose according to their priorities. The rationale of using this program-level ESMF is that specific activities for all subprojects of the PREP have not been identified during the project preparation and specific locations and detailed information about the subprojects will only be known during implementation.

The purpose of this ESMF is to guide Implementing Agencies (IAs) and stakeholders including the Program-level IAs (SPC and PIFS), country-level IAs and subproject proponents on the environmental and social screening and subsequent assessment of country-specific subproject activities during project preparation and implementation.

The procedures outlined in the ESMF serve to ensure that potential adverse environmental and social impacts that may be generated as a result of each subproject activity are identified early, and appropriate safeguard instruments are prepared prior to implementation

to avoid, minimize, mitigate and, in cases where there are residual impacts, offset adverse environmental and social impacts. The ESMF also contains safeguard instruments that may be triggered by certain activities, such as an Environmental Assessment (OP4.01), Indigenous Peoples Planning Framework (OP4.10), and Resettlement Policy Framework (OP4.12). A comprehensive list of triggered safeguard policies is included in Section 6 of this ESMF.

The scope of this ESMF includes a description of how safeguards issues will be dealt with by outlining:

(i) Types of activities that will not be supported by the project using the *'negative list'*;
(ii) Key responsibilities for ESMF implementation;
(iii) Procedures for safeguard screening and assessment to determine the project category and early identification of potential safeguard issues;
(iv) Project-specific safeguards instruments, procedures and mitigation measures for activities that may cause adverse environmental and/or social impacts; and
(v) Outlining institutional and monitoring arrangements.

The ESMF will ensure that each project under the PREP will put in place a robust approach to consider environmental and social risks and impacts in line with World Bank safeguard policies[2], and to prepare appropriate good practice safeguard instruments for the actual mitigation and management measures identified in final activities plan/s.

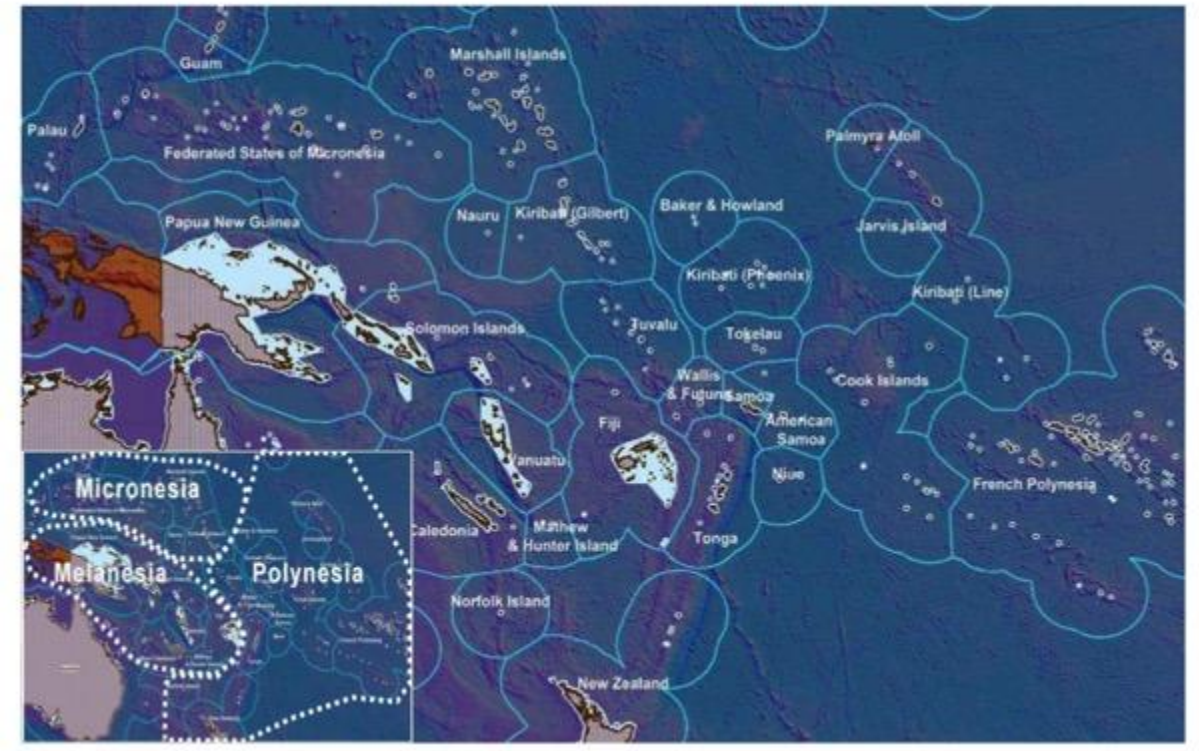
[2] The World Bank safeguard policies are available at www.worldbank.org/safeguards.

# 2. Project Description

## 2.1 Project Area

The PREP is a regional-scale program located in the Pacific region (shown in the Figure 1 below), which is home to 22 PICs divided into three sub regions: Micronesia, Polynesia and Melanesia. Exclusive Economic Zones (EEZs) of Pacific Island countries (PICs) cover a total of 30.5 million km$^2$ with land mass of about 550,000 km$^2$ (Figure 1).

Figure 1: Pacific Island Countries and Territories showing boundaries of Exclusive Economic Zones (EEZs) territorial seas. Inset shows the regions of Melanesia, Polynesia and Micronesia. (Pacific Islands Regional Maritime Boundaries Project, SOPAC www.sopac.org)




## 2.2 Program Components

The **program development objective** (PDO) of the PREP is to strengthen early warning, risk reduction and resilient planning and financial protection capacity of participating countries. The Program beneficiaries include communities in the participating PICs that are particularly vulnerable to climate and disaster risk, government agencies in charge of disaster and climate resilient planning and response, resilient investment and disaster risk financing, and regional organizations that support efforts in climate and disaster risk management.

### 2.2.1 Series of Projects

The Program will include a combination of activities and investments at the country level (Projects) and activities at the Regional-level Program, which will benefit the region as a whole (Program). At this stage, the Program will include a first phase (Phase I) which will include a series of Projects for countries which are ready to join the Program (i.e., Samoa and Tonga for all components, and Vanuatu and RMI for Sub-component 3.1.2 only) and a

second phase (Phase II) which will include additional investments for the Phase I countries (to be prepared at the beginning of Phase I) and additional countries that are ready to join the Program.

### 2.2.2 Project Components

The Program will comprise the following four components:

**Component 1: Strengthening Early Warning and Preparedness**

The objective of this component is to increase the resilience of the participating Phase I countries and the Pacific region as a whole to natural hazards such as cyclones, coastal/riverine flooding, volcanic eruptions, tsunamis and earthquakes by improving the quality of forecasting and warning services as well as disaster preparedness. This component has two sub-components: (i) Investments in Early Warning and Preparedness in Phase I countries; and (ii) Regional TA to Support Impact Forecasting and Preparedness for Response.

***Sub-Component 1.1:Investments in Early Warning and Preparedness***

This sub-component will be nationally implemented, and aims to strengthen the ability of participating countries to make warning information actionable by those at risk, in order to minimize adverse impacts to vulnerable communities and individuals, including women, children and other more vulnerable members of the population. It will enable people to make informed decisions about what to do to protect themselves from hazard impacts and help emergency services target limited resources to where they are most needed to maximize the impact of their response efforts.

The sub-component will strengthen the following key elements: (i) detection, forecasting and warning of the impact of natural hazards; (ii) dissemination of timely warnings to the population, including last mile communication; and (iii) emergency preparedness and response mechanisms. This will involve the introduction of an impact forecast and warning system, which will build on existing capabilities in meteorological, hydrological and seismological monitoring, forecasting and warning, and the PCRAFI vulnerability assessments to establish a fully functioning MHEWS for each participating country. Country investments will strengthen both national and regional early warning systems, with priorities for each participating country and the region identified through a needs assessment that has been conducted by a team of technical experts, in consultation with the meteorological and seismological agencies and other relevant counterparts in the participating Phase I countries.

Strengthening last mile connectivity will be a particular priority for the PREP due to the specific challenges related to: (i) communicating disaster warnings to remote PIC locations prior to a natural disaster; and (ii) coordinating response and recovery efforts following a disaster. In order to ensure the PREP is successful in strengthening the disaster resilience of the most at risk communities, the provision of improved communication capabilities for the outer islands will be paramount, through, for example, strengthened mobile telecommunication capacity, and high and very high frequency radio systems.

### *Sub-Component 1.2: Regional Tools to Strengthen Impact Forecasting and Preparedness for Response*

This sub-component will be regionally implemented and will provide the Technical Assistance and advisory services required to support Early Warning and Preparedness activities under Component 1.1 for the participating countries. This will be done through regional technical assistance, development of a platform to provide access to the range of knowledge, training and education material as well as tools to strengthen capacity and improve understanding of early warning and preparedness in PICs. This component has three sub-components as specified below.

*Sub-component 1.2.1: Impact Forecasting*

- Decision support tools
- Subnational level impact forecasting data and methodologies

*Sub-component 1.2.2: Strengthening Preparedness for Response*

The focus of this component is to strengthen the preparedness and response capacity within each of the participating countries. This will allow them to better prepare for and respond to climate and disaster-related emergencies. Two major sets of activities will be supported under this sub-component to establish (i) core competencies; and (ii) technical and vocational education and training.

*Sub-component 1.2.3: Post Disaster Recovery*

With the increases in small and large disasters, there is an increasing demand for specialists for post disaster needs assessments (PDNA). This subcomponent supports: (i) SPC staff who are increasingly expected to participate in the PDNAs and help bring their knowledge, tools and expertise in these time-sensitive assessments; and (ii) development and funding of a pool of experts that can be called on as short term consultants for PDNAs in PICs.

**Component 2: Mainstreaming Risk Reduction and Resilient Investments**

The objective of this Component is to support a multi-sectoral planning process for integrating climate and disaster risk and resilience into development. This component is divided into two sub-components: (i) Risk reduction and resilient investment planning and preparation; and (ii) Regional tools and advisory services to support planning and investment.

### *Sub-Component 2.1: Risk Reduction and Resilient Investment Planning and Preparation*

*Sub-component 2.1.1: Investment planning and preparation*

This sub-component will consist of support to the governments of participating Phase I countries for the preparation of multi-sectoral investment plans which will: (i) set clear priorities (short, medium and long term) and progress indicators; and (ii) prepare feasibility studies for selected priority investments that could be implemented during Phase II or by other donors. It is anticipated that this will build the capacity of the participating countries to

scale up risk reduction and resilient investments, access global climate and other donor funds and address the issue of the fragmentation of initiatives in this space. This sub-component will pave the way for scaling up investments that will be implemented during Phase II.

*Sub-component 2.1.2: Entry-level investments to strengthen climate and disaster resilience*

This sub-component will finance entry-level resilient investments, such as the retrofitting of public buildings (e.g., schools, health centers) to meet new internationally accepted building standards (including appropriate consideration of gender requirements). This will help to preserve life during disaster events, better protect the retrofitted assets, and lead to more affordable insurance premiums for catastrophic risk asset insurance.

***Sub-Component 2.2: Regional Technical Assistance and advisory services to Support Risk Reduction and Resilient Planning***

This sub-component will be *regionally implemented* and will support the development of methodological, analytical and informational tools for integrating climate and disaster risk and resilience into development planning. It will support further development of risk and exposure information across PICs, consolidate existing relevant geospatial portals and update, and as needed expand, data for PREP Phase I countries to support investments.

**Component 3: Disaster Risk Financing**

The objective of this component is to strengthen the financial resilience of the participating PICs to disaster events by enabling them to secure access to immediate liquidity post-disaster for low, medium and high risk events. Accordingly, this component will support the development and implementation of an integrated disaster risk financing strategy that provides an optimal combination of risk retention (for high frequency, low severity events) and risk transfer (for low frequency, high severity events) for participating countries. This will include both national instruments and regional instruments, and will build on the PCRAFI pilot insurance scheme, which is reaching the third and final year and has previously been funded by Japan. This component is divided into two sub-components as follows: (i) Disaster risk financing tools; and (ii) Development of Mutual Insurance Fund.

***Sub-component 3.1: Disaster Risk Financing Tools***

This sub-component would be nationally implemented, and would complement existing national disaster risk financing instruments, such as national reserves and disaster funds used for immediate response. This sub-component would include: (i) provision of a contingency emergency response mechanism; (ii) continuation of PCRAFI insurance scheme; and (iii) capacity building for the participating countries to oversee and administer disaster risk financing instruments, climate finance and implementation of the contingency emergency response sub-component (CERC – see below).

*Sub-component 3.1.1: Contingency Emergency Response Sub-Component*

Participating countries have been invited to include a Contingency Emergency Response Sub-Component (CERC) within their country level Project, which would be triggered following the declaration of a national disaster. The CERC would be intended to strengthen

the emergency preparedness and immediate response capacity for each country for low and medium disaster risk layers.

A CERC can either be fully funded, or serve as a contingent window. Following the triggering of a pre-agreed disbursement condition (e.g. the declaration of a national disaster), the CERC would be implemented in accordance with the rapid response procedures governed by the World Bank's *OP/BP 8.0 Rapid Response to Crises and Emergencies*. The disbursement condition would define the circumstances under which the CERC would become available.

The Financial Agreement for each participating country will define the eligibility criteria and disbursement arrangements for triggering and financing activities under the CERC. The specific details of the proposed implementation arrangements and procedures governing the use of the CERC funds will be further detailed in a proposed standalone CERC annex within the proposed Project Operations Manual (POM).

*Sub-component 3.1.2: Premiums financing*

This sub-component would provide a mechanism by which catastrophe risk insurance premiums would be financed to enable the continuation of the Pacific Catastrophe Risk Insurance pilot. This tool provides catastrophe risk insurance coverage for high and medium risk layers to participating PICs (including Samoa, Tonga, RMI and Vanuatu) through a regional pooling mechanism. The pilot began its third season in November 2014 following the request of countries during the 2014 Forum Economic Ministers Meeting. Samoa, Tonga, RMI and Vanuatu all made a contribution towards the premiums of US$20,000 for the second season and US$40,000 in the third season. The remainder was provided by the Government of Japan via premium subsidies.

The PREP will assist the governments of the participating countries to pay the catastrophe risk insurance premium through IDA after the third year of the ongoing pilot. The estimated cost of the premium for each of the four Phase I countries is US$0.5million/year for three years to provide insurance coverage against tropical cyclones and earthquakes/tsunamis until 31st October 2018. Should there be demand from PICs, a dedicated catastrophe risk insurance facility could be established and the Project could finance the associated entry fees for participating countries.

*Sub-component 3.1.3: Capacity building for disaster risk and climate financing*

This sub-component will build capacity at the national level for participating countries, through the establishment of resources within the respective Ministries of Finance for three to five years which would focus on: (i) support for the implementation of the CERC under sub-component 3.1.1; (ii) oversight for the national DRFI and climate finance strategy; (iii) ensuring insurance of key public assets provides adequate coverage against the relevant country's main disaster perils; (iv) mainstreaming risk reduction into the budgetary process to ensure swift budget mobilization and execution of funds in the event of a disaster; (v) strengthening the country capacity to access climate finance; and (vi) supporting representation of each participating country at any regional or international meeting on DRFI, ensuring that experiences and lessons learned in this area are shared.

***Sub-component 3.2: Development of Mutual Insurance Fund***

This sub-component will be regionally implemented and will provide Technical Assistance and finance the preparatory activities which will be required to better define a medium and long term disaster risk financing framework (e,g., mutual insurance fund), that it is envisaged would be implemented in Phase II of the Program. It will also provide technical assistance to assess the country capacity and as needed help prepare them to access to global climate funds, especially the Green Climate Fund.

*Sub-component 3.2.1: Regional Technical Assistance*

This sub-component would provide targeted technical assistance that focusses on the regional coordination of DRFI to ensure that there is regular discussion among countries at the regional level. This would be done via three main activities: (i) providing opportunities for discussion on DRFI at the Ministerial level; (ii) coordination of contracts for the Pacific catastrophe risk insurance pilot; and (iii) convening dedicated regional peer exchange workshops on DRFI.

*Sub-component 3.2.2: Development of a Mutual Insurance Fund for natural disasters*

This sub-component seeks to address the need that has been identified by PICs to cover consequential losses such as transportation costs that are not currently covered by the catastrophe risk insurance pilot. Accordingly, this sub-component will finance the preparatory activities which will be required to better define a mutual insurance fund and explore the involvement of the private sector. The mutual insurance fund is a medium and long term framework and financial instrument that it is envisaged would be implemented in Phase II of the Program. This financial tool will complement the catastrophe risk insurance and national financial instruments.

**Component 4: Project and Program Management**

The objective of this component is to provide efficient and effective implementation support to the Projects in each country, including staff, operating costs, monitoring and evaluation, and the cost of audits. It will also provide efficient regional coordination of the different country Projects and the implementation of activities that will be executed at the regional level.

***Sub-component 4.1: Project Management***

This component will provide financing for the efficient implementation of the country Projects, including staff, operating costs, monitoring and evaluation, and the cost of audits, as well as financing for efficient coordination of the different country Projects at the regional level.

***Sub-component 4.2: Regional Program Management and Coordination***

The objective of this sub-component is to provide efficient regional coordination of the different country Projects and the coordination and implementation of activities that will be executed at the regional level. This component includes the following two sub-components: (i) Regional Coordination Unit; (ii) Program Implementation Support.

*Sub-component 4.2.1 Regional Coordination Unit*

This sub-component will be regionally implemented (PIFS) and will provide financing for high level coordination of climate and disaster resilient development projects and initiatives in the Pacific Islands Countries. This will be supported by the establishment of a Regional Coordination Unit (RCU) within PIFS.

*Sub-component 4.2.2: Program Implementation Support*

This component will provide financing for the efficient implementation of the Program, including staff, operating costs, monitoring and evaluation, and the cost of audits. This would be achieved through the establishment of a Program Support Unit (PSU) within SPC.

## 2.3 Eligible Activities

This section contains an overview of potential activities for each component, or regional framework, from which participating countries select activities aligned to country priorities, needs and ability to leverage regional IDA. Table 1 provides an indication of the types of investments envisaged to be financed the PREP.

**Table 1 Regional Framework of Eligible Activities**

| |
|---|
| **Component 1: Strengthening Early Warning and Preparedness** |
| (i) Stronger institutional and regulatory framework and opportunities for up-skilling, including strengthened operational partnerships and capacity to ensure the operability of the future systems<br>(ii) Modernization of forecast and warning systems by connecting and upgrading communication and database management systems covering meteorological, hydrological and seismological, including reconstruction and refurbishment of facilities<br>(iii) Develop a national MHEWS system and common platform<br>(iv) Enhancing MHEWS service delivery to the public and stakeholders<br>(v) Regional Technical Assistance for early warning and preparedness |
| **Component 2: Mainstreaming Risk Reduction and Resilient Investments** |
| (i) Develop the methodological, analytical and informational basis that would support a multi-sectoral process for integrating climate and disaster risk and resilience into development planning<br>(ii) Prepare feasibility studies for future sectoral investments to strengthen the climate and disaster resilience of public buildings and assets<br>(iii) Implement a selection of entry-level investments such as retrofitting of key public buildings<br>(iv) Capacity building and institutional strengthening at both national and regional levels prioritized according to risk in key sectors<br>(v) Delivery of services and actionable climate and disaster risk information to various sectors through capacity building and development |
| **Component 3: Disaster Risk Financing** |
| (i) Sustainable financing mechanisms for catastrophe insurance premiums<br>(ii) Contingent Emergency Response Components (CERC) to strengthen immediate response capacity via allocation and/or reallocation of project financing for eligible critical imports and/or for eligible emergency works, goods or services<br>(iii) Regional Technical Assistance for post-disaster budget execution and disaster risk insurance facility |
| **Component 4: Program and Project Management** |
| (i) Regional coordination, program management and monitoring and evaluation<br>(ii) National project management, subproject implementation and monitoring and evaluation |

The activities financed at the national level in each participating country, as well as regional activities, are described in the PAD. Each participating country will adopt this framework to guide the national activities they implement, when they negotiate the legal agreement under the current projects. A list of eligible project activities from which countries can choose from is reflected in Table 1 above. Anything beyond this regional framework will require a separate assessment.

### 2.3.1 Types of Subprojects

Subprojects or activities designed to enhance climate and disaster resilience will be identified by participating countries during the implementation phase. Table 2 provides an overview of the types of subprojects likely to be initiated under the PREP, some of which will have direct safeguard implications, as well as 'soft' activities (for instance, institutional strengthening and studies) that are not likely to have any safeguard implications.. This is discussed in subsequent sections of the ESMF.

**Table 2 Proposed Subproject Activities under PREP**

| **Component 1: Strengthening Early Warning and Preparedness** | |
|---|---|
| a) | Stronger institutional and regulatory framework and opportunities for up-skilling, including strengthened operational partnerships and capacity to ensure the operability of the future systems; |
| b) | Review and update existing legislation and policies; |
| c) | Develop new legislation, SOPs and management plans; |
| d) | Design and implement integrated national MHEWS common platform; |
| e) | Upgrade IT equipment, database software and management systems (including but not limited to seismic, coastal inundation, flood forecasting, drought monitoring); |
| f) | Install, connect and/or refurbish meteorology weather observation stations (e.g. Agromet [Figure 2]); |
| g) | Construct new, refurbish or extend national warning centres, meteorological office/s and seismic operations center/s (SOCs) to include seismic and meteorology backup capacity, such as a new TMD building at Fua'amotu airport in Tonga; refurbishment of NEMO in Tonga; new NEOC office with seismic and MET back up for NEOC in Samoa; |
| h) | Install real-time connectivity (GSM) to hydrology network and monitoring stations in target water catchments (e.g. 18 rain gauges and 16 river flow in Samoa [Figure 3]); |
| i) | Stockpiling of emergency goods and potential refurbishment of prepositioned supply hubs in provinces/districts; |
| j) | Construct, strengthen and/or expand the reach of existing communications networks (VHF/HF radio and mobile telecommunications) [Figure 4]; |
| k) | Install, connect and/or refurbish seismic monitoring stations with GPS and motion sensors including a new volcanic station at Savai'i in Samoa (Figure 5/6); |
| l) | Integration of communication system between key disaster management stakeholders and government ministries (e.g. MET, NDMOs, Telco's); |
| m) | Modernise and operationalise information services and products and improve service delivery to the public (e.g. TV met service broadcasts, radio, signals and signs); |
| n) | Design and implement innovative technologies such as mobile applications, for early warnings to the public; |
| o) | Assistance from SPC TA to conduct post-disaster needs assessments (PDNA), mobilise teams and engage consultants to complete surveys, assessment and consultation after national emergencies are declared. |
| p) | Develop and deliver training focusing on the development of a program of accredited technical and vocational education and training (TVET) to formally establish 'Pacific |

| |
|---|
| Islands Disaster Managers' with support from SPC and USP;<br>q) Train and build capacity of key stakeholders and staff in MHEWS;<br>r) Delivery of training activities and workshops to MET staff and key stakeholders, locally and in WMO regional centers.<br>s) Develop community evacuation plans and conducting emergency drills with communities. |
| **Component 2: Mainstreaming Risk Reduction and Resilient Investments** |
| a) Feasibility studies for specific technologies (e.g. doppler radar for weather forecasting, mobile applications for real-time alerts) that may include environmental surveys (e.g. soil and geophysical testing) and social surveys (e.g. census, user satisfaction survey);<br>b) Feasibility studies for investment projects of priority sectors (e.g. public schools that serve as emergency shelter during recovery);<br>c) Complete natural hazard risk profiles and vulnerability assessments including surveys and data compilation;<br>d) Entry level investments to strengthen resilience, including the retrofitting of public buildings (schools, health facilities, etc) to be more climate and disaster resilient (e.g. reinforce structures, improve ventilation/drainage/sanitation etc). |
| **Component 3: Disaster Risk Financing** |
| a) Establish Regional Disaster Risk Insurance Facility;<br>b) Payment of catastrophic risk insurance premiums;<br>c) Import of critical goods for national emergency situations (e.g. food stuffs, drinking water);<br>d) Emergency civil works after disaster event to repair critical infrastructure (e.g. bridges, roads);<br>e) Clearing and removal of debris after post-disaster event;<br>f) Rehabilitation of important habitats and natural buffers. |
| **Component 4: Program and Project Management** |
| a) Oversight of project activities and implementation of safeguards instruments<br>b) Monitoring activities and compliance checks |

**Figure 2 Agromet[3] weather station (for illustrative purposes only)**

**Figure 3 Hydrological monitoring station in Samoa**

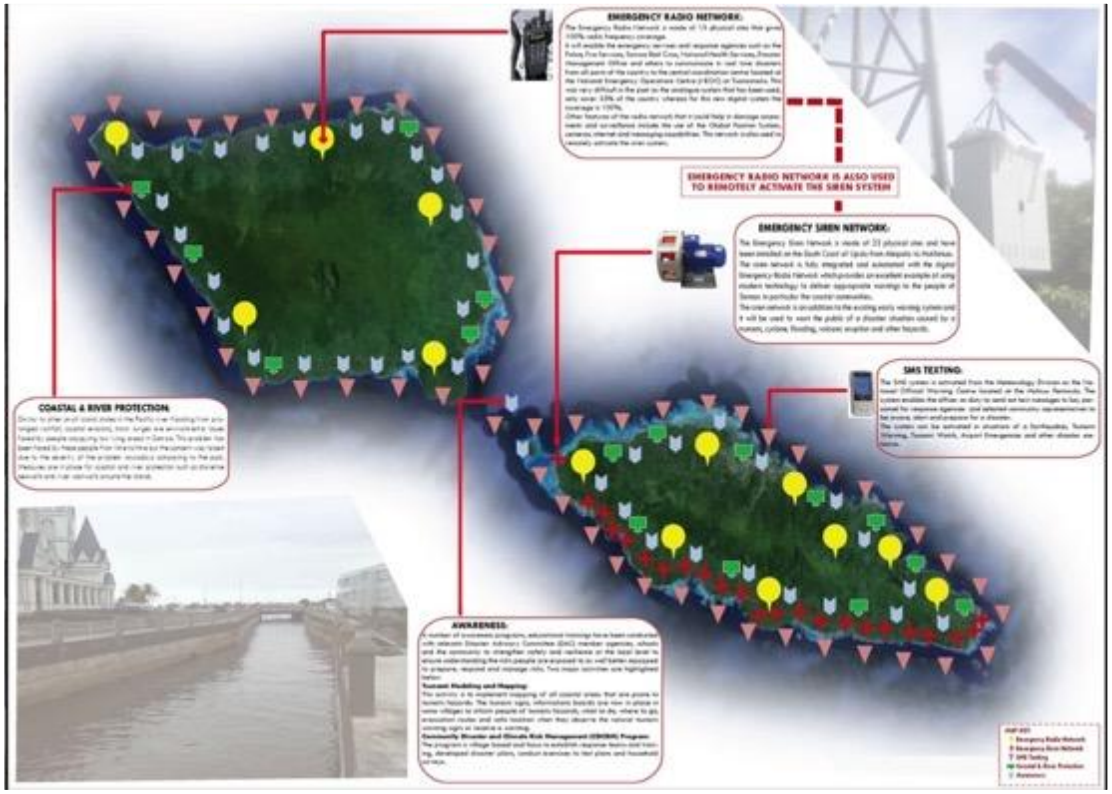



**Figure 4 Emergency radio and siren network coverage in Samoa**

[3] Stations such as Agromet are used for recording temperature, leaf wetness, relative humidity, precipitation, solar radiation, wind speed and direction.

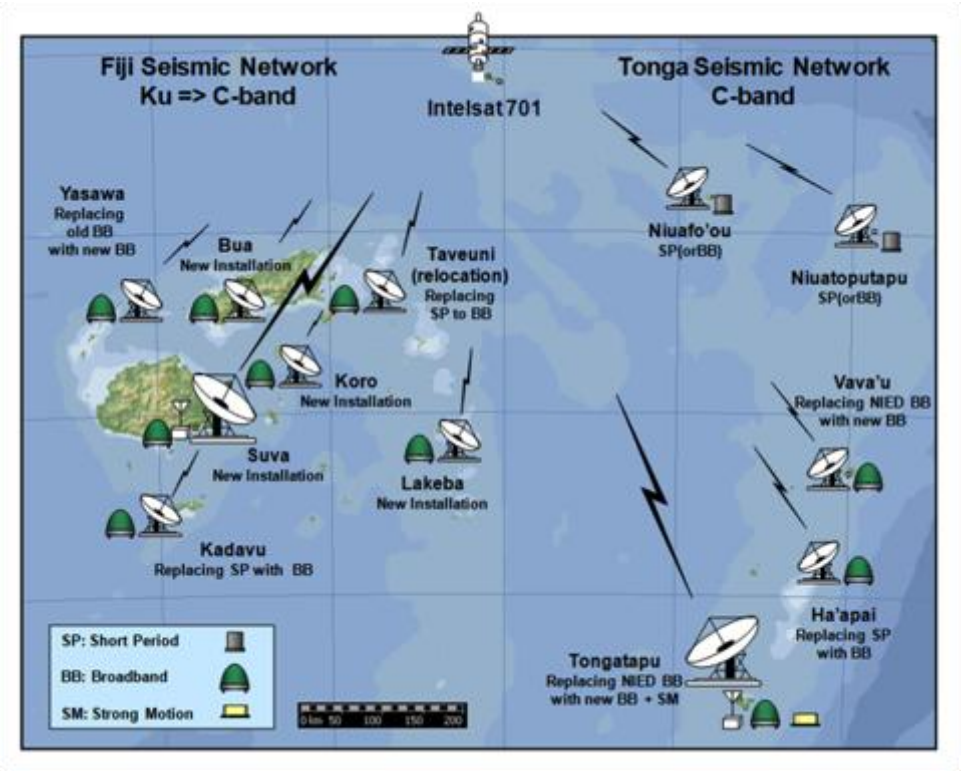



**Figure 5** **Tongan Seismic Network coverage with links to Fiji**


**Figure 6** **Existing Seismic Station infrastructure in Niuatoputapu and Tongatapu, Tonga**

## 2.4 Implementation and Institutional Arrangements

Although both the approach and coordination of the PREP are regional, most of the implementation will take place on the ground at the national level via relevant implementing agencies, with support from the PIFS and SPC (i.e. regional organizations). As such, the PREP aims to demonstrate concrete results early in implementation in each country, in order to encourage further local ownership, in addition to taking advantage of economies of scale at the regional level where possible.

The proposed Program will directly support current Pacific regional efforts which are aimed at ensuring that climate change and disaster risk issues are given prominence in the sustainable development agenda. Among other things, the PREP will directly support the continuation of the Pacific Resilience Partnership (PRP), as proposed in the draft Strategy for Climate and Disaster Resilient Development (SRDP).

### 2.4.1 Regional Arrangements

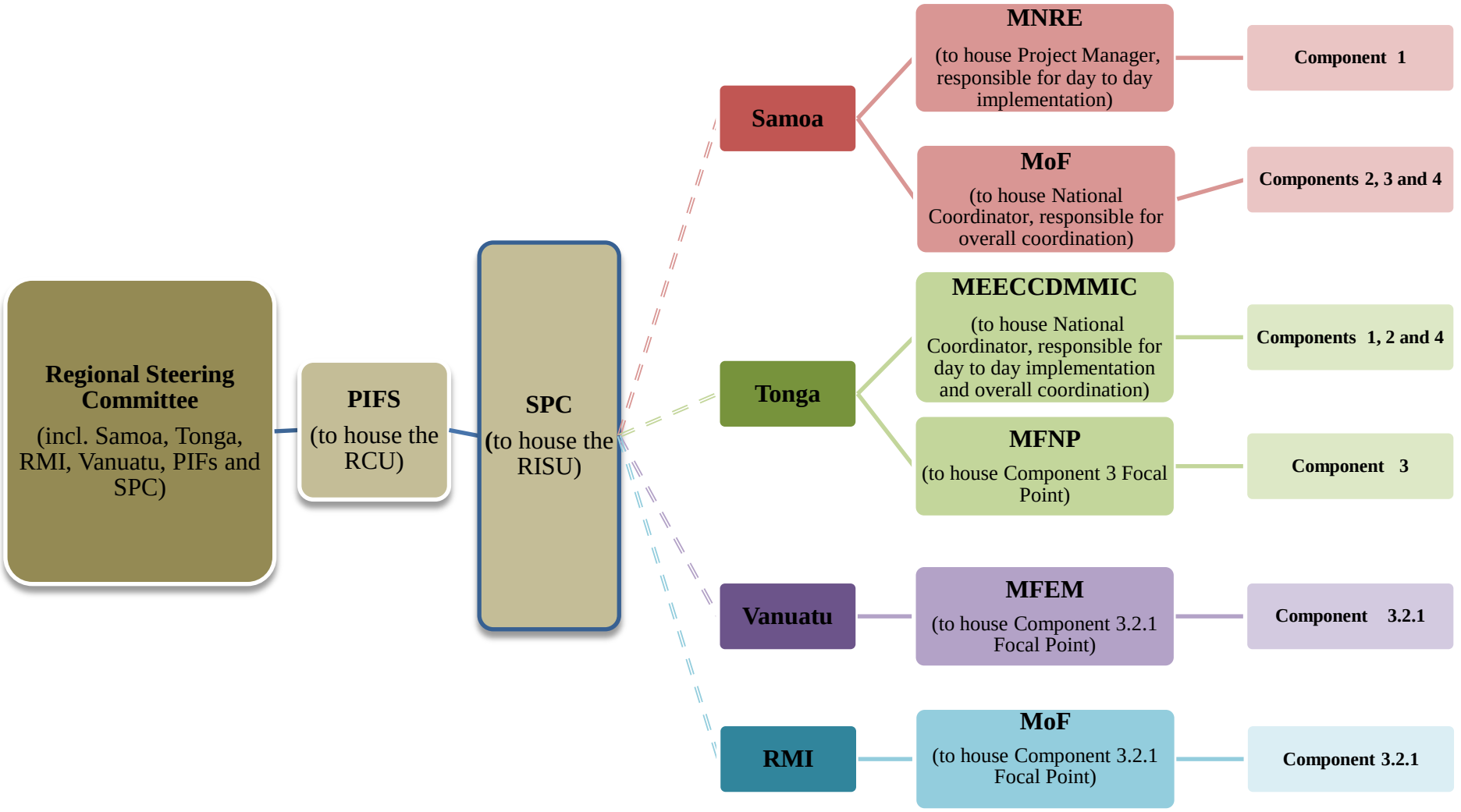
The overall regional program oversight will be ensured by a Regional Steering Committee (RSC). The role of the RSC will be to provide oversight and advice, as well as guidance towards achieving Project and Program objectives and a better regional integration. It will also allow the "resilience agenda" to be dealt with at the highest level of the decision making process. The role of the RSC will become essential in identifying the appropriate short, medium and long term strategy for strengthening resilience in the region. It will also be essential to coordinate issues and activities that are relevant to the Program at the regional level. The RSC will include representatives from the highest level of decision making both at the country and regional level. The chairs of the National Steering Committees (NSCs) will be member of the RSC.

PIFS will be responsible the overall regional coordination of the Program under Sub-component 4.2.1 and implementation of Component 3.2. PIFS is the prime regional political and policy body on economic development in the Pacific and is responsible for the organization of the annual Forum Leader's, Forum Economic Minister's and related meetings. PIFS engages in, and monitors, the region's efforts to combat climate change and its impacts. This work has largely involved advocacy of the region's needs for increased support from the international community to assist in efforts to overcome the challenges posed by climate change. A Regional Coordination Unit (RCU) will be created and housed in PIFS. This will ensure strategic alignment between the PREP and the preeminent organization for Pacific leaders and will provide PIFS with ownership of the PREP. The RCU will act as the Secretariat of the RSC.

SPC will be responsible for the implementation of regional activities under Sub-components 1.2 and 2.2. It will also provide technical, fiduciary, monitoring and evaluation support to countries under Sub-component 4.2.2. SPC is a technical regional organization in the Pacific and is a key player in the resilience space, with the aim to: (i) develop the technical, professional, scientific, research, planning and management capability of Pacific Island people; and (ii) directly provide information and advice, to enable them to make informed decisions about their future development and well-being. SPC has been mandated to develop capacity of PICs in disaster risk management and approaches climate change as a broad-based development issue cutting across all sectors, from food and water security, health, economic development, and coastal zone management. A Program Support Unit (PSU) will be established within SPC and will provide technical and fiduciary support for the implementation and monitoring and evaluation of regional activities as well as support for the implementation and monitoring and evaluation of country Projects. The PSU will undertake the procurement process on behalf of participating countries for joint procurement processes, as well as support the day to day implementation and financial reporting and support the capacity of recipient countries fiduciary roles where required.

.

**Figure 7: PREP Implementation Arrangements**



### 2.4.2 National Arrangements

Each country will be responsible for implementing its respective Project (as detailed in the PAD). For each of the participating countries, the guiding implementation principles will be that the PREP's activities and investments, wherever possible, will: (i) build on the already existing institutional arrangements; and (ii) use existing implementation arrangements (without impairing their efficiency). The implementation arrangements for the PREP will strengthen coherence; create synergies and mainstream coordination between the relevant agencies and donors that are providing funding resources for projects on climate resilience.

Implementation arrangements will be built around existing Government structures and processes, and will provide opportunities for additional institutional strengthening and capacity building as well as streamlining of procedures. Any capacity constraints of implementing agencies will be specifically addressed through both short-term arrangements, and the provision of longer-term capacity building. The regional activities within the PREP could specifically support this approach.

The institutional framework for Samoa and Tonga, who are participating in Components 1, 2, 3 and 4 during Phase I of the PREP, will include a National Steering Committee (NSC), headed by a Chairperson. The NSC will provide Project oversight and guidance at the national level. A NSC will not be required for RMI or Vanuatu during Phase I, due to the abridged nature of their Phase I Project design (i.e., incorporating only Component 3.1.2).

Projects for Samoa and Tonga will be implemented and coordinated through Project Management Units (PMUs). PMUs will be headed by a National Coordinator (NC) who will act as the secretariat of the NSC and will coordinate with the regional level through the RCU and PSU. The PMUs will be staffed with fiduciary specialists acceptable to the Bank, and supported by the regional fiduciary team from the PSU, and short term international technical expertise as required. The main functions of the PMUs will be: (i) implementation of the national components; (ii) supporting the work of the focal points in each entity and agency involved in the national activities; and (iii) reporting to the NSC on implementation of national activities. The PMU in Samoa and Tonga have a dedicated safeguards team member to prepare, implement and oversee safeguard aspects of the Project. A PMU and NC will not be required for RMI or Vanuatu during Phase I, due to the abridged nature of their Phase I Project design (i.e., incorporating only Component 3.1.2).

**Samoa**

The PREP will build synergies with existing initiatives that aim to minimize the impact of climate change and natural hazards in Samoa. These include: (i) initiatives to strengthen climate resilience under the GEF Least Developed Countries Fund (LDCF); (ii) the Strategic Program for Climate Resilience, under the Samoa Pilot Program for Climate Resilience (PPCR), which prioritizes a shift from project-based interventions to a broader programmatic approach to building resilience; and (iii) the World Bank funded Samoa Agriculture and Fisheries Cyclone Response Project, which was developed following TC Evan to provide recovery assistance to cyclone-affected farmers and fishers, with the aim of restoring their lost production capacity, and enhancing the preparedness of the agriculture sector to better respond to future disasters.

**Tonga**

The PREP will build synergies with existing initiatives that aim to minimize the impact of climate change and natural hazards in Tonga. These include: (i) the Strategic Program for Climate Resilience, under the Tonga Pilot Program for Climate Resilience (PPCR), which prioritizes a shift from project-based interventions to a broader programmatic approach to building resilience; and (ii) the World Bank funded Tonga Cyclone Ian Recovery and Climate Resilience Program, which was developed following Tropical Cyclone Ian to provide recovery assistance to cyclone-affected communities and strengthen the resilience of the country.

# 3. Environmental and Social Context

The Pacific is one of the most disaster-prone regions in the world. Small, vulnerable island states are isolated by vast expanses of ocean. They experience frequent and intense disasters with disproportionately high economic, social and environmental consequences.[4] In addition to being intrinsically vulnerable due to their specific geographical location and characteristics, PICs are located in disaster prone areas such as the 'low latitude cyclone belt' and the 'ring of fire', and in a vast ocean. The exposure of most PICs to meteorological and geological hazards is extremely high. It has been estimated that since 1950, extreme events have affected approximately 9.2 million people in the Pacific, with 9,811 reported deaths and damage of USD$3.2 billion. A comparison of current and future tropical cyclone risk for PICs indicates increasing losses for the region, largely as a result of the projected increase in Category 5 tropical cyclones.

Eight of the 20 countries with the highest average annual disaster losses scaled by gross domestic product are from the Pacific Islands Region. Of the 284 recorded disasters that occurred in the Pacific Islands Region between 1950 and 2013, the vast majority were caused by severe storms, including tropical cyclones. Both individually and collectively, these disasters had enormous social and economic consequences.

However, in many PICs the accumulated impacts of small and medium-sized events such as local flooding, high waves and localized droughts generate losses that are equivalent to, or exceed, those of single large disasters. Low-intensity events are typically more widespread, affecting a comparatively larger number of people. They are also likely to involve damage to housing, land, and local infrastructure, rather than major mortality or destruction of critical national economic assets.

Importantly, the consequences of these small- and medium-sized events are far more amenable to being reduced through investments in disaster risk management and climate change adaptation, including prevention, preparedness and building back better after a disaster.[5]

## 3.1 Physical Environment and Hazard Profile

Countries participating in PREP are exposed to a range of hydro-meteorological and geo-hazards, including tropical cyclones and associated storm surges and flooding, earthquakes and tsunamis, the impacts of which are summarized in the risk profile below (Table 3).

[4] United Nations Office for the Coordination of Humanitarian Affairs (OCHA) (2014) "*OCHA in the Pacific*" http://www.unocha.org/rop/about-us/the-pacific#. Accessed 10 December 2014

[5] The United Nations Office for Disaster Risk Reduction (UNISDR)(2014) *Strategy for Climate and Disaster Resilient Development in the Pacific (SRDP)* http://tinyurl.com/pcxz99t. 3 February 2014

**Table 3 Risk Profile for Tropical Cyclone (TC), Earthquake and Tsunami for Phase I countries**

| | | Samoa | Tonga |
|---|---|---|---|
| | Average annual loss (% GDP)[6] | 1.7% | 4.3% |
| Last disaster and impact | Name<br>Date<br>Cost<br>% GDP | TC Evan<br>Dec 2012<br>US$210.4 m<br>30% | TC Ian<br>Jan 2014<br>US$50 m<br>11% |
| Impact of 1/50 year return period [3] | Cost<br>% GDP<br>Casualties (injuries and fatalities) | US$110 m<br>19.4%<br>254 | US$140 m<br>39.2%<br>299 |
| Impact of 1/100 year return period[3] | Cost<br>% GDP<br>Casualties (injuries and fatalities) | US$153 m<br>27.0%<br>374 | US$225 m<br>63.0%<br>600 |

**Samoa**

The Independent State of Samoa, known as Western Samoa until 1997, is made up of nine volcanic islands, two of which (Savai'i and Upolu) make up more than 99 per cent of land. More than half of the population lives on Upolu, where the capital Apia is located.

Samoa is highly vulnerable to natural disasters, particularly cyclones occurring between November and April. The linear island chain of Samoa is situated directly northeast of the Tonga-Kermadec trench, which is the main source of seismic activity directly affecting Samoa. Samoa is also susceptible to strong earthquakes, which generate tsunamis impacting the many villages located along the coastlines.

In September 2009, Samoa was struck by a tsunami that killed 143 and injured 310 people. Over 12,000 people were affected by waves that wiped out large stretches of the south and south-east coasts of the main island of Upolu. In late 2012, Samoa was severely affected by Tropical Cyclone Evan which killed 12 people and displaced thousands.[7]

[6] PCRAFI Country Risk Profiles, September 2011.
[7] OCHA (2014) "*OCHA in the Pacific > Samoa*" http://www.unocha.org/rop/about-us/about-ocha-regional/samoa. Accessed 19 December 2014


**Figure 8: Samoa**

### Tonga

Tonga consists of 171 islands spread over an area of 748 km², of which 36 islands are inhabited. The islands are in four main groups: Tongatapu, Vava'u, Ha'apai, Niuatoputapu and Niuafo'ou. The capital Nuku'alofa is located on the main island of Tongatapu and has a population of approximately 34,000 people.

Tongatapu and 'Eua are limestone capped islands which with low islands form the Tongatapu group. The south of the Vava'u Group is generally composed of high volcanic and elevated limestone islands with reef communities or fringing reefs. Ha'apai has high volcanic and low limestone islands. The Niuas are high volcanic islands surrounded by fringing and barrier reefs.

Tonga's archipelago is situated at the subduction zone of the Indian-Australian and the Pacific tectonic plates and within the Ring of Fire where intense seismic activities occur. It is about 200km to the west of the Tonga Trench which is a potential source of tsunami. Most of its atoll islands including the main island are very flat with average altitude of 2–5 meters hence highly vulnerable to storm surges and tsunami inundation.[8]

The following summary was prepared by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) based in Fiji[9]:

[8] Ministry of Environment and Climate Change (MECC) and National Emergency Management Office (NEMO) (2010) *Tonga Joint National Action Plan on Climate Change Adaptation and Disaster Risk Management 2010–2015*. July 2010
[9] OCHA (2014) "*OCHA in the Pacific > Tonga*" http://www.unocha.org/rop/about-us/about-ocha-regional/tonga. Accessed 17 December 2014

Tonga is highly vulnerable to a range of natural disasters and, as its population is predominantly in low-lying coastal areas and spread over small isolated islands, response efforts are often difficult.

Cyclones are the most frequently occurring disaster, with an average of one per year. In February 2012, Cyclone Jasmine brought heavy rains and flooding to Tonga, which had been impacted by Cyclone Cyril a week prior. The worst cyclone in the history of Tonga took place in 1982, killing six people and impacting 146,512.

In January 2014, Tropical Cyclone Ian tracked between Fiji and Tonga for several days before intensifying to a Category 5 system with winds over 200 kilometers per hour. In the early hours of 11 January, the cyclone swept east of the Vava'u group before passing directly over Ha'apai in the afternoon. A state of emergency was declared for Vava'u and Ha'apai the same day. . Recorded as the most powerful storm to ever hit the Pacific island nation, Tropical Cyclone Ian affected some 5,500 people—almost 70 percent of the Ha'apai island group inhabitants, and caused damages and losses of $50 million or 11 percent of Tonga's GDP. The housing sector was particularly affected, with nearly a thousand houses and public buildings—or about 75 percent of Ha'apai's housing stock –destroyed or severely damaged.[10]

In addition to cyclones, natural hazards in Tonga include earthquakes and volcanic activity. Tonga lies very close to the convergence of the Australian and Pacific tectonic plate, one of the most seismically active areas in the Pacific. The most recent major earthquake to impact the population occurred in May 2006, although no deaths or injuries were recorded. There is a volcano on the island of Niuafo'ou and the last major eruption in 1946 caused the island to be completely evacuated.

Due to its seismic activity, Tonga is also vulnerable to tsunamis. The last significant tsunami hit Niuatoputapu in September 2009. Nine people were killed when six to 17 metre-high waves came inland 600 m and destroyed many villages. Tonga is ranked 2nd behind Vanuatu as having the largest disaster risk worldwide by the United Nations University.[11]

[10] World Bank (2014) *Building Back Better in Tonga after Cyclone Ian* 1 October 2014 http://www.worldbank.org/en/results/2014/10/01/building-back-better-tonga-cyclone-ian
[11] United Nations University (2012). World Risk Report 2012.

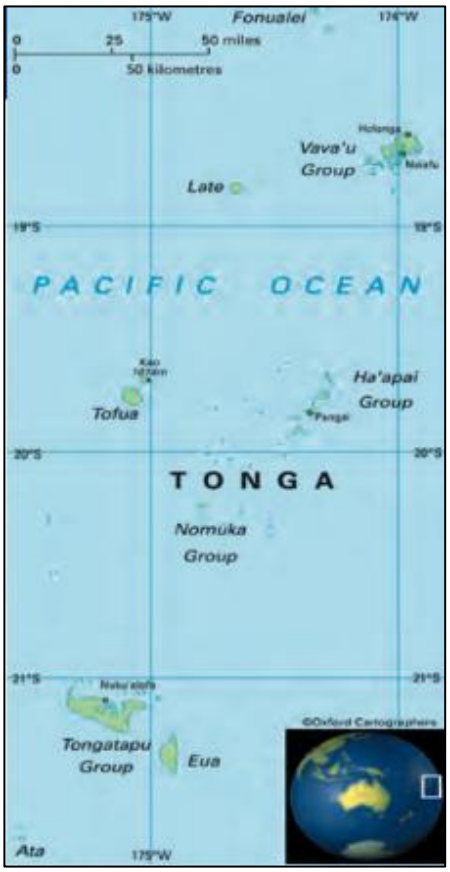



**Figure 9: Tonga**

## 3.2 Socio-cultural Characteristics

**Samoa**

Samoa has a small and developing economy that has generally performed well in recent years. Remittances from Samoans working abroad are a key part of the economy. New Zealand is the main source of remittances, followed by Australia and the United States. Foreign development assistance in the form of loans, grants and direct aid is an important component of the economy.

Samoa is reliant on imports and has a large trade deficit. Its indigenous exports consist mainly of fish and agriculture products, but their proportion of GDP has declined steadily in recent decades. A large proportion of the population is employed informally and works in subsistence agriculture or low-level commercial ventures.

The economy suffered badly from the 2008 global recession and the 2009 tsunami, but had stabilised and was again growing, albeit slowly, before Cyclone Evan struck in December 2012. The World Bank has estimated total damages and losses from the cyclone at $206 million – equivalent to 30 per cent of GDP – making it Samoa's most expensive natural

disaster ever. In comparison, the total costs following the 2009 tsunami were assessed at $131 million.[12]

**Tonga**

Over recent years, Tonga's population has remained at around 100,000 people, with a high rate of out-migration helping stabilize demographic trends. In the 1996-2006 inter-censal periods, the population growth rate was 0.4% per annum. The country is predominantly rural; with about 25% of the population living in urban areas. Tonga has a young population with a median age of 21 years. More than one-third (38%) of the population is under 15 years of age, with 8% 60 years and older. Life expectancy is considered high at 70.2 overall (67.3 for males and 73.0 for females).

The World Bank classifies Tonga as a lower middle-income country. In 2009, the Gross National Income per capita stood at US$2,561. In 2009, Tonga's economy contracted by 0.4%, a result mainly due to falling remittances of expatriate Tongan, as a result of the global economic crisis. Thus Government revenues have fallen, and the economic downturn is expected to continue at least through 2011. Tonga's economy is still agricultural-based, with a narrow export base.

The economy is traditionally redistributive in Tonga, and is based on three core values: 'ofa (love), faka'apa'apa (respect) and fuakavenga (responsibility). Family groups rely on traditional economic cooperation to raise money for important occasions such as weddings, funerals, and so forth. Tongans who migrate overseas (a community of over 150,000 members in New Zealand, Australia, and the United States) regularly remit money to family members in Tonga. Nonetheless, family and community ties are still a dominant cultural and societal trait today.[13]

[12] Department of Foreign Affairs and Trade *Samoa country brief* https://www.dfat.gov.au/geo/samoa/samoa_brief.html. Accessed 10 December 2014.
[13] Ministry of Finance and National Planning (2010) *Tonga: 2nd National Millennium Development Goals Report*. September 2010

# 4. Legal and Policy Framework and Regulatory Requirements

This section describes the applicable World Bank safeguard operational policies (OPs) and country specific policy, legal and administrative frameworks and rules and regulations applicable to the PREP.

The section also provides an overview of current gaps between Bank policies and existing country systems, relevant to the Bank's safeguard requirements.

## 4.1 World Bank Safeguard Policies

The World Bank's safeguard policies (also referred to as operational policies or OPs) cover environmental, social and legal aspects of proposed projects as outlined in Figure 11 below.

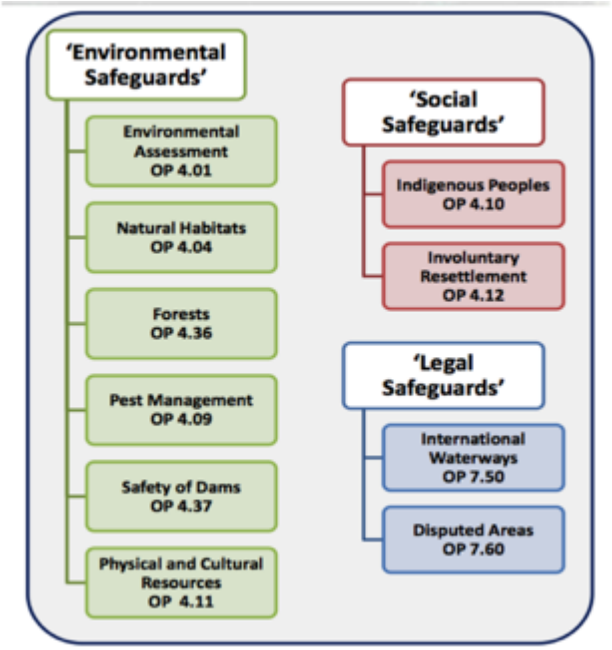



**Figure 11: World Bank Safeguard Policies**

Table 4 below provides a brief description of the aim of each safeguard policy applied to World Bank-funded projects. It also identifies which safeguard policies have been triggered for the PREP, with a justification of the safeguard instruments applied in the preparation and implementation phases of the program. In summary, the safeguard policies (OPs) that apply to the PREP include:

- OP4.01 Environmental Assessment
- OP4.04 Natural Habitats
- OP4.36 Forests
- OP4.11 Physical Cultural Resources
- OP4.10 Indigenous Peoples; and
- OP4.12 Involuntary Resettlement.

Since, the project also envisages technical assistance (TA) for risk financing and the Interim Guidelines on the Application of Safeguard Policies to TA Activities in Bank-Financed Projects will be applied. As such, the safeguard documentation prepared for the project will apply equally to the TA component(s). The overall impact of the PREP is expected to be positive, and eligible activities do not generate significant risk or irreversible adverse social or environmental impacts.

**Table 4 Applicability of World Bank Safeguard Policies**

| Safeguard Policies | | Description of Policy and Applicability to PREP |
|---|---|---|
| Environmental Assessment OP/BP 4.01 | *Purpose* | OP 4.01 Environmental Assessment requires the conduct of an environmental assessment (EA) of projects/programs proposed for Bank financing to help ensure that they are environmentally and socially sound and sustainable. This is the umbrella policy for the Bank's environmental and social safeguard policies. The EA needs to consider natural and social aspects in an integrated way and take into account the variations in project and country conditions; the findings of environmental studies; national policy and legislative framework, environmental action plans and institutional capabilities; and obligations of the country pertaining to project activities under relevant international environmental treaties and agreements. |
| | *Justification of why this OP is triggered* | The aim of the PREP is to improve disaster resilience and management in the Pacific Islands Region in order to limit the loss of lives, reduce economic losses and protect fiscal balance. The overall impact of the program is expected to be highly positive and eligible investments are unlikely to generate significant or irreversible adverse impacts in countries targeted by the program.<br><br>Under Component 1 and 2, funded activities including the construction of office buildings, refurbishment of public buildings and installation of small-scale monitoring stations, which may result in minor to moderate adverse impacts such as the generation of construction noise, dust, solid waste and debris removal and require small-scale land clearing. As such, this policy is triggered because project-specific civil works from subprojects may generate negative environmental impacts. These impacts can be readily mitigated through the application of safeguard instruments outlined in this ESMF including the Safeguard Screening Form and standardized environmental management plan (EMP) for simple works, as well as criteria for requiring EIAs of individual subprojects if complex or sensitive conditions exist.<br><br>In addition, Component 3 enables the financing of critical imports and emergency recovery and reconstruction works and associated services when disaster events are declared such as fuel imports; repair of streets, roads, bridges; etc. |
| | *Safeguard Instrument* | This Environmental and Social Management Framework (ESMF) is prepared to guide investments that may generate any adverse environmental impact. The ESMF includes the principles, rules, guidelines and procedures for screening and assessment of environmental impacts of future individual subprojects of all Components once they have been defined with sufficient detail to be specifically evaluated. The Safeguards Screening Form (Annex C) will be initially used to screen to determine the categorization in accordance with this policy, identify potential environmental and social impacts, and provide guidance on the level of detail required for an EA and EMP in line with national regulatory and OP4.01 requirements. |
| Natural Habitats OP/BP 4.04 | *Purpose* | This policy aims to support the protection, maintenance and rehabilitation of natural habitats and promotes the conservation of natural habitats for long-term sustainable development through a precautionary approach. |
| | *Justification of* | Program activities are not expected to involve significant loss or degradation of natural habitats, however this policy |

| Safeguard Policies | | Description of Policy and Applicability to PREP |
|---|---|---|
| | *why this OP is triggered* | has been triggered as a precaution since specific sites are not yet known, and subproject site selection and activities could potentially occur in highland forest areas, coastlines, sensitive riparian areas along rivers or streams and other natural habitats (such as flood monitoring in rivers as part of the hydrology network). Site-specific assessments and mitigation measures will be developed once areas are identified. |
| | *Safeguard Instrument* | A Safeguards Screening Form (Annex C), EA and environmental management plan (EMP) will be used to identify and manage the risk of any unforeseen adverse environmental impact on natural habitats, and screen out activities that could cause harm to critical natural habitats. |
| Forests OP/BP 4.36 | *Purpose* | The policy aims to reduce deforestation, enhance the environmental contribution of forested areas, promote afforestation, reduce poverty and encourage economic development. |
| | *Justification of why this OP is triggered* | The project will not support any substantive civil works that encroach or adversely impact upon forests, however this policy is triggered as a precaution because limited incidental forest clearing may occur for small-scale civil works to establish new monitoring/communications infrastructure in rural areas or outer islands. |
| | *Safeguard Instrument* | A Safeguards Screening Form (Annex C), EA and environmental management plan (EMP) will be used to identify and manage the risk of any unforeseen adverse environmental impact on forested areas, and screen out activities that could cause degradation of forests or deforestation. |
| Physical Cultural Resources OP/BP 4.11 | *Purpose* | This policy aims to avoid and mitigate adverse impacts from Bank-assisted projects on physical cultural resources. These include resources of archaeological, paleontological, historical, architectural, religious, aesthetic or other cultural significance. |
| | *Justification of why this OP is triggered* | The project is not expected to finance any large-scale civil works that could affect Physical Cultural Resources, however small-scale infrastructure construction and refurbishment will be financed as a part of PREP. Project activities may potentially include retrofitting of historical buildings, site restoration, and chance finds of historically or culturally important resources during construction of works. Accordingly, this ESMF includes screening for historical structures, as well as a "chance-find" procedure. |
| | *Safeguard Instrument* | A Chance Finds Procedure will be detailed in the EMP and applied to ensure the appropriate siting and in the case of accidental finds. |
| Indigenous Peoples | *Purpose* | This policy aims to protect the rights and culture of Indigenous Peoples who may live in the project area. |

| Safeguard Policies | | Description of Policy and Applicability to PREP |
|---|---|---|
| OP/BP 4.10[14] | *Justification of why this OP is triggered* | Country-level social analysis undertaken as part of preparation of the World Bank's *Environmental and Social Safeguard Procedures and Instruments for Pacific Island Countries*, determined that OP 4.10 is not typically triggered in the Phase I countries (Samoa, Tonga, Vanuatu and Republic of Marshall Islands (RMI)) or potential Phase II countries (Federated States of Micronesia (FSM) and Fiji), with the exception being the Solomon Islands which may participate in Phase II. Though OP 4.10 would not normally be expected to apply to projects situated in Fiji, careful assessment and planning regarding inter-ethnic relations is nonetheless advised.<br><br>Although OP4.10 does not apply in participating Phase I countries this policy has been triggered based on a precautionary approach as the project has a **regional scope** and because specific sites and activities were not identified at the project preparation stage. The triggering of this policy will assist in informing Implementing Agencies (IAs) at the regional level and participating countries about procedures for identifying and managing issues relevant to Indigenous Peoples should countries with Indigenous Peoples present join Phase II of the Program.<br><br>Although the screening process will indicate whether Indigenous Peoples are likely to be present in, or have collective attachment to, the project area, a precautionary approach requires that an Indigenous Peoples Planning Framework (IPPF) shall be prepared (Annex D). |
| | *Safeguard Instrument* | Annex D presents an Indigenous Peoples Planning Framework (IPPF) that provides guidance on when to prepare an Indigenous Peoples Plan (IPP) in Phase II. Where Indigenous People are the overwhelming majority (i.e. Solomon Islands), key elements of an IPP will be integrated into overall project design. This requires free, prior and informed consultation (FPIC) with Indigenous People in a culturally appropriate manner and the local vernacular to be undertaken, as well as a Social Assessment (SA) by a suitably qualified person to identify potential sociocultural impacts, inform project design and adapt mitigation measures to suit the local context. Where Indigenous People are not the overwhelming majority but are present in the project area, a separate IPP will be developed. |
| Involuntary Resettlement OP/BP 4.12 | *Purpose* | This policy aims to restrict the involuntary taking of land or any form of economic displacement of populations affected by or participating in World Bank financed activities; and where displacement is unavoidable, to assist persons to improve (or at least restore) their incomes and standards of living; and to identify and accommodate the needs of vulnerable groups. |
| | *Justification of why this OP is triggered* | Although it is expected that the majority of project activities will be undertaken on state-owned or Crown land, there is potential for certain project activities (e.g. construction of monitoring stations, post-disaster reconstruction) to encroach on customary or private lands; involve small-scale involuntary land acquisition; require temporary sites for emergency operations (stockpiling etc) and post-disaster reconstruction; and/or require ongoing access to sites for |

[14] According to the Environmental and Social Safeguard Procedures and Instruments for Pacific Island Countries (PICs) developed by the World Bank (WB)'s East Asia and Pacific Regional Safeguard Secretariat (RSS), OP 4.10 is not typically triggered in the generally homogeneous island nations of Federated States of Micronesia, Kiribati, Marshall Islands, Palau, Samoa, Tonga and Tuvalu. Depending on the specific project context, persons meeting the four defining characteristics of OP 4.10 are likely to be found in Fiji, PNG, the Solomon Islands, Timor Leste and may be found in Vanuatu.

| Safeguard Policies | | Description of Policy and Applicability to PREP |
|---|---|---|
| | | monitoring purposes. Accordingly, this policy is triggered to ensure appropriate safeguards are in place should this occur.<br><br>A Resettlement Policy Framework (RPF) has been prepared (Annex E) to guide the process in instances where land acquisition, loss of access, and/or removal of assets or access to assets could occur. Market-based or voluntary donations are also likely mechanisms for securing land for project purposes. Any voluntary land donations or land access agreement will meet the World Bank requirements. Additional safeguard instruments such as Abbreviated Resettlement Action Plan (ARAP), Land Use Agreement and Voluntary Land Donation Protocol are included in the RPF for this purpose. |
| | *Safeguard Instrument* | A Resettlement Policy Framework (RPF) (Annex E) provides guidance on which safeguard instrument needs to be prepared. Any voluntary land donations will apply the Voluntary Land Donation Protocol (VLDP) when land is being gifted for project activities that are of benefit to the wider community (Attachment 1 in Annex E). A Land Use Agreement (LUA) is also included in the RPF to facilitate land access. |

## 4.2 International Emergency and Disaster Management Policies and Guidelines

Table 5 outlines the five overarching policies and guidelines for CCA and DRM at the international level of relevance to the PREP.

**Table 5 International Plans and Policies**

| *Regional Policies and Plans* | *Relevance to Project* |
|---|---|
| International Strategy for Disaster Reduction (ISDR) | Has a mandate to build "*disaster resilient communities by promoting increased awareness of the importance of disaster reduction as an integral component of sustainable development, with the goal of reducing human, social, economic and environmental losses due to natural hazards and related technological and environmental disasters*" (UNISDR, n.d.) |
| Hyogo Framework for Action 2005-2015 (HFA) | Set of non-binding guidelines that identify five key priorities for governments to integrate into existing policy frameworks and legislation. All Phase I countries have endorsed HFA. National consultations on HFA progress were undertaken in 2012 and a new global framework is currently under development. |
| Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Recovery Assistance of 2007 | The IDRL Guidelines recommend a number of legal measures to be implemented by governments to facilitate and improve the effectiveness of international cooperation in disaster |
| Global Framework for Climate Services[15] (GFCS) | GFCS was developed by World Meteorological Organization (WMO) to coordinate and build the capacity of organisations involved in climate information and services on a global platform, and enhance the qualify, quantity and application of climate services |
| United Nations Framework Convention on Climate Change (UNFCCC) | UNFCCC an intergovernmental treaty developed to address the problem of climate change. |

## 4.3 Regional Institutional and Policy Setting

The World Bank developed a Policy and Practice Note[16] (PPN) on Climate- and Disaster-Resilient Development in the Pacific Islands Region (IBRD, 2012). The PPN outlines the potential consequences of in-action, lessons learned and factors to create an enabling environment including: risk considerations grounded in development; robust and effective political authority, leadership, and accountability; and strong coordination and partnerships. The PREP is consistent with the Bank's broader approach among the small and remote Pacific Island Countries, and responds to the need for immediate action to reduce disaster risks and the threat of climate change, as articulated in the PPN.

Nine PICs[17] are members of the World Metrological Organisation Small Island Developing States (WMO SIDS) group.

### 4.3.1 PPCR

Under the multi-donor Climate Investment Fund (CIF), a Pilot Program for Climate Resilience (PPCR) was developed. The Pacific Regional PPCR aims to build the resilience

[15] http://www.gfcs-climate.org
[16] http://documents.worldbank.org/curated/en/2012/01/16795680/acting-today-tomorrow-policy-practice-note-climate-disaster-resilient-development-pacific-islands-region
[17] Tonga, Vanuatu, New Caledonia, Fiji, Tuvalu, FSM, PNG and Solomon Islands.

of PICs to climate change and climate-related disaster through more effective integration of CCA and DRR. The regional track, Strategic Program for Climate Resilience (SPCR), is coordinated by SPREP. It is comprised of three components:

1. Mainstreaming CCA and DRM;
2. Regional technical assistance and financing mechanism; and
3. Practical climate resilience approaches and tools for food and water security and coastal zone management.

The first two components are supported by the Asian Development Bank (ADB) with the latter supported by the World Bank. Three PICs were selected to participate (Samoa, Fiji, and Papua New Guinea) in the country track for PPCR and national-level project coordination units were established. Kiribati and FSM had also received support through the SPCR regional track to date.

Current Pacific regional efforts aimed at ensuring that climate change and disaster risk issues are given prominence in the sustainable development agenda will be facilitated by the PREP. In this regard, the PREP will directly support the implementation of the draft Strategy for Climate and Disaster Resilient Development (SRDP), which in turn, provides a strong foundation for the PREP. The PREP will also build synergies with existing regional initiatives which aim to minimize the impact of climate change and natural hazards in the Pacific Region, including PCRAFI, the Pacific Disaster Risk Financing and Insurance (Pacific DRFI) scheme, the initiatives of the 10$^{th}$ European Development Fund (ED10) including the Building Safety and Resilience in the Pacific Project (BSRP), which support strategic actions on adaptation for PICs across the region, and build capacity to strengthen community engagement and adaptive actions.

The PPCR, alongside a series of initiatives, preceded the PREP and have initiated climate resilience projects in Bank member countries. In summary, these include:

- Vanuatu – Climate Change Adaptation Project; Increasing Resilience to Climate Change and Natural Hazards Project; Mainstreaming Disaster Risk Reduction Project.
- Tonga – PPCR; Climate Resilience Sector Project.
- Samoa – PPCR including Enhancing the Climate Resilience of Coastal Resources and Communities Project (ECR) and Upolu West Coast Road; East Coast Road Tsunami Reconstruction; Samoa Agricultural Competitiveness Enhancement Project (SACEP).

Together, these projects have strengthen efforts on climate and disaster resilience and responses to safeguard issues and compliance in the region.

### 4.3.2 Key Institutions

Pacific Islands Forum Secretariat (PIFS) is the prime political and policy body on economic development in the Pacific and is responsible for the organization of the annual Forum Leader's, Forum Economic Minister's and related meetings. PIFS is chair of the Council of Regional Organizations (CROP) and co-chair of the CROP Executive Sub-Committee on Climate Change and Resilient Development and plays a key coordination role in regards to

the SRDP. The PIFS is a political grouping of 16 independent and self-governing states[18], with a mission of ensuring the effective implementation of the Leaders' decisions for the benefit of the people of the Pacific. PIFS engages in, and monitors, the region's efforts to combat climate change and its impacts. This work has largely involved advocacy of the region's needs for increased support from the international community to assist in efforts to overcome the challenges posed by climate change. PIFS manages the Regional Natural Disaster Relief Fund (RNDRF) in the Pacific Region.

The Secretariat of the Pacific Community (SPC) is a technical regional organization in the Pacific and key player in the resilience space, with the aim to: (i) develop the technical, professional, scientific, research, planning and management capability of Pacific Island people; and (ii) directly provide information and advice, to enable them to make informed decisions about their future development and well-being. SPC has been mandated by the Leaders to coordinate the capacity development of PICs in DRM as a broad-based development issue cutting across all sectors, from food and water security, health, economic development and coastal zone management. SPC's Geoscience Division (GSD) facilitates the Pacific DRM Partnership Network (PDRMPN) and the Pacific Islands Emergency Management Alliance (PIEMA). The PDRMPN acts as a cooperative mechanism to facilitate the implementation of the Pacific Islands Disaster Risk Reduction and Disaster Management Framework for Action 2005–2015 (RFA), and in turn, support the development and implementation of DRM National Action Plans (NAPs). The Pacific Platform for DRM, a major coordination mechanism for DRM in the Pacific is co-convened by SPC and the UNISDR Secretariat, in collaboration with members of the Pacific DRM Partnership Network. Further, the Pacific Humanitarian Team (PHT) coordinated by UNOCHA in Fiji, supports PICs by providing timely, consistent and coordinated response at times of disaster.

### 4.3.3 Strategic Plans and Policies

PICs are being supported in their efforts toward sustainable development, including addressing climate change adaptation (CCA) and disaster risk reduction (DRR), through a regional strategic framework, including a number of regional policies and plans relevant to the PREP, listed in Table 6 below. PIFACC and the RFA are undergoing integration into one framework (due for completion in 2016).

**Table 6 Regional Plans and Policies**

| *Regional Policies and Plans* | *Relevance to Project* |
|---|---|
| Framework for Pacific Regionalism | The framework supersedes The Pacific Plan and outlines key principles and process for regionalism. |
| Pacific Islands Framework for Action on Climate Change 2006-2015 (PIFACC) | PIFACC was endorsed by Pacific leaders in October 2005 and Joint National Action Plans (JNAPs) on CCA and DRM were subsequently developed for each PIC. It recognizes the need to identify vulnerable sectors in order to better design and target adaptation measures. |
| Pacific Islands Disaster Risk Reduction and Disaster Management Framework for Action 2005–2015 (RFA) | A regional agreement endorsed by Pacific leaders in October 2005, that provides overarching policy guidance for disaster risk and support for building communities that are more resilient to disasters. SPC is the coordinating agency for the RFA and DRM in the Pacific. The framework contributes to the implementation of the Mauritius Strategy and the Hyogo Framework (HFA). It reflects the increased national and regional commitment to an 'all hazards' approach to DRR and disaster |

[18] Members include Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

| *Regional Policies and Plans* | *Relevance to Project* |
|---|---|
| | management in support of sustainable development, with the development of policies and plans for the mitigation and management of natural disasters aligned to the Kalibobo Roadmap and in accordance with The Pacific Plan objectives. |
| Pacific Regional Action Plan on Sustainable Water Management (Pacific RAP) | Endorsed by Pacific Island Ministers and Heads of States in 2003 as a regional policy document capturing areas of priority actions to address issues in the sector. |

## 4.4 Legal and Regulatory Setting in Participating Countries

This section provides a brief overview of the specific policies, administrative and institutional frameworks in each participating country, in relation to environmental and social safeguards applicable to the preparation and implementation of PREP. Two countries (Tonga and Samoa) will participate in all components for Phase I. Vanuatu and RMI will only participate in Sub-component 3.1.2 for Phase I. Country specific social and environmental regulations and the relevant approval, permitting and licensing obligations to process and execute the program/project for each country of Phase I is summarized below.

### 4.4.1 Samoa

Samoa declared independence from New Zealand in 1962 and the Constitution was enacted in 1960. The country has a unique system of governance, blending a parliamentary government structure [comprised of the Legislature (Parliament or *'Fono'*), Executive (Cabinet and Prime Minister) and the Judiciary] with the *fa'amatai* customary system in which traditional *matai's* (leaders of extended families with chiefly status) are elected to and serve in Parliament.

At the subnational level, the country is divided into sixteen districts across the islands of Upolu and Savai'i, and one urban area (Apia). The *Fono o Matai* (Village Councils) attend to civil matters at the village level, a role recognized under the *Village Fono Act* (1990). The government representative in each village is called the *Pulenu'u*. At the household level, *matapules* administer customary land on behalf of the extended family.

Table 7 outlines the national policies and plans in Samoa of relevance to the PREP.

**Table 7 Samoa's Plans and Policies**

| *National Policies and Plans* | *Relevance to Project* |
|---|---|
| National Adaptation Program of Action (NAPA) 2005 | The NAPA identified a list of activities which address adaptation needs and tackle risks posed by natural disasters, including sector priorities. |
| National Action Plan for Disaster Risk Management 2011-16 (NAPDRM) | The NAPDRM identifies Samoa's DRM goals and aims to improve mainstreaming and coordination of DRR-DM to inform integrated development planning. One goal includes strengthening of community risk management and safety and resilience at the local level. |

The key legislative instruments relevant to PREP activities and environmental and social safeguards in Samoa include:

- Planning and Urban Management Act (PUMA) 2004 (under review);
- Planning and Urban Management Amendment Act 2005 to clarify three definitions.
- National Parks and Reserves Act 1974;
- Lands, Survey and Environment Act 1989;
- Marine Pollution Prevention Act 2008;
- Disaster and Emergency Management Act 2008;
- Building Code Act 2002;
- Village Fono Act 1990;
- Taking of Land Act 1964; and
- Customary Land Advisory Commission Act 2013.

**Disaster Management**

The *Disaster and Emergency Management Act* (DEM Act 2008) is the key piece of legislation governing disaster management in Samoa and is currently under review.

There are four key institutional bodies involved in disaster management in Samoa. These include:

- The Disaster Management Office (DMO) within the Ministry of Natural Resources and Environment (MNRE) is responsible for ensuring the ongoing coordination, development and implementation of national DRM programs and activities;
- The National Emergency Operations Centre (NEOC), the disaster coordination center for the country (as specified in the DEM Act);
- The Disaster Advisory Committee's (DAC) role is to coordinate an inter-agency approach to disaster preparedness and recovery, and disseminate the NDMP. DAC is comprised of government, private sector, civil society stakeholders, Fire and Emergency Services Authority and the Police Service; and
- The National Disaster Council (NDC) includes Cabinet members and is advised by the DAC. NDC is responsible for proclaiming and rescinding national State of Emergencies and oversight and approval of response and recovery activities.

At the country level, the PUMA and DMO with the support of NGOs and CSOs are developing updated community integrated management plans.

**Environmental Assessment and Management**

The Ministry of Natural Resources and Environment (MNRE) is responsible for environmental protection and management in Samoa. MNRE hosts the Land Registry, Climate Data Centre, Planning and Urban Management Agency (PUMA), and the Meteorology Office for Samoa. A draft Environment Management and Conservation Bill has been developed but not yet endorsed.

Within MNRE, the Planning and Urban Management Agency (PUMA) is the lead agency for development approvals and environmental management of new developments. PUMA has a dual role: (i) defining the requirements of EIAs; and (ii) to review project EIAs for development activities and consider findings and conditions for development consent. The environmental impact of a development activity is assessed by PUMA in accordance with the *Planning and Urban Management Act 2004* (PUM Act 2004). Specific requirements for

environmental assessments are also provided in the *Planning and Urban Management (Environmental Impact Assessment) Regulations 2007* (EIA Regulations 2007) and *PUM Regulation 2008* (Development Consent and fees).

Under the EIA Regulations 2007, environmental assessments are required for any public or private development proposal that triggers qualifying criteria. The qualifying criteria relate to potential negative impacts on people, property, places, habitats and a rage of situations detailed in the regulations, including:

- adverse impacts on people, an existing activity, building or land;
- adverse impacts on a place, species or habitat of environmental (including social and cultural) importance;
- adverse impacts in conjunction with natural hazard risks;
- adverse impacts on or in the coastal zone;
- adverse impacts on or in any waterway or aquifer;
- adverse impacts arising from the discharge of any contaminant or environmental pollutant;
- adverse impacts associated with land instability, coastal inundation or flooding
- adverse impacts on the landscape or amenity of an area;
- adverse impacts on public infrastructure;
- adverse impacts on traffic or transportation; and
- any other matter for consideration stated in section 46 of the Act.

Depending on the nature and scope of the development, either a Preliminary Environmental Assessment Report (PEAR) or a Comprehensive Environmental Assessment Report (CEAR) is required for a development that meets the qualifying criteria. The PEAR is required where the PUMA does not consider that significant adverse impacts on the environment are likely, and a CEAR where adverse impacts are likely to be significant. Once completed, the PEAR / CEAR is submitted with a Development Consent Application (DCA) including final design drawings, a site plan, certified survey plans, written consent from property owners, lease agreements, deeds of conveyance and a fee, to the PUMA to be reviewed. Only the CEAR is open for public comment before a final recommendation is made to the PUM Board, and projects with a value of SAT$1 million or more must publish a public notice. The Board has representation of various ministries and public communities, and can therefore act independently of MNRE. The PUM Board may approve the application, decline it or approve it with conditions. Once development consent for buildings and infrastructure is granted, a building permit from the Ministry of Works (MoW) is required.

The *Lands, Survey and Environment Act 1989 (LSE Act 1989)* also covers land allocation and the environmental management of land. Under the Act, regulations can be made to address specific issues including forest protection, regulation of various forms of land use, and biodiversity conservation.

In addition, Samoa has Codes of Environmental Practice (COEPs) approved by the PUMA Board in 2007 which set out procedures for various activities such as road planning and construction, consultation, land acquisition and compensation, slope stability, quarry activities, coastal protection, drainage, earthworks and telecommunications facilities. COEPs were prepared to define methods and/or procedures to be followed by consultants, designers and contractors for the avoidance or mitigation of adverse environmental effects that may arise out of infrastructure development projects or maintenance work. PUMA

personnel monitor the implementation of these COEP through development consents. All other authorities monitor the implementation of the COEP through normal contract administration procedures. More specifically, COEP3 Consultation; COEP4 land acquisition for Government projects; COEP12 Earthworks and COEP14 telecommunications are relevant to the PREP. PUMA personnel monitor the use of COEP in project planning, design, construction and maintenance, as well as implementation of these COEP through development consents. All other authorities monitor the implementation of the COEP through normal contract administration procedures.

### 4.4.2 Tonga

The Kingdom of Tonga is a constitutional monarchy and the Constitution was amended in 2010. The King appoints the Prime Minister and the government comprises of the Executive (Cabinet), Legislature and Judiciary. The Legislative Assembly is made up of 17 People's Representatives, nine Noble Representatives, and up to four others appointed by the King. At the subnational level, the country is divided into five administrative divisions governed by a Governor (Eua, Ha'apai, Niuas, Tongatapu and Vava'u), and 23 districts lead by a District Officer. A Town Officer (government representative) is appointed for each village.

Table 8 outlines the national policies and plans of relevance to the PREP.

**Table 8 Tonga's Plans and Policies**

| *National Policies and Plans* | *Relevance to Project* |
|---|---|
| National Strategic Planning Framework (2009-2014) | The framework calls for the integration for climate change, environmental sustainability and disaster risks into national planning processes and plans. |
| Joint National Action Plan (JNAP) on Climate Change Adaptation and Disaster Risk Management (2010-2015) | Subsequent to the NSPF, a JNAP was developed in alignment with the Pacific Islands Framework of Action on Climate Change 2006–2015, the Pacific Disaster Risk Reduction and Disaster Management Framework for Action 2005–2015, the Yokohama Plan for Action and the Hyogo Framework for Action 2005–2015, and the United Nations Framework Convention on Climate Change. It identifies natural hazard risks, sectoral vulnerabilities and six priority goals for CCA/DRM in Tonga, and details associated financing, communication and implementation strategies and M&E. |
| National Emergency Management Plan (2009) | The NEMP was designed around the Risk Management Standard AS/NZS4360:2004, to promote a multi-sectoral approach to risk reduction using the CHARM (Comprehensive Hazard and Risk Management) process developed by SOPAC. It informs the development of District Emergency Management Plans at the subnational level. |

The key legislative instruments relevant to PREP activities and environmental and social safeguards in Tonga include:

- National Spatial Planning and Management Act 2012;
- Environmental Impact Assessment Act 2003;
- Environmental Management Act 2010;
- Waste Management Act 2005;
- Land Act 1993 (latest amendment 2013);
- Biosafety Act 2009;
- Ozone Layer Protection Act 2010;

- Hazardous Waste and Chemical Act 2010; and
- Public Health Act.

**Disaster Management**

The Ministry of Metrology, Information, Energy, Disaster Management, Climate Change and Communications (MEIDECC, formerly MEECCDMMIC) has an overarching responsibility on CCA and DRM. The Tonga Meteorological Department (TMD) of MEIDECC is the national authority for issuing meteorological and geological hazard warnings. The National Emergency Management Office (NEMO) also within MEIDECC is responsible for preparedness and response. The National Resources Division (NRD), housed in the Ministry of Lands and Natural Resources (MLNR), is responsible for earthquake monitoring, geological mapping and other and geophysical activities. The NEMO, TMD and NRD form the core elements of Tonga's natural hazards forecast, warning and response system (Figure 12).

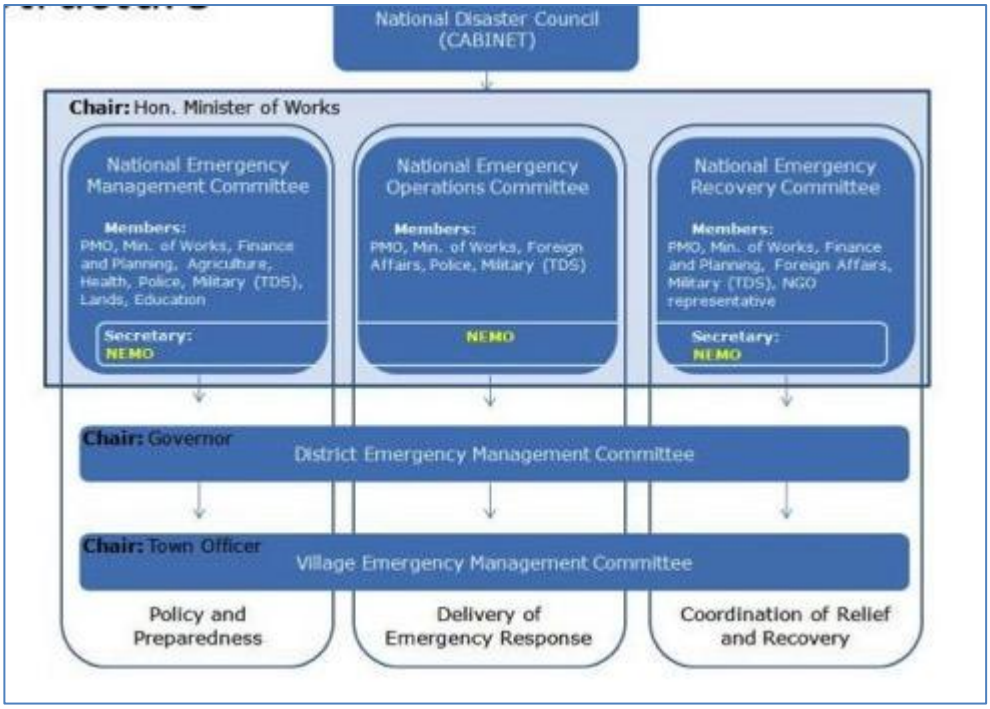



**Figure 12: Institutional Setting for Disaster Management in Tonga**

The Minister of MEIDECC, is responsible for emergency management and therefore chairs the three committees identified in the Emergency Management Act of 2007: National Emergency Management Committee (NEMC); National Emergency Recovery Committee (NERC); National Emergency Operations Committee (NEOC) responsible for policy direction, response during disaster events and building capacity through training within the Kingdom. Each District has an Emergency Management Committee chaired by the Governor who prepares a District Emergency Management Plan and link to Village Emergency Committees led by the Town Officer.

**Environmental Assessment and Management**

In Tonga, the environmental impact of a development activity is assessed by MEIDECC in accordance with the *Environmental Impact Assessment Act 2003* (the EIA Act) and

*Environmental Impact Assessment Regulations 2010* (the EIA Regulations). The MEIDECC must be notified of the development activity before construction commences. EIA Reports will be considered by the Environmental Assessment Committee who will make a recommendation to the Minister for MEIDECC (the Prime Minister), to determine whether the development is approved, deferred, or rejected.

The Division of Environment and Climate Change (DECC) under MEIDECC was enacted by the *Environmental Management Act 2010* (EM Act). The role of DECC is to protect the environment and promote sustainable development. Under the Act, the Deputy Director of DECC is empowered to inspect or investigate any facility or activity deemed to be causing potential impact on the environment. The Deputy Director also has the power to serve a notice to cease the activity, which takes effect immediately.

Under this regulatory framework, all development activities must be referred to the Minister of MEIDECC, either directly or through the Determining Authority (designated ministry). With this notification, the proponent must complete a Determination of Category of Assessment form, providing an overview of the proposed development and a number of details in relation to the existing environment, potential environmental impacts and mitigation measures. DECC and the Minister determine whether the proposed development is a minor or major project, and advises the proponent within 30 days. If it is a major project, the proponent then submits a full EIA for review by the DECC Secretariat, whom makes recommendations to the Environmental Assessment Committee (EAC). The Minister receives an assessment report and issues an approval (with or without conditions), a request for further information, or a rejection. The schedule outlining major projects is contained in the *EIA Act 2003*. However, under the EIA Regulations, a development proposal not reflected in this schedule may still be deemed as a major project through the determination of category process.

## 4.5 Gap Analysis

Table 9 highlights the differences between applicable Bank safeguard policies and laws, standards and regulations at the regional level, and relevant measures for addressing key gaps.

The existing environment and land management legislation provides a satisfactory framework for the implementation of PREP activities in accordance with safeguard policies, however key pieces of legislation are currently under review. In addition, participating countries have environmental agencies with limited staff and means to enforce their national laws.

**Table 9 Regional Gap Analysis**

| Safeguard Requirements | Aspect / Gap | Proposed Project Measures |
|---|---|---|
| Consultation with customary landowners and affected persons is essential, and may require their participation in baseline studies as part of the Social Assessment. | Public consultation including formal consultation with customary landowners is not compulsory in the EA process or mandated under law in some countries (although it does occur in practice in most cases). | Develop Consultation Plan as part of Project Operations Manual during preparation phase must ensure proactive consultation during baseline studies and project preparation. As per Resettlement Policy Framework (RPF), a census of affected persons including inventory of losses and basic socioeconomic information at household level will be undertaken. |
| Involuntary resettlement (and acquisition of land) should be avoided where feasible, or minimized, exploring all viable alternative project designs. | Evidence that alternatives have been considered is not always required under law. | The RPF states that acquisition of land will only be pursued once all viable alternatives have been considered and no other suitable sites exist. The process and agreements between the Government and landowner are based on an ARAP approved by the Bank. |
| Affected persons/communities are provided timely and relevant information, and informed about their options and rights. | Public consultation including formal consultation with customary landowners is not compulsory in the EA process or mandated under law in some countries (although it does occur in practice in most cases). Consultation is generally not open except in the case of people given the opportunity to make objections. | Consultation Plan will be developed as part of Project Operations Manual during preparation phase and must ensure ongoing consultation throughout the project cycle. Where persons face direct adverse impacts, they must be informed about their entitlements, options, and provide feedback on designs and proposed mitigation measures. |
| Appropriate and accessible grievance mechanisms are established for affected persons/communities. | Customary and formal grievance mechanisms exist in participating countries but their effectiveness varies depending on location and country. | A Grievance Redress Mechanism (GRM) has been detailed in the ESMF to enable issues to be addressed in a transparent and responsive manner. |
| Where physical relocation is necessary displaced persons are provided compensation, transitional assistance and support to enhance or restore livelihoods. | Compensation is offered in most countries, however additional support and transitional assistance is excluded in many case, or does not necessarily require that conditions of the affected people be the same level or better than pre-project situation. | Provide compensation to all affected persons as defined in RPF and under OP4.12. Any ARAP prepared will specific full compensation and measures to enhance or restore livelihoods where necessary. |
| Full replacement cost to be paid for land and fixed assets affected by land resumption and | Compensation rates are highly variable from country to country and are often determined based on issues including land type, crops etc. | Provide compensation to all affected persons at full replacement cost as defined in RPF and under OP4.12. Any ARAP prepared will specify an |

| Safeguard Requirements | Aspect / Gap | Proposed Project Measures |
|---|---|---|
| payment of cash compensation for lost assets. | Often means by which generate ‘non-land producing’ income (e.g. store business) are excluded. | inventory of losses will cover the value of impacted land, structures, business, livelihoods and assets. |
| The form of compensation is to be based on consultation, disclosure and needs of the affected person/s. | In some cases, decisions on how the land will be compensated is at the discretion of the Minister of Lands. | Activities will require participation and consultation of affected persons as set out in the Consultation section of the ESMF. |
| Particular attention is paid to the needs of vulnerable groups. | In some countries, there is no formal recognition of vulnerable groups, nor consultation with or participation by vulnerable groups. | Activities will require participation and consultation of vulnerable groups as set out in the Consultation section of the ESMF. |

# 5. Potential Environmental and Social Impacts

This section summarizes potential environmental and social impacts of PREP and corresponding mitigation measures and monitoring requirements.

Predicting likely impacts requires a thorough analysis of potential environmental impacts and proposed mitigation measures one subprojects are defined. Customary land ownership and land access are some of the priority issues for any development or works in PICs, however it is expected that activities requiring physical works are primarily sited on existing state land, which should minimise the environmental and social impacts of proposed activities.

Table 10 provides an overview of the types of impacts that may occur.

## 5.1 Preliminary Identification of Potential Impacts

The overall social and environmental impact of the PREP is expected to be positive and none of the eligible investments on the menu of options include activities that would generate significant risk or irreversible adverse environmental or social impacts. There are three types of investments under the Program with the potential to impact the human and physical environment.

### 5.1.1 Component One

The first investment type includes eligible minor works activities funded under Component 1. Generally, these activities include upgrading emergency operations centres and communications infrastructure, monitoring stations and retrofitting public buildings, amongst others. Environment and social impacts from these activities would be only minor and the types of mitigation measures are well-known and proven. In addition, technical assistance (TA) for institutional strengthening and management strategies such as new policies, management plans or legislation as part of Component 1 may have adverse impacts upon implementation if environmental and social implications and aspects are not considered. For this reason, the Interim Guidelines on the Application of Safeguard Policies to TA Activities in Bank-Financed Projects will be applied and provisions within this ESMF relevant to technical assistance will be enacted.

### 5.1.2 Component Two

The second activity type includes subprojects and investment plans that will be developed under Component 2. All subprojects proposed under this part will be subject to World Bank screening measures as proposed in the ESMF, with safeguards considerations incorporated into individual country strategies and plans. Adherence to the screening procedures in Section 6 of this ESMF will ensure that any potential adverse environmental or social impacts from eligible projects are assessed, and appropriate measures are developed to avoid, minimize, mitigate and offset potential impacts.

### 5.1.3 Component Three

The third investment type includes activities under Component 3 (Sub-component 3.1.1. CERC). Emergency subprojects financed under the CERC involve financing provision of critical goods or emergency recovery and reconstruction works and it is likely these will fall into Category B or C. Activities that fall under Category C could involve procurement of emergency supplies such as medicine and water with limited adverse environmental or

social impact. Other emergency supplies, such as fuel products, have a degree of environmental risk and require specific management measures to be applied. Other potential CERC activities – such as infrastructure repair or utility reconnections - will likely include civil works or similar activities that could have adverse impacts if not properly mitigated, and therefore, fall into Category B. Owing to the unpredictable nature and location of natural disaster events, there is potential for subprojects to be located in or near ecologically sensitive land, and/or in/near areas with high biodiversity or physical cultural resources, on customary land, or to involve Indigenous Peoples and vulnerable groups. Depending on the circumstances of the emergency, it may also require acquisition of land either temporarily or permanently for reconstruction work.

## 5.2 Rapid Land Assessment for PREP Subprojects

Initial consultations with government stakeholders in Phase I countries identified that most activities involve the refurbishment of pre-established facilities or the construction of new offices on existing State or Crown land. In most cases State land has already been acquired or is sufficient to meet the project needs and there is very little additional or non-State land will need to be acquired to support PREP subprojects and activities.

There is a chance, however, that small parcels of land and associated access routes, as well as changes in land use will be required to facilitate some early warning and preparedness activities under Component 1. For example, new monitoring equipment (e.g. seismic for volcano, rain gauges, river/catchment gauging stations) could be established on greenfield sites for the purpose of improved weather and natural hazard predictions. These activities will require the use of a very small parcel of land (approx. < 6sqm), as well as access routes to maintain and monitor the infrastructure or supplies. It is envisaged this will occur through either formal land donation, land use agreements, leasing or purchasing arrangements. This also includes subleasing arrangements between Ministries, which need to be formalized prior to the commencement of any works.


**Figure 13 Existing block of land for NEOC office in Samoa**

In Samoa, land for the new NEOC 200m$^2$ office and MET/seismic back up is under lease on State land by the Fire Services Department, adjacent to the site (Figure 13). A sublease

arrangement will secure this parcel for the purpose of NEOC prior to construction commencing.

In Tonga, a new TMD headquarters building with NEMO Operations Centre/backup and GSU will be located outside the tsunami inundation zone at Fua'amotu airport within the Tonga Airports Limited (TAL) envelope. Refurbishment of the Seismic Operations Centre (SOC) and TMD will involve the addition of a second storey on the existing building near the foreshore. Prepositioned supplies are located strategically across the country facilitated by the Red Cross through a voluntary arrangement.

**Table 10 Summary of Potential Environmental and Social Impacts related to PREP activities**

| Activity | Potential Environmental Impact | Potential Social Impact | Potential Project Risk or Benefit | Mitigation | Monitoring |
|---|---|---|---|---|---|
| *Component One: Strengthening Early Warning and Preparedness* | | | | | |
| Develop new legislation, management plans, SOPs, standardized protocols / signals | Unlikely to be negative impacts from this activity however there is some potential for limited impacts experienced as a result of new policies, management plans or legislation (e.g. coastal management strategy). | Unlikely to be negative impacts from this activity however there is some potential for limited impacts experienced as a result of new policies, management plans or legislation (e.g. coastal retreat policy). | More efficient disaster management and response and greater resilience in vulnerable areas | Any new legislation, policy or management plan will address the objectives of World Bank policies using safeguard instruments contained in this ESMF. | Mid-term or annual review;<br>Supervision missions |
| Design and implement integrated national MHEWS platform (incl. install or upgrade forecast and warning software, specialized hardware, management systems etc) | Disposal of redundant equipment may be required (e.g. electronic waste) that could lead to contamination of soil or water if disposed of incorrectly | Exclusion of vulnerable groups - potential for disable persons (visually or hearing impaired), women and vulnerable groups to be excluded from receiving warnings;<br>Longer lead-in time for people to prepare for disasters potentially resulting in less loss of life and damage to property | More efficient disaster management and response | Consultation will be inclusive of all social and gender groups within the community and signals and communication methods reflect the needs of such groups upon implementation;<br>Waste management will be captured in EMP. | Indicators determined by PMU;<br>Monitor and evaluate the installation, operation and maintenance and End User Survey to determine effectiveness of improvements |
| Install, connect and/or refurbish meteorology weather observation stations (e.g. Agromet) | Temporary land or vegetation disturbance;<br>Disposal of redundant equipment may be required | Potential temporary land access or permanent small-scale land acquisition required;<br>Disturbance of physical cultural resources | More efficient weather predictions / impact forecasting | Give preference to siting projects on lands already converted;<br>Site assessment including hazard vulnerability and risk;<br>Site selection based on feasibility study/EIA and | Regularly monitor sites |

| Activity | Potential Environmental Impact | Potential Social Impact | Potential Project Risk or Benefit | Mitigation | Monitoring |
|---|---|---|---|---|---|
| | | | | selection criteria for suitability;<br>Consultation and voluntary land donation or access agreement including informed consent from landowner/s;<br>Disposal of waste in designated landfill;<br>Chance find procedures | |
| Construct or retrofit key public buildings and infrastructure incl. government offices, e.g. construction new TMD building at Fua'amotu airport in Tonga and new NEOC on existing site in Faleata, Samoa | Construction may result in minor adverse impacts including noise, dust and generation of solid waste materials on existing site. Asbestos may be present in old buildings. | Exclusion of vulnerable groups - potential for physically disable persons (wheelchair) to be unable to access buildings | Assets are more resilient to disasters and information management is improved | Building inspection will identify whether asbestos is present prior to demolition/ construction;<br>EMP will detail hazardous materials management plan (HMMP);<br>Site assessment including hazard vulnerability, flood and seismic risk;<br>Chance find of physical cultural resources;<br>Disability access recommended for public buildings. | Completion audit by building inspector or Works Department |
| Refurbish NEMO office in Tonga | Refurbishing existing building may result in minor adverse impacts including noise, dust and generation of solid waste materials from | There are no negative impacts expected with this activity | NA | Building inspection will identify whether asbestos is present prior to demolition/ construction;<br>EMP will detail | Completion audit by building inspector or Works Department |

| Activity | Potential Environmental Impact | Potential Social Impact | Potential Project Risk or Benefit | Mitigation | Monitoring |
|---|---|---|---|---|---|
| | construction. Asbestos may be present in old buildings. | | | hazardous materials management plan (HMMP) | |
| Construct additional storey for tsunami warning centre in Samoa | Refurbishing existing building may result in minor adverse impacts including noise, dust and generation of solid waste materials from construction | There are no negative impacts expected with this activity | NA | EMP will provide for guidance on mitigation measures during construction | Completion audit by building inspector or Works Department |
| Establish new or upgrade seismic monitoring stations with solar, GPS and motion sensors, e.g. new volcanic monitoring station in Savai'i in Samoa | For new stations, there may be temporary land disturbance and clearing of vegetation for narrow easements to access to monitoring stations | Potential temporary land access or permanent small-scale land acquisition required;<br>Disturbance of physical cultural resources | Land has not been secured by government | Site assessment including hazard vulnerability, flood and seismic risk;<br>Chance find of physical cultural resources;<br>Give preference to siting projects on lands already converted;<br>Voluntary land donation or access agreement from landowner; or small-scale acquisition of land as per RPF | Audit and monitoring by specialist |
| Establish or upgrade monitoring sites in target water catchments for stream flow monitoring and install real-time connectivity (GSM) including cables to hydrology network and monitoring stations in target water catchments | Temporary land, riparian and/or vegetation disturbance and sediment generation through installing cable and monitoring equipment adjacent to river or in river beds | River reserve belongs to State, however if gauge station is located on, or requires access through, customary land, there may be potential small-scale land acquisition or disturbance required | Government loses access to monitoring station through land access disputes with landowners | Give preference to siting projects on lands already converted without risk of slope instability;<br>Limit vegetation clearance and use of heavy machinery;<br>Voluntary land donation or negotiate land access and written | Audit and monitoring by specialist |

| Activity | Potential Environmental Impact | Potential Social Impact | Potential Project Risk or Benefit | Mitigation | Monitoring |
|---|---|---|---|---|---|
| | | | | agreement with landowner | |
| Stockpiling emergency goods in, and refurbish, subnational prepositioned supply hubs | May involve long-term storage of chemicals and sanitation equipment | Access to site required | Damage, theft or loss of access to prepositioned supplies | Hubs are located on state land with inclusive community consultation on control measures;<br>Negative list excludes the storage of hazardous materials. | Routine checks and inventories by responsible parties and reporting to relevant agency |
| Improve service delivery to the public by expanding VHF/HF radio, mobile telecommunications, service broadcasts etc | Where new towers are being installed, there may be temporary land disturbance and clearing of vegetation for narrow easements for access | Exclusion of vulnerable groups - potential for disable persons (visually or hearing impaired), women and vulnerable groups to be excluded from receiving warnings;<br>Where new towers are being installed, there is potential for temporary land access or permanent small-scale land acquisition required;<br>Longer lead-in time for people to prepare for disasters potentially resulting in less loss of life and damage to property | NA | Consultation and activities must be inclusive of all vulnerable groups and women within the community and communication methods must reflect the needs of such groups;<br>Where new towers are being installed, give preference to siting projects on lands already converted;<br>Site selection based on feasibility study/EIA and selection criteria for suitability;<br>Voluntary land donation or access agreement from landowner; or small-scale acquisition of land as per RPF | Monitor and evaluate the services through Public Perception and User Survey to determine effectiveness of improvements and collect feedback |
| Develop national communication strategy and | There are no negative impacts expected with | Potential exclusion of vulnerable groups; | NA | Consultation and activities must be | Monitor and evaluate the services through |

| Activity | Potential Environmental Impact | Potential Social Impact | Potential Project Risk or Benefit | Mitigation | Monitoring |
|---|---|---|---|---|---|
| modernise communication methods (mobile phone applications) to notify the public and utility sectors with wider dissemination of hazard warnings | this activity | Longer lead-in time for people to prepare for disasters potentially resulting in less loss of life, damage to property and disruption to services | | inclusive of all vulnerable groups and women within the community and communication methods must reflect the needs of such groups | Public Perception and User Survey to determine effectiveness of improvements and collect feedback |
| Mobilise teams to conduct post-disaster needs assessments (PDNA) after national emergency (regional TA) | There are no negative impacts expected with this activity | Assessment may require access to private or customary land | NA | Consultation must be inclusive of all vulnerable groups and women within the community | Refer to SOP |
| Develop decision support tools and impact forecasting methodologies for early warning | There are no negative impacts expected with this activity | There are no negative impacts expected with this activity | NA | NA | NA |
| Develop and deliver accredited training course for disaster managers | There are no negative impacts expected with this activity | There are no negative impacts expected with this activity | NA | NA | Trainee Survey to collect feedback on training |
| Community evacuation plans | There are no negative impacts expected with this activity | Communities more aware of how to prepare for and what to do in emergency situations | NA | Activities must be inclusive of all vulnerable groups and women within the community | Emergency drills to test effectiveness of community evacuation plans |
| *Component Two: Mainstreaming Risk Reduction and resilient investments* | | | | | |
| Feasibility studies and concept design for entry-level investments and planning incl. technology (doppler radar for forecasting, mobile apps) | There are no negative impacts expected with this activity | There are no negative impacts expected with this activity | NA | A detailed ESMP to be prepared in consideration of negative list;<br>Baseline environmental and social assessment may be necessary | NA |
| Retrofitting public buildings for resilience based on | Refurbishing existing building may result in | Exclusion of vulnerable groups - potential for | NA | Site assessment including hazard | Completion audit by building inspector or |

| Activity | Potential Environmental Impact | Potential Social Impact | Potential Project Risk or Benefit | Mitigation | Monitoring |
|---|---|---|---|---|---|
| feasibility studies, e.g. Evacuation Centres, schools that act as emergency shelters | minor adverse impacts including noise, dust and generation of solid waste materials from construction | physically disable persons (wheelchair) to be unable to access buildings | | vulnerability, flood and seismic risk;<br>Chance find of physical cultural resources;<br>Activities must be inclusive of all vulnerable groups include women and reflect the needs of such groups;<br>Appropriate disposal of debris generated, packaging, paint containers, chemical residues, etc.<br>Use licensed waste disposal contractors to ensure disposal to approved sites | Works Department |
| Natural hazard risk profiling and vulnerability assessments | There are no negative impacts expected with this activity | There are no negative impacts expected with this activity | NA | Baseline environmental and social assessment inclusive of all stakeholder groups | Annually updated |
| Establish regional disaster risk information database (PaCRIS) | There are no negative impacts expected with this activity | There are no negative impacts expected with this activity | NA | NA | NA |
| *Component Three: Disaster Risk Financing* | | | | | |
| Set up Regional Disaster Risk Insurance Facility | There are no negative impacts expected with this activity | There are no negative impacts expected with this activity | NA | NA | Mid-term or annual review |
| Payment of catastrophic risk insurance premium | There are no negative impacts expected with this activity | There are no negative impacts expected with this activity | NA | NA | Mid-term or annual review |
| Emergency provision of | There are no negative | Communities have | NA | Negative list excludes | Inventory by |

| Activity | Potential Environmental Impact | Potential Social Impact | Potential Project Risk or Benefit | Mitigation | Monitoring |
|---|---|---|---|---|---|
| critical goods after natural disaster incl. food, drinking water, medicines, etc | impacts expected with this activity | basic needs met during emergency | | import of seeds for agriculture or hazardous materials which may adversely impact public or environmental health or natural habitats | responsible parties and reporting to relevant agency |
| Restoration of important habitats and natural buffers (e.g. mangroves) | Restoration activities will improve habitats and reduce further sedimentation and erosion using native species | Potential encroachment on customary land leading to conflict with communities or landowners | NA | Site selection based on vulnerability assessment;<br>A detailed ESMP to be prepared in consideration of negative list and in full consultation with surrounding community and customary owners | Habitat monitoring plan detailed in EMP |
| Emergency civil works after natural disaster (CERC) to repair critical infrastructure incl. roads/bridges, clearing of debris, river defense works (gabion) etc | Potential marine and terrestrial habitat and coastal zone impacts relating to water quality erosion, small-scale land disturbance | Potential encroachment on private or customary land | NA | A detailed ESMP to be prepared in consideration of negative list and land access agreements or customary protocols;<br>All mitigations included in EMP, e.g. slope stabilization to reduce erosion, sedimentation and adverse impacts on water quality, improve drainage to avoid contamination | Supervision by site inspector and safeguards staff |

# 6. Procedures to Address Environmental and Social Impacts

This ESMF was developed to ensure due diligence, to avoid causing harm or exacerbating risks or impacts in participating countries, and assist PREP Implementing Agencies (IAs). This section describes the procedures in place to determine: (i) the categorization of the project activity based on potential adverse environmental and social impacts of project activities, and (ii) how potential impacts will be addressed through the selection of appropriate mitigation and management plans. Approved PREP activities must be consistent with these procedures. Responsibilities for implementing these procedures are outlined in Section 9 of this ESMF.

## 6.1 Applicable Safeguard Instruments

A suite of safeguard instruments applicable to the PREP during preparation and implementation phases is listed in Table 11 below.

**Table 11 Safeguard Instruments**

| *Safeguard Policy* | *Type of Subproject* | *Applicable Instrument* |
|---|---|---|
| OP4.01 Environmental Assessment | All subprojects or activities | Safeguard Screening Form |
| | Category A<br>(Broad, diverse, potentially irreversible impacts; major resettlement; conversion of natural habitats; hazardous materials) | Environmental Assessment - A full ESIA is undertaken for Category A subprojects to identify all environmental and social risks and impacts including site assessment, analysis of alternatives, and environmental and technical constraints. Necessary studies are undertaken proportional to potential risks and to direct, and, as relevant, indirect, cumulative, and associated impacts. |
| | Category B<br>(Geographically limited, readily identified impacts that and can be mitigated) | A limited ESIA is undertaken for Category B subprojects that require additional subproject-specific data/information and further analysis including site assessment, and analysis of alternatives / environmental and technical constraints to determine the full extent of environmental and social impacts, which cannot be supplied by an Environmental Management Plan (EMP), Environmental and Social Management Plan (ESMP) and/or an Environmental Codes of Practice (ECOP). It may also involve an environmental audit, hazard assessment, etc. |
| | Category C<br>(Negligible or minimal potential impacts that are easily mitigated) | Category C projects do not require any safeguard instrument beyond screening and adhering to Environmental Code of Practice (ECOP) should be sufficient to address environment and social issues. |
| | Physical works/ Construction | Environmental Management Plan (EMP) developed in line with Environmental Codes of Practice (ECOPs). For subprojects that do not require additional data and analysis, an EMP may be prepared to address construction-related and site-specific environment and social issues. |
| OP4.11 Physical Cultural Resources | Physical works/ Construction | Safeguard Screening Form |
| | All subprojects or activities | Chance Finds Procedure (CFP) is detailed in EMPs. |

| *Safeguard Policy* | *Type of Subproject* | *Applicable Instrument* |
|---|---|---|
| Natural Habitats OP/BP 4.04 | Physical works/ Construction | Safeguard Screening Form |
| | All subprojects or activities | Environmental Management Plan (EMP) developed in line with Environmental Codes of Practice (ECOPs). For subprojects that do not require additional data and analysis, an EMP may be prepared to address construction-related and site-specific environment and social issues. |
| Forests OP/BP 4.36 | Physical works/ Construction | Safeguard Screening Form |
| | All subprojects or activities | Environmental Management Plan (EMP) developed in line with Environmental Codes of Practice (ECOPs). For subprojects that do not require additional data and analysis, an EMP may be prepared to address construction-related and site-specific environment and social issues. |
| OP4.10 Indigenous People | All subprojects or activities | Safeguard Screening Form |
| | Indigenous People are present in project area | Social Assessment (SA) -The SA may be undertaken as a separate exercise or may be included as part of a broader ESIA. Assessment results may be presented as a stand-alone document, or may be incorporated into the broader ESIA. |
| | Indigenous People are present in project area | Free, prior and informed consultations (FPIC) will be undertaken to inform the SA and development of IPP where applicable. |
| | Indigenous People are present in project area | Indigenous Peoples Planning Framework (IPPF) guides the preparation of IPP. |
| | Indigenous People are present in project area | Indigenous Peoples Plan (IPP) when Indigenous Peoples are present in, or have collective attachment to, the subproject area, an IPP is required for the subproject. In subproject settings where the sole or overwhelming majority of direct beneficiaries are Indigenous Peoples, the elements of the IPP may be incorporated into the overall subproject design and a separate IPP is not required. |
| OP4.12 Involuntary Resettlement | All | Safeguard Screening Form |
| | Potential Physical and Economic Displacement | A Resettlement Policy Framework (RPF) is contained in the ESMF in the event that physical or economic displacement, or loss of assets or access to assets may occur (Annex E). The RPF outlines criteria and procedures for the development of Abbreviated Resettlement Action Plan (ARAP). |
| | Small-scale involuntary land acquisition of customary or private land (short or long term) | Abbreviated Resettlement Action Plan (ARAP) |
| | Land gifted by private or customary landowner/s for project purposes | Voluntary Land Donation Protocol (VLDP) is a formal agreement with landowners to secure land for project-specific purposes. |
| | Land access required on customary or private land (temporary or permanent) | Land Use Agreement (LUA) is a formal agreement with landowners to secure land access for project-specific purposes. |

IAs will be responsible for the preparation of safeguard instruments prior to the commencement of activities in the preparation phase, and application of safeguard instruments as listed in Table 11 above during the implementation phase. Preparation of each subproject will involve a detailed description, cost estimate, location map, description of environmental effects and alternatives considered. The screening process outlined in Section 6.2 below will identify subproject types that require further environmental and/or social assessments and the preparation of an environmental management plan (EMP).

## 6.2 Environmental and Social Safeguard Procedures

A procedural process for identifying and assessing safeguard impacts of project activities and assessing impact mitigation measures is outlined below. These steps aim to ensure that the World Bank's safeguard policies on Environmental Assessment (OP 4.01), Natural Habitats (OP 4.04), Forests (OP 4.36), Indigenous Peoples (OP 4.10) and Involuntary Resettlement (OP 4.12) are followed.

Each project will be *screened* by the IAs in the specific country in consultation with experts and affected peoples. The IAs will review each proposed activity in the country according to decision-support tree in Figure 14 below and the screening process outlined in this section.

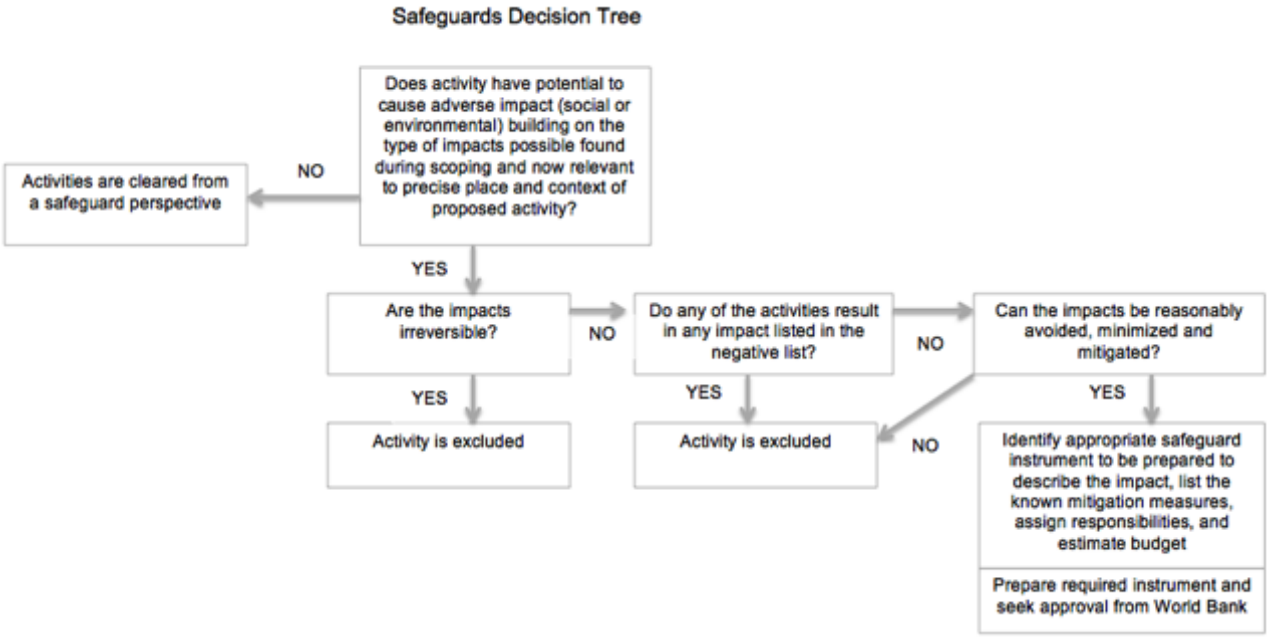



**Figure 14: Safeguards Decision Tree**

### 6.2.1 Step One – Eligibility Screening using Negative List

A **negative list** will be used and disseminated by IAs to ensure ineligible subprojects are not progressed and exclude activities with very high or significant adverse environmental or social impacts (Annex A).

### 6.2.2 Step Two – Scoping and Prioritization

A list of country-specific subprojects will be identified by the IAs with involvement from the PMU for the purpose of prioritization and scoping. Scoping will identify which specific activities are envisaged; any known environmental sensitivities; any sites with known or

potential cultural, heritage or unique natural values that may involve environmental and social impacts and may require discussion with knowledgeable expert/s and local stakeholders.

### 6.2.3 Step Three – Technical Screening and Categorisation of Subprojects

**All** subprojects and activities are subject to the **screening** process using the Safeguards Screening Form in Annex C to determine the appropriate categorisation of the subproject according to the potential level of environmental and social impact and Bank guidelines (i.e. Category A[19], B or C). The form is used by the PMU to determine the appropriate safeguard instrument required according to the type of activity and possible level of impact or disturbance.

In accordance with World Bank policies, project categorization is as follows:

- *Category A* [20] subprojects are those that have potential significant adverse environmental and social impacts that are:
  (i) sensitive (i.e., a potential impact is considered sensitive if it may be irreversible, e.g., lead to loss of a major natural habitat, or raise issues covered by OP 4.04, Natural Habitats; OP 4.36, Forests; OP 4.10, Indigenous Peoples; OP 4.11, Physical Cultural Resources; or OP 4.12, Involuntary Resettlement; or in the case of OP 4.09 Pest Management, when a project includes the manufacture, use, or disposal of significant quantities of pest control products);
  (ii) diverse, or unprecedented; and/or
  (iii) affecting an area broader than the sites or facilities subject to physical works (e.g., a dam that may affect downstream communities or road construction that may have induced impacts on nearby forests and natural habitats).
- *Category B* subprojects are those that have potential adverse environment and social impacts that are less adverse, site-specific, that can be readily addressed through mitigation measures; and few if any of the impacts are irreversible.
- *Category C* subprojects are those that have minimal or no adverse environmental and social impacts. Although they may not require formal assessment, their implications needs to be closely monitored.

### 6.2.4 Application of Positive List for Emergency Response Subprojects under Component Three

Emergency subprojects financed under Component 3 (CERC) involve financing provision of critical goods or emergency recovery and reconstruction works and it is likely these will fall into Category B or C. 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 Environmental Codes of Practice or EMPs) to ensure procurement, storage and dispensing procedures are adequate. Samoa has developed Environmental Codes of Practice (ECOPs) that incorporate environmental management prescriptions for temporary fuel storage. Key principles to be followed for PREP are contained in Annex F.

[19] Subprojects deemed to be Category A will not be funded under the PREP.
[20] Under PREP, the proposed interventions are highly unlikely to trigger Category A, and most activities are likely to be Category B or C. However, since not all project activities are known there is a possibility for subprojects/activities identified as Category A to eventuate.

Other Component 3 activities – such as infrastructure repair or utility reconnections - will likely include civil works or similar activities that could have adverse impacts if not properly mitigated, and therefore, fall into Category B. Owing to the unpredictable nature of natural disaster events and where they could occur, there is potential for subprojects to be located in or near ecologically sensitive and/or areas with high biodiversity or physical cultural resources, on customary land, or involve Indigenous Peoples and vulnerable groups. Depending on the circumstances of the emergency, it may also require acquisition of land either temporarily or permanently for reconstruction work.

In order to ensure that Component 3 emergency subproject activities comply with the requirements of the Bank's Safeguard Policies, a **positive list** has also been developed (Annex C) for the purpose of CERC to provide guidance on critical imports and/or for emergency works, goods or services which may be eligible under for financing under the PREP in times of national disasters (Annex B). The negative list and screening process will be retained, but will need to allow for a degree of flexibility and efficiency in processing potential subprojects. Further guidance will be detailed in the Finance Agreement (FA) and Project Operations Manual (POM) for the PREP in each country. Further detail on preparations and procedures for CERC (Component 3) is provided in Section 6.3 below.

### 6.2.5 Step Four – Determine Safeguard Instrument

Following Step Three, a Safeguard Specialist (or Project Officer) in the PMU will assist in the preparation of the required documentation (including TORs where these may be tendered out). The primary safeguard instrument will be an environmental assessment (EA). Table 12 lists all safeguard instruments that may be applied to the PREP depending on the categorisation of the subproject. It is anticipated that an EA and EMP will be required for all Category A and B subprojects, however in some cases where impacts are minimal, standard ECOPs would apply. For activities classed as Category C, no safeguard instruments are applied.

### 6.2.6 Step Five – Assessment and Consultation

The requirements for EA/EIA regulations in participating countries have been outlined in Section 4.4. Parameters for environmental and social impact assessments (ESIA) and associated studies should be defined by IAs at the outset. Environmental and Social Assessments (EA/SA) will be undertaken by qualified independent consultants or technical specialists to identify the level of adverse impacts of subprojects and proposed activities prior to any works taking place. Impacts will be assessed according to an impact matrix outlined in the EA/EIA report, which specifies the criteria that determined the adverse impacts to be either: negligible, minor, moderate, major or significant/irreversible in magnitude (or equivalent rankings such as high, medium, low).

**Environmental Safeguards**

Under Bank requirements, an EA or limited EA will be required for Category B subprojects, and a comprehensive EA for Category A subprojects. Standardised Environmental Codes of Environmental Practice (ECOPs)[21] (also referred to as Codes of Environmental Practice

[21] ECOPs that exist in participating countries (e.g. Samoa) may be applied in lieu of the form in Annex F, subject to No Objection by the Bank

[COEPs]) will be applied where Category B subprojects with limited impacts are identified in the screening process (Annex F).

The level of detail in the EA for Category B subprojects will depend on the nature and scale of the proposed subproject. The process and preparation of EA documentation will primarily be guided by national legislation on EIA, ECOPs, and development consent regulations where these are adequate to meet Bank safeguard requirements. For instance, if a project does not require an EA under local regulations but is Category B, an EA will be required under the project in full compliance with OP4.01.

The assessment should include a sound understanding of the existing environment and sociocultural context developed through conducting baseline environmental conditions includes land use, water and air quality, biodiversity, soils, geology, topography, pollution, climate, physical cultural resources, and socio-economic (census) baseline surveys.

Mitigation measures will also form part of the EA documentation. Such measures will be developed in accordance with national legislation, applicable ECOPs, design standards and technical specifications where relevant to help prevent potential environmental impacts. Standardized mitigation measures are included in Annex F of this ESMF and may be applied (and expanded on) in situations where national ECOPs do not exist. The Bank will review and clear the safeguards instruments prepared by the subproject beneficiary for impact identification and appropriateness of proposed mitigation measures.

**Social Safeguards**

Under OP4.10 and OP4.12, a Social Assessment (SA) is required for Category B subprojects where communities or individuals may be adversely impacted. The SA will determine the degree to which communities and identified Indigenous Peoples (if present) could be adversely affected by project activities (e.g. siting of infrastructure and construction work). The level of detail required for the SA depends on the extent to which they are likely to cause adverse social impacts, which are often related to land use, land access and livelihood sources. The potential magnitude of impact will be determined through stakeholder consultations, sites visits and previous experience.

The SA must be undertaken by an appropriately qualified person, in consultation with affected persons or communities, and in consideration of requirements for compliance Bank safeguard policies (OP4.01, OP4.10 and OP4.12). The SA will look at the sociocultural setting, governance structures, cultural heritage, livelihood and subsistence dependency aspects of the local context. The SA may be included as part of the environmental and social impact assessment (ESIA) for the project or undertaken as a stand-alone assessment at the discretion of the PMU or EA consultants. Consultation activities should be planned in a way that minimizes disruption and avoids over-consulting affected persons or communities. If PREP activities are only anticipated to have limited adverse social impacts, it is possible for the assessment to be based on the PMUs or IAs own experience and secondary sources.

Where it has been identified that Indigenous People are present in the participating country or near to the subproject area, the SA must examine issues relevant to Indigenous People, in accordance with OP4.10. The Indigenous Peoples Planning Framework (IPPF, Annex D) includes guidance on free, prior and informed consultations (FPIC) and the preparation of an

Indigenous Peoples Plan (IPP). Where Indigenous People are the majority of beneficiaries or affected persons, an IPP will be integrated into the national-level project design.

Where it has been identified that the subproject may cause some degree of physical or economic displacement, or loss of assets or access to assets, the Resettlement Policy Framework (RPF) will guide the preparation and implementation of any necessary safeguard instruments in accordance with OP4.12 (Annex E). The PMU will validate the impacts of land acquisition (if any) in coordination and consideration of all stakeholder groups.

Any environmental issues or mitigation measures that are likely to have an inequitable impact on women or disadvantaged groups need to be paid particular attention to and alternatives considered. Further, the proposed design must consider viable alternatives and the overall inclusivity with regard to gender and the needs of vulnerable groups or persons where applicable. This is particularly relevant for MHEWS technology where the needs of hearing or sight impaired persons need to be considered for specific communication methods and technologies.

### 6.2.7 Step Six – Preparation of Plan/s

Once the appropriate safeguard instrument has been identified and a proper assessment of potential project-induced social and environmental impacts that could arise during implementation is complete, Management or Action Plans will be prepared. Project- and subproject-specific plans are prepared for Bank review and approval during implementation, as and when relevant information becomes available. Plans may relate to either environmental aspects and mitigation (such as Environmental Management Plan), or social aspects and mitigation measures.

**Environmental Safeguards**

For subprojects with identified risks and impacts (Category A/B), an EMP/ESMP is included as part of the EA process for all subprojects and will form part of bidding documentation and contractual obligations for works. For subprojects with very limited risks and impacts (Category B), ECOPs or equivalent guidelines will be applied.

The EMP will provide practical and relevant means to achieve compliance with environmental safeguards, i.e., a set of mitigation, monitoring and institutional measures to be taken during implementation and operation to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. Safeguard documentation identifies feasible and cost-effective measures that may reduce potentially significant adverse environmental impacts to acceptable levels. The contractor will prepare an EMP and associated plans for initial approval by the PMU prior to the commencement of works. Mitigation measures will be detailed and costed by the contractor. Penalties for non-compliance must be included in the contract agreement. The EMP will contain:

- Description of the proposed subproject;
- Analysis of anticipated impacts including location, duration and magnitude;
- Detailed mitigation measures including drawings and costs; and
- Statement of responsibilities for implementing mitigation measures and overall EMP compliance.

If an EMP is required, it is the PMU's responsibility to ensure this is complete and provided to the World Bank for review prior to implementation. When a subproject is in the implementation phase, with the contractor appointed and mobilization planned, the PMU or relevant government agency will review the appropriateness and currency of the EMP to ensure its relevance. Responsibilities as allocated in the EMP are to be understood and agreed to by all parties involved. The capacity of each party needs to be evaluated as a part of the environmental assessment process, with appropriate training or capacity development incorporated into the subproject to underpin effective implementation.

**Chance Finds Procedures**

There is a possibility that project activities may result in damage to physical cultural resources (PCR) unless identified early. A Chance Finds Procedure (CFP) will be detailed in EMPs. Activities that may occur in areas with possible PCR will specify procedures for identifying and avoiding impacts on this, including:

- Consultation with the appropriate authorities and local residents and communities to identify known or possible sites during the design of project activities;
- Siting of proposed activities to avoid identified sites (including protected areas and zones);
- The cessation of work until the significance until the significance of a 'find' has been determined by authorities or relevant experts; and
- Mitigation and management measures (e.g. buffer zones) for CFP in contracts.

**Social Safeguards**

Table 11 identifies circumstances that may trigger the need for an ARAP or IPP under OP4.10 and OP4.12, which will be assessed once detailed descriptions of approved subprojects are available. A Consultation Plan may also be required to plan and manage an informed consultation or a FPIC process with communities and affected persons (where required) in a transparent manner that is culturally appropriate and respectful of traditional protocols and decision-making processes (see Section 7.3 of this ESMF). The participation of various stakeholder groups at national and local levels will inform details regarding the likelihood and magnitude of impacts (geographic, socioeconomic, gender-related) and appropriateness of mitigation activities and interventions. The process will allow for concerns to be raised and integrated into decision-making. A transparent process will likely facilitate establishing broad community support for the subproject.

### 6.2.8 Step Seven – Implementation of Mitigation Measures

Mitigation and management measures outlined in the EMP (e.g. site selection criteria, diligent construction management, control measures) will be implemented by contractors and/or IAs, and supervised by relevant environmental agencies. Performance indicators should be defined to ensure the effectiveness of measures in place, which can be monitored and reported on throughout the project lifecycle.

### 6.2.9 Step Eight – Monitoring and Reporting

Monitoring is required to gather information to determine the effectiveness of implemented mitigation and management measures and to ensure compliance of the contractor with the approved EMP. Environmental indicators will be defined when mitigation measures are

confirmed and the PMU (with support from relevant agencies) will be tasked with monitoring compliance by contractors throughout implementation. Monitoring methods must provide assurance that safeguard measures are undertaken effectively. Some activities may require monitoring beyond the construction phase or project life to address maintenance, closure or rehabilitation issues and this will be determined in the design stage.

Bidding documents will confirm expected reporting intervals with contractors, who will be required to submit regular reports on environmental indicators and any incidents that may have adversely impacted on the environment arising from the subproject. This will feed into quarterly reports of the IAs and substantiate semi-annual safeguard monitoring reports to the World Bank. The IA reports to the Bank on: (i) findings and results of the EA and implementation of EMP and agreed compliance measures; (ii) status of the implementation of mitigation measures; and (iii) findings of monitoring programs.

#### 6.2.10 Step Nine - Completion Audit

For subprojects involving refurbishment, small-scale construction or one-off installation of equipment, an audit by qualified person will be required to guarantee standards have been met and management measures have been adequate at avoiding and/or minimizing adverse environmental impacts.

### 6.3 CERC Safeguard Procedures

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 Action Plan of Activities. The Action Plan of Activities will include a list of activities, procurement methodology and safeguards procedures (see template provided in Annex G).

#### 6.3.1 Pre-event Procedures

Participating countries seeking to subscribe to the CERC facility will be required to prepare an Action Plan of Activities Framework for World Bank approval prior to the occurrence of an eligible event. While this framework will not contain the specific activities to be financed – as they are demand and event driven – it will identify the requisite coordination and implementation arrangements, including policy and procedural compliance measures. Specific attention should be given to the proposed procurement arrangements and potential safeguard implications.

By submitting an Action Plan of Activities Framework, the Recipient and the World Bank will be afforded the opportunity to verify that the requisite safeguard measures are in place to ensure the rapid approval and disbursement of CERC financing upon the occurrence of an eligible event.

#### 6.3.2 Post-event Procedures

The Action Plan of Activities to be prepared following a disaster event 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.

Preparation of the Action Plan of Activities will have regard to this ESMF and safeguard instruments will require World Bank approval prior to commencement of activities. Importantly, the Action Plan of Activities 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.

# 7. Public Consultation and Information Disclosure

Engagement with stakeholders has been ongoing since 2013 regarding the possibility of a coordinated regional program to provide financial and technical assistance to enhance disaster and fiscal resilience in the Pacific Region. Extensive consultations during preparatory mission across PICs were undertaken to conceptualize and agree on key components of PREP. Over the last year, further consultation has taken place to better understand the context and challenges of national and sub-national disaster management to inform program priorities.

## 7.1 ESMF Consultation and Disclosure

A two-stage consultation process took place in Vanuatu, Tonga, Samoa and Fiji from 23 November 2014 to 14 February 2015 (Annex H). The purpose was to meet with key stakeholders including Executing and Implementing Agencies, government ministries and civil society involved in disaster management to identify potential environmental and social impacts of the PREP and inform the development of the draft ESMF (see Annex H for a list of persons met). Implementation requirements and responsibilities for safeguards relevant to PREP were discussed with key stakeholders and feedback was sought on the draft ESMF.

The final ESMF was formally submitted to the Bank InfoShop in February 2015 and displayed on Ministerial websites in country.

## 7.2 Information Disclosure

Information disclosure is mandated by OP4.01, OP4.10, OP4.10 and OP 4.36, and the Bank's Disclosure Policy. Safeguard instruments including the ESMF will be disclosed so that they are accessible to the public and civil society who may be interested in, or affected by, Program activities. It is necessary that safeguard instruments are translated in the local vernacular, or where there is not possible, information flyers summarizing the project activities, potential impacts and management arrangements, as well as the GRM are drafted in the local vernacular and made available.

During the preparation of country-specific activities, any safeguard instrument prepared as part of the activities will also need to be publicly disclosed, including in a language and format accessible to affected communities. This will occur through three stages:

- Disclosure of assessment documents (e.g. EA, SA) and draft safeguard documents (e.g. RPF) will occur during activities preparation and prior to their final review and approval.
- Disclosure during preparation phase will gather feedback and input from local communities, and as appropriate other stakeholders, on the activities proposed and safeguard measures and documents.

Disclosure of final safeguard documents prior to activities finalization to inform local communities of implementation measures concerning safeguard issues.

All IAs are responsible for managing information dissemination, overseeing public consultation and assuring compliance to guidelines and procedures set out by safeguard instruments and ensure relevant personnel are trained.

## 7.3 Consultation Process

The national-level Project Operations Manual (POM) will outline a Consultation Plan and formal procedures to manage public consultation, information dissemination and community engagement across PREP activities in each participating country. The purpose of public consultation is to gather stakeholder input and feedback into subproject development and design, and the effectiveness of mitigation measures.

Two-way mechanisms for ongoing consultation may be necessary throughout the life of the project, to disclose information and seek feedback. Consultation with relevant government officials, the business community, and civil society (NGOs etc) will assist in providing a different perspectives and needs, and provoke discussion on practical alternatives relevant to the local context. IAs will establish dedicated channels for information dissemination to ensure consistent communication at national, subnational and local levels for the Program duration. Where Indigenous Peoples are present, FPIC principles will be followed (refer to Annex D). For discussion involving land use and ownership, validation from various parties and relevant Ministry is required and must be well documented.

The Consultation Plan will detail methods (newspapers, pamphlets, community papers, interviews, community meetings and consultations, participatory tools) and means (radio broadcast, local TV, internet) used to inform and involve affected people and other stakeholders in the environmental and social safeguard issues. These must be culturally appropriate, delivered in a timely manner and centrally managed to ensure a consistent and ongoing consultation process. Consultation sessions will include special outreach efforts and be tailored to the need of vulnerable groups such as women, elderly and disabled persons so that the process is socially inclusive and a range of stakeholder views and perspectives are adequately represented. Consultation methods will be designed in consideration of the different socio-cultural norms that inhibit the participation and input into decision-making from vulnerable groups and persons. Consultation activities and public meetings will be well-documented, identifying attendees (men/women), topics discussed, feedback and issues raised by stakeholder groups, and outcomes or actions resulting from the consultation. In addition, follow-up with communities on the outcome of consultation and participatory activities will be undertaken where it is due.

## 8. Grievance Redress Mechanism

The section describes the mechanism to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the project's performance, including concerning environmental and social impacts and issues. A project-specific Grievance Redress Mechanism (GRM) will be developed by each country-level PMU detailing the categorization or ranking of complaints and their appropriate response specifying timeframes for resolution. This section provides general guidance on the establishment of a suitable GRM for PREP related subprojects and activities.

The GRM is for people seeking satisfactory resolution of their complaints on the environmental and social performance of the project. The mechanism will ensure that (i) the basic rights and interests of every affected person by poor environmental performance or social management of the project are protected; and (ii) their concerns arising from the poor performance of the project during the phases of design, construction and operation activities are effectively and timely addressed.

The grievance process is based upon the premise that it imposes no cost to those raising the grievances (i.e., Complainants); that concerns arising from project implementation are adequately addressed in a timely manner; and that participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country. Local communities and other interested stakeholders may raise a grievance at any time to the IA in the specific country or the World Bank.

To manage this process effectively, it is recommended that a 'focal point' for grievance management be established prior to implementation, such as a grievance committee, to be decided on by the IA with approval from the RSC. Where a focal point or grievance committee is already in place under similar Bank-funded projects, it is recommended for the existing structure to be utilized and avoid duplication (so long as this has been effective to date). The focal point is responsible for managing and tracking grievances related to the PREP. IAs should ensure that they make available the project GRM accessible to affected local communities (without cost). Training on the GRM will be provided to relevant project teams and partners upon project induction. Specific details on grievance resolution arrangements and contact details may be included in the Project Operation Manual (POM) developed for the project.

In the early stages of engagement, project stakeholders and affected communities must be made aware: (i) of how they can access the GRM; (ii) who to lodge a formal complaint too; (iii) timeframes for response; (iv) that the process must be confidential, responsive and transparent; and (v) alternative avenues where conflicts of interest occur.

The GRM in the POM will recognise the need for both traditional grievance resolution and formal grievance mechanisms. Where the customary process is not appropriate or effective, a step-by-step resolution procedures will be followed, as outlined below:

1) Relevant project personnel or stakeholders (i.e. project field teams, PMU) will be required to accept formal verbal or written grievances and record these in a grievance logbook or database.

2) Once grievances are lodged, the level of urgency/severity will be assessed and assigned to a member in the PMU (e.g. PREP Project Coordinator).
3) PREP project staff will respond in writing within 30 calendar days of receipt.
4) The response may involve further investigation and discussion to clarify the nature of the complaint and resolution options.
5) Once the complainant confirms they are satisfied with the response, the matter is closed out.
6) Upon resolution, grievances should be filed and included in project monitoring reports.

Generally, grievances should be resolved within 30 days. The response should communicate findings of the investigation, and seek the complainant's approval. If agreement is unable to be reached, the grievance may be escalated to SPC/PIFS for review and final decision. National courts are the last avenue for addressing grievances and complainants should not bear cost in this regard.

# 9. Institutional Capacity and Responsibilities

This section describes the institutional arrangements to implement the ESMF, from the screening of subprojects for environment and social issues, preparation of subproject safeguard instruments, and review and clearance of subprojects through to the monitoring of implementation. It also details specific tasks and responsibilities of key stakeholders involved in the PREP.

## 9.1 Capacity

There are eleven PICs eligible to join PREP. Each possess differing level of familiarity with Bank Safeguard Policies and Procedures and competency to implement is considered to be relatively weak in the region as a whole. Phase I participating countries, however, all have experience in implementation of Bank projects or similar initiatives and associated safeguard requirements. Recruitment of dedicated project staff will improve institutional capacity to implement the ESMF where it is weak. Further, the Implementing Agencies, PIFS and SPC, both have recent experience preparing and implementing Bank projects.

Capacity building and training is built into program design of the PREP. Training for relevant personnel involved in project implementation will include environmental and social safeguard, screening, mitigation and monitoring aspects in the preparation stage. A detailed assessment for each country will be conducted to establish the Borrower's institutional capacity for applying safeguard instruments and complying with Bank safeguard policies for the duration of the Program. In addition, the Bank will provide ongoing support, as well as training and technical assistance to build institutional capacity.

### 9.1.1 Capacity Assessment

Country-specific activities under all four components will be implemented by a designated entity within the relevant Ministries of Finance, with inputs from the National Disaster Management Agencies, Meteorological and Hydrological Agencies, and the Ministries in charge of Works. These agencies have been exposed to WB safeguards procedures through existing DRM/CCA projects and initiatives (such as PPCR). However, there is relatively weak implementation capacity for some of the implementation agencies in the Phase I countries, in particular due to limited human resources. This risk will be mitigated through the involvement of the Secretariat of the Pacific Community (SPC) in the Program. SPC has demonstrated capacity, and will provide real-time support to backstop participating countries where needed. The National Coordinators will also be supported by a Program Support Unit (PSU), and significant training and human development will be provided to relevant staff through various aspects of the Program. The World Bank will maintain a close dialogue with the Regional Coordinator and ensure implementation support for Safeguards when needed.

Consultations in November 2014 – February 2015 concluded the PMU in Tonga (CRSP) is willing to support PREP and already has a designated safeguards person in the core team with sufficient capacity with recruitment for an additional safeguards staff member underway. In Samoa, the PMU (CRICU) has recruited a designated safeguards person to the team and resourcing under discussion.

### 9.1.2 Capacity Building Plan

Prior to commencement of implementation, the PREP will provide funds for social and environmental safeguards support and oversight as needed, including funds for a suitable qualified individual who will support the PMU for each participating country.

Training on safeguards should include familiarization of potential environmental and social impacts and appropriate mitigation actions and compliance requirements. It is likely to be required for staff contributing to the implementation of Projects for additional countries joining in Phase II. Training modules would be prepared as required and training would be schedules during Project preparation (or as necessary). A Capacity Building Plan will be developed at the onset of Phase II for participating countries identified as requiring additional support and formal training on safeguards aspects of the Project and Program. The costs of capacity building is part of the Program (Component 4).

## 9.2 Responsibilities

The World Bank and IAs delivering project activities in each country have the overall responsibility for ensuring that environmental and social issues are adequately addressed throughout the project cycle. These responsibilities are highlighted in Table 12 below.

**Table 12 Key Responsibilities for Safeguards Implementation**

| | **Tasks** | **Responsible party** |
|---|---|---|
| **Scoping** | Review and clearance of ESMF | WB |
| | Disclose ESMF | SPC / IA |
| | Eliminate all activities that are included in the Negative List (Annex A) | IA / PMU |
| | Confirm consultations are adequate | WB |
| **Screening** | Screen all proposed subprojects for adverse environmental and social impacts based on scoping exercise with Safeguard Screening Form (Annex C) and categorise subprojects (A, B, C) | PMU |
| | Screening records filed for review | PMU |
| | Review screening process | WB |
| **Subproject Preparation and Design** | Undertake field surveys to inform subproject design and EA, ARAP and EMP as required | Third party / IA |
| | Design subproject and activities in accordance with national and international standards, ECOPs and eco- or community-based approaches where relevant | PMU / IA |
| | Approve technical design and EMP | IA / Permitting Agency |
| | Prepare documentation for each subproject, i.e. TORs, EA, EMP, progress reports in accordance with ESMF and national legislation and agreements | IA / PMU |
| | Support review process and documentation | SPC / WB |
| | Prepare Action Plan of Activities Framework for Component 3 in collaboration with relevant ministries and government agencies (Customs, etc) | IA |
| | Disclose draft documents in country | PMU |

| | Tasks | Responsible party |
|---|---|---|
| | Undertake consultation with stakeholders and affected peoples as required | PMU / Ministry of Internal Affairs / IA |
| | Incorporate mitigation measures and stakeholder feedback into design | PMU |
| | Review and approval of design and EMP (and update existing EMPs if necessary) | PMU / Permitting Agency |
| | Prepare cost estimates | IA / PMU |
| | Approve budget | MoF / Project Steering Committee |
| | Review safeguards instruments and confirm consultation process was adequate | WB |
| | Clearance of safeguard instruments | WB |
| **Implementation** | Deliver safeguards training where necessary | IA / WB |
| | Effective implementation of mitigation measures required in EMP and ARAP | PMU |
| | Update safeguard instruments in consultation with affected people when technical specifications are finalised | PMU |
| | Establish grievance focal point and address grievances | IA / PMU |
| | Disclose final safeguard instruments | PMU |
| | Document the implementation of safeguard measures | PMU |
| | Periodic supervision of implementation process, safeguards and progress reports | WB |
| **Capacity Building** | Deliver safeguards training where necessary | IA / WB |
| | Technical support and training workshops | SPC |
| | Conduct capacity assessment for safeguards compliance | WB |
| | Clear TORs for consultants to ensure outputs meet safeguard requirements | WB |
| **Monitoring** | Where Indigenous Peoples are present, include them in participatory monitoring and evaluation exercises | PMU |
| | Supervision and monitoring compliance with EMP (including ongoing maintenance) and ARAP | PMU / Permitting Agency |
| | Safeguards monitoring and oversight | WB |

The IAs is responsible for implementing this ESMF and will ensure that the IAs are familiar with the environmental and social management measures and requirements for project implementation. At the subproject level PMUs are responsible for following the steps in the POM and implementing mitigation measures. The PMU will be responsible for reviewing the effectiveness of, and updating, the ESMF and POM as required, keeping stakeholders informed.

## 10. ESMF Implementation Budget

For safeguards implementation and compliance measures to be effective, adequate costing and resourcing is required to ensure sufficient funds and contingencies are available throughout the project. Safeguards implementation and compliance measures that need to be budgeted for in Component 4 include:

- Undertaking a institutional safeguards capacity assessment in each participating country (in tandem with consultation and appraisal missions)
- Project staffing and administration (i.e. safeguard officer in PMU where necessary)
- Training sessions and capacity building on safeguard issues
- Undertaking social and environmental assessments (SA/EA) including baseline surveys, field visits, consultant fees, development consent fees, application fees, technical input, etc for each subproject or national-level Project
- Conducting community consultation sessions and dissemination of public information (radio, newspapers etc)
- Technical design of subproject/s to meet specific standard or ECOPs
- Environmental and building permits (e.g. this is 1% of development costs in Tonga)
- Designing and implementing mitigation measures in EMPs
- Monitoring of mitigation measures, key environmental and social indicators (water quality, etc) and auditing costs
- Costs for land acquisition including compensation payments, and lease or rental payments
- Any resettlement costs and transitional allowances where applicable
- Costs of dispute resolution and managing GRM.

The cost of each item listed above varies from country to country and will be estimated by the PMU. The accuracy of these cost estimates is important and should be reviewed by appropriate persons (Ministry of Works, technical specialists etc), so as to avoid duplicate costs or unnecessary expenses. Overall, IAs will be responsible for the timely allocation of funds to implement safeguard measures.

## Annex A Negative List

*The following subproject or activities will be deemed ineligible for the PREP if they:*

1. Are not aligned with national CCA/DRR-DRM policies and initiatives or objectives of PREP;
2. Involve the significant conversion, clearance or degradation of critical natural habitats, forests, environmentally sensitive areas, significant biodiversity and/or protected conservation zones;
3. Will cause, or have the potential to result in, permanent and/or significantly damage to non-replicable cultural property, irreplaceable cultural relics, historical buildings and/or archaeological sites;
4. Will negatively affect rare or endangered species;
5. Will result in large-scale involuntary land acquisition or significant physical displacement of affected communities, or relocation of Indigenous Peoples that would restrict or cease their access to traditional lands or resources;
6. Do not meet minimum design standards with poor design or construction quality, particularly if located in vulnerable areas;
7. Are located in international waterways or disputed territories;
8. Require or involve:
    - Agro-forestry or agricultural activities, equipment and inputs, including seeds and fertilizer (excluding pesticide);
    - 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 such as retaining or seawall;
    - Sand mining or land reclamation;
    - Land that has disputed ownership, tenure or user rights;
    - Land that is considered dangerous due to security issues or the presence of unexploded mines or bombs;
    - Political campaign materials or donations in any form or anti-democratic activities;
    - Weapons including (but not limited to) mines, guns and ammunition;
    - Any activity that will support drug crop production or processing of such crops; or
    - A high proportion of funding than is available.

9. In addition to the above general list, the following negative list is added from the IFC exclusion list:

- Production or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements;
- Trade in wildlife or wildlife products regulated under CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora);
- Production or trade in radioactive materials;
- Production or trade in or movement or use of unbounded asbestos fibers;
- Production or trade in pharmaceuticals subject to international phase outs or bans;
- Production or trade in pesticides/herbicides subject to international phase outs or bans;
- Fishing using electric shocks and explosive materials;
- Production or activities involving harmful or exploitative forms of forced labor / harmful child labor;
- Purchase of logging equipment for use in cutting forest;
- Commercial logging operations for use in primary tropical moist forest;
- Production or trade in products containing PCBs (polychlorinated biphenyls);
- Production or trade in ozone depleting substances subject to international phase out;
- Production or trade in wood or other forestry products from unmanaged forests;
- Production, trade, storage, or transport of significant volumes of hazardous chemicals, or commercial scale usage of hazardous chemicals;
- Production or trade in alcoholic beverages, gambling, casinos or similar enterprises.

## Annex B Positive List for Component Three (CERC)

Under Component 3 (CERC Disbursement Category), an emergency program may call for quick-disbursing of imported or locally produced goods that are required for the borrower's emergency recovery program. The FA will detail agreement on the conditions for the release of the financial tranches during times of national disasters or emergencies, as well as the required documentation and certifications, such as customs and tax certificates or invoices. National emergency procedures and guidelines on imports and works for disaster response, if they exist, could be followed provided they are found acceptable to the Bank. The PAD will describe the national policies and procedures for the declaration of an emergency/disaster and the causal relationship between the need to trigger the CERC (i.e. utilize the financing allocated to the CERC Disbursement Category) and the need to reallocate financing to the CERC Disbursement Category. The FA and PAD will detail which subprojects or activities will be eligible for funding.

The purpose of the positive list is to indicate the types of critical imports and emergency works following a loss and needs assessment that would be acceptable to the Bank to be financed under Component 3 (CERC). Project funds allocated to the CERC Disbursement Category may be used to finance any expenditure of the Recipient that is consistent with the FA provisions.

*The following subproject or activities will be deemed eligible under the CERC:*

Critical Imports: Eligible expenditures on critical imports required by the public/private sectors (imported or locally manufactured) under the CERC are:

- Construction materials, equipment and industrial machinery
- Water, air, land transport equipment, including spare parts
- School and medical supplies and equipment
- Food and water containers
- Purchase of petroleum and other fuel products;
- Agro-forestry or agricultural equipment and inputs, including seeds and fertilizer (excluding pesticide);
- Any other item agreed to between the World Bank and the Recipient (as documented in an Aide-Memoire or other appropriate Project document)

Emergency Sub-projects: Eligible expenditures for emergency sub-projects initiated following the Declaration of a National Emergency/Disaster in response to damage, losses and needs caused by an event are as follows:

- Repair of reconstruct streets, roads, bridges, transportation and other infrastructure damaged by the event;
- Reestablish telecommunications infrastructure damaged by the event;
- Reestablish urban and rural solid waste, water supply and sanitation, and drainage systems damaged by the event;
- Repair, rehabilitation or construction of homes, schools, clinics, hospitals or works of cultural significance or other communal structures damaged by the event;
- Remove and dispose of debris associated with any eligible activity;
- Restore productive assets damaged by the event belonging to un-insured low-income producers;
- Stablise heavy erosion along waterways via river trimming;
- 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).

## Annex C Safeguards Screening Form

This form is to be used by the Implementing Agency (IA) to screen potential environmental and social safeguards issues in subprojects, and determine which safeguard instrument/s is to be prepared prior to implementation.

| Questions | Answer | | | If Yes WB Policy triggered | Documents Required if Yes |
|---|---|---|---|---|---|
| | Yes | No | NA | | |
| Are the project impacts likely to have significant adverse environmental impacts that are sensitive,[22] diverse or unprecedented?[23] Please provide brief description: | | | | *OP 4.01 Environmental Assessment* Category A | Environmental Assessment (EA) and Environmental and Social Management Plan (ESMP) |
| Do the impacts affect an area broader than the sites or facilities subject to physical works and are the significant adverse environmental impacts irreversible? Please provide brief description: | | | | *OP 4.01 Environmental Assessment* Category A | EA and ESMP |
| Is the proposed project likely to have no adverse environmental impacts?[24] Please provide brief justification. | | | | *OP 4.01 Environmental Assessment* Category C | Nothing further required |
| Is the project neither a Category A nor Category C as defined by the Bank?[25] Please provide brief justification. | | | | *OP 4.01 Environmental Assessment* Category B | EA or limited EA, and ESMP; Follow Environmental Codes of Practice (ECOPs) |
| Are the project impacts likely to have significant adverse social impacts that are sensitive, diverse or unprecedented?[26] Please provide brief description. | | | | *OP 4.01 Environmental Assessment* Category A | EA and ESMP |

[22] Sensitive (i.e., a potential impact is considered sensitive if it may be irreversible, e.g., lead to loss of a major natural habitat, or raise issues covered by OP 4.04, Natural Habitats; OP 4.36, Forests; OP 4.10, Indigenous Peoples; OP 4.11, Physical Cultural Resources; or OP 4.12, Involuntary Resettlement; or in the case of OP 4.09, when a project includes the manufacture, use, or disposal of environmentally significant quantities of pest control products).

[23] Examples of projects where the impacts are likely to have significant adverse environmental impacts that are sensitive, diverse or unprecedented are large scale infrastructure such as construction of new roads, railways, power plants, major urban development, water treatment, waste water treatment plants and solid waste collection and disposal, etc.

[24] Examples of projects likely to have minimal or no adverse environmental impacts are supply of goods and services, technical assistance, simple repair of damaged structures, etc.

[25] Projects that do not fall under Category A or Category C can be considered as Category B. Examples of Category B subprojects include small scale *in-situ* reconstruction of infrastructure projects such as road rehabilitation and rural water supply and sanitation, small schools, rural health clinics, etc.

[26] Generally, subprojects with significant resettlement-related impacts should be classified as Category A. Application of judgment is necessary in assessing the potential significance of resettlement-related impacts, which vary in scope and scale from subproject to subproject. Subprojects that would require physical relocation of residents or businesses, as well as subprojects that would cause any individuals to lose more than 10 percent of their productive land area, often are classified as Category A. Scale may also be a factor, even when the significance of impacts is relatively minor. Subprojects affecting whole communities or relatively large numbers of persons (for example, more than 1,000 in total) may warrant Category A, especially for projects in which

| Questions | Answer | | | If Yes WB Policy triggered | Documents Required if Yes |
|---|---|---|---|---|---|
| | Yes | No | NA | | |
| Will the project involve the discharge of pollutants into air, water, soil and/or storage of chemicals, hazardous materials, etc that pose risks to environmental and public health? | | | | *OP 4.01 Environmental Assessment* Category B | ESMP with Hazardous Materials Management Plan |
| Will the project site be located near[27] rivers, waterways or water bodies/ponds? | | | | *OP 4.01 Environmental Assessment* Category A/B | EA or Limited EA and ESMP |
| Will the project adversely impact physical cultural resources?[28] Please provide brief justification. | | | | *OP 4.11 Physical Cultural Resources* Category B | ESMP with PCR Management Plan and/or Chance Find Procedures |
| Will the project involve the conversion or degradation of non-critical natural habitats? Please provide brief justification. | | | | *OP 4.04 Natural Habitats* Category A/B | EA or Limited EA and ESMP |
| Will the project involve the significant conversion or degradation of critical natural habitats?[29] | | | | *OP 4.04 Natural Habitats* Category A | EA and ESMP |
| Will the project involve clearing of forest cover, impacts on the health and quality of forests, or the rights and welfare of people and their level of dependence upon or interaction with forests; or does it aim to bring about changes in the management, protection or utilization of natural forests or plantations? Please provide brief justification. | | | | *OP4.36 Forestry* Category B | EA or Limited EA and ESMP |
| Will the project have significant impact on, or cause significant conversion or degradation of critical natural forests? | | | | *OP4.36 Forestry* Category A | EA and ESMP |
| Will the project involve constructing a new dam? | | | | *OP 4.37 Dam Safety* Category A/B | Not eligible for financing |
| Will the project involve reinforcement of an existing dam? | | | | *OP 4.37 Dam Safety* Category A/B | Not eligible for financing |

implementation capacity is likely to be weak. Subprojects that would require relocation of Indigenous Peoples, that would restrict their access to traditional lands or resources, or that would seek to impose changes to Indigenous Peoples' traditional institutions, are always likely to be classified in Category A.

[27] In the riparian zone or within 20 meters from a body of water.

[28] Examples of physical cultural resources are archaeological or historical sites, including historic urban areas, religious monuments, structures and/or cemeteries, particularly sites recognized by the government.

[29] Subprojects that significantly convert or degrade critical natural habitats such as legally protected, officially proposed for protection, identified by authoritative sources for their high conservation value, or recognized as protected by traditional local communities, are ineligible for Bank financing.

| Questions | Answer | | | If Yes<br>WB Policy triggered | Documents Required if Yes |
|---|---|---|---|---|---|
| | Yes | No | NA | | |
| Will the project involve procurement of pesticides (either directly through the project, or indirectly through on-lending, co-financing, or government counterpart funding), or will it affect pest management in a way that harm could be done even if the project is not envisaged to procure pesticides? | | | | *OP4.09 Pest Management* Category B | Not eligible for financing |
| Will any physical works be sited on private freehold, Crown or state land? Will this be acquired through market-based lease, government lease or sublease, purchase, or voluntary donation? Please provide a brief explanation: | | | | *OP 4.12 Involuntary Resettlement* Category C | Evidence of Land Title or Voluntary Land Donation Protocol (Annex E) |
| Will any physical works be sited on communal or collective land? If so, is the land more than 5% of the community's area, and/or do gardens, crops or fixed assets exist on the nominated land? Please provide a brief explanation: | | | | *OP 4.12 Involuntary Resettlement* Category B | Resettlement Policy Framework (Annex E); Voluntary Land Donation Protocol (Annex E) |
| Does the project involve the donation of land (in-kind) from project-affected persons for facilities or investments that will be of benefit to the broader community? Please provide a brief explanation: | | | | *OP 4.12 Involuntary Resettlement* Category C | Land Use Agreement; Voluntary Land Donation Protocol (Annex E) |
| Will any physical works be located on land that is used or occupied by persons? | | | | *OP 4.12 Involuntary Resettlement* Category B | Resettlement Policy Framework (Annex E) |
| Does the project involve large-scale[30] involuntary land acquisition or physical relocation of people? Please provide brief explanation: | | | | *OP 4.12 Involuntary Resettlement* Category A | Not eligible for financing |
| Does the project involve minor involuntary land acquisition, loss of assets or access to assets, or loss of income sources or means of livelihood? Please provide brief explanation: | | | | *OP 4.12 Involuntary Resettlement* Category B | Resettlement Policy Framework (Annex E) |
| Are any Indigenous Peoples or ethnic minority communities present in the project area that are likely to be affected by the proposed project negatively or positively? Please provide brief justification: | | | | *OP 4.10 Indigenous People* Category B | Indigenous Peoples Policy Framework (Annex D) |
| Is there any territorial dispute between two or more countries in the project area and in the area of its ancillary aspects and related activities? | | | | *OP7.60 Projects in Disputed Areas* | Not eligible for financing |

[30] Physical and/or economic displacement of more than 200 affected people and/or more than 10% of productive assets are lost.

| Questions | Answer | | | If Yes WB Policy triggered | Documents Required if Yes |
|---|---|---|---|---|---|
| | Yes | No | NA | | |
| Will the project and its ancillary aspects and related activities, including detailed design and engineering studies, involve the use or potential pollution of, or be located in international waterways?[31] | | | | *OP7.50 Projects on International Waterways* | Not eligible for financing |

## Categorisation and Safeguards Instruments Required

The subproject is classified as a Category _____ as per World Bank OP 4.01[32], and the following safeguard instruments will be followed and/or prepared:

*Tick all that apply:*

- ☐ Environmental Assessment (EA) or Environmental and Social Impact Assessment (ESIA)
- ☐ Limited Environmental Assessment (EA)
- ☐ Environmental and Social Management Plan (ESMP)
- ☐ Environmental Codes of Practice (ECOPs) [Category B or C]
- ☐ Environmental Management Plan (EMP)
- ☐ Hazardous Materials Management Plan (HMMP)
- ☐ Physical Cultural Resources Management Plan (PCRMP)
- ☐ Chance Find Procedures (CFP)
- ☐ Voluntary Land Donation Protocol (VLDP)
- ☐ Land Use Agreement (LUA)
- ☐ Abbreviated Resettlement Action Plan (ARAP)
- ☐ Indigenous Peoples Plan (IPP)

[31] International waterways include any river, canal, lake or similar body of water that forms a boundary between, or any river or surface water that flows through two or more states.
[32] If two categories are selected for a subproject on the screening form, state whichever is higher (i.e. Category A, in cases where A and B are selected; and Category B in cases where B and C are selected).

# Annex D Indigenous Peoples Planning Framework

## A. Introduction

The IPPF describes the policy requirements and planning procedures that project IAs will follow during the preparation of activities plan.

The rationale of using this program-level Indigenous Peoples Planning Framework (IPPF) is that specific activities for all projects, phases, as well as the specific location of the PREP activities will not be identified prior to appraisal. This makes it difficult to determine the extent to which Indigenous Peoples are the overwhelming majority of direct beneficiaries. Therefore, this IPPF has been prepared to ensure that the World Bank's Indigenous Peoples policy (OP4.10) is applied to the Program. The overall objectives of the policy are to avoid adverse impacts on Indigenous Peoples and to provide them with culturally appropriate benefits.

The Indigenous Peoples OP4.10 policy recognizes the distinct circumstances that expose Indigenous Peoples to different types of risks and impacts from development projects. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limit their capacity to defend their rights to lands, territories, and other productive resources, and restricts their ability to participate in and benefit from development. Projects affecting Indigenous Peoples, whether adversely or positively, therefore need to be prepared with care and with the participation of affected communities. The requirements include social analysis to improve the understanding of the local context and affected communities; a process of free, prior, and informed consultation with the affected Indigenous Peoples' communities in order to fully identify their views and to obtain their broad community support to the project; and development of project-specific measures to avoid adverse impacts and enhance culturally appropriate benefits.

## B. Project Development Objective

The objective of the Program is to strengthen early warning, risk reduction planning and financial protection capacity of participating countries.

## C. Description of Project

The Program will comprise the following four components:

**Component 1: Strengthening Early Warning and Preparedness**

The objective of this component is to increase the resilience of the participating Phase I countries and the Pacific region as a whole to natural hazards such as cyclones, coastal/riverine flooding, volcanic eruptions, tsunamis and earthquakes by improving the quality of forecasting and warning services as well as disaster preparedness. This component has two sub-components: (i) Sub-component 1.1 - Investments in Early Warning and Preparedness in Phase I countries. Activities under this sub-component will be implemented at a national level; and (ii) Sub-component 1.2 - Regional TA to Support Impact Forecasting and Preparedness for Response. This sub-component will be regionally implemented by SPC.

**Component 2: Mainstreaming Risk Reduction and Resilient Investments**

The objective of this Component is to support a multi-sectoral planning process for integrating climate and disaster risk and resilience into development. This component is divided into two sub-components: (i) Sub-component 2.1 - Risk reduction and resilient investment planning and

preparation. Activities under this sub-component will be nationally implemented; and (ii) Sub-component 2.2 - Regional tools and advisory services to support planning and investment. This sub-component will be regionally implemented by SPC.

**Component 3: Disaster Risk Financing**

The objective of this component is to strengthen the financial resilience of the participating PICs to disaster events by enabling them to secure access to immediate liquidity post disaster for low, medium and high risk events. Accordingly, this component will support the development and implementation of an integrated disaster risk financing strategy that provides an optimal combination of risk retention (for high frequency, low severity events) and risk transfer (for low frequency, high severity events) for participating countries (see Figure 1, Annex 2). This will include both national instruments and regional instruments, and will build on the PCRAFI pilot insurance scheme, which is reaching the third and final year and has previously been funded by Japan. This component is divided into two sub-components as follows: (i) Sub-component 3.1 - Disaster risk financing tools. Activities under this sub-component will be nationally implemented; and (ii) Sub-component 3.2 - Development of disaster risk financing framework. This sub-component will be regionally implemented by PIFS.

**Component 4: Project and Program Management**

The objective of this component is to provide efficient and effective implementation support to the Projects in each country, including staff, operating costs, monitoring and evaluation, and the cost of audits. It will also provide efficient regional coordination of the different country Projects and the implementation of activities that will be executed at the regional level. This component includes the following sub-components: (i) Sub-component 4.1 - Project Management. Activities under this sub-component will be nationally implemented; and (ii) Sub-component 4.2 - Regional Program Management and Coordination. Activities under this sub-component will be implemented at a regional level by PIFS and SPC.

## D. Summary of Potential Issues and Impacts Relating to Indigenous Peoples Communities

Each area and activity will be rapidly screened to determine whether Indigenous Peoples are present.

A number of particular risks are relevant for the type of activities supported by the current project:

- *Customary and Indigenous Peoples' rights*: Particular rights of Indigenous Peoples are recognized in international agreements, and for World Bank-supported projects by the Bank's own policy. Such rights may also be recognized in national legislation. Project activities would always need to identify and recognize these rights to ensure that activities are not adversely affecting such rights. This is particularly the case for projects that support the development of management plans and other forms of land and natural resource use planning. Projects that support policy development may also affect Indigenous Peoples' rights.
- *Loss of culture and social cohesion*: Given Indigenous Peoples' distinct cultures and identities and their frequent marginalization from the surrounding society, interventions may run the risk of imposing changes to or disruption of their culture and social organization, whether inadvertently or not. While indigenous communities may welcome and seek change, they can be vulnerable when such change is imposed from external forces and when such change is rushed.
- Moreover, since many indigenous communities' culture and social organization are intertwined with their land and natural resource use practices, changes to these practices may result in unintended and unexpected changes in culture and social organization which may lead to social disruption and conflicts within and between communities and other stakeholders.

- *Dependency on external support*: Interventions supporting alternative livelihoods and new institutional structures may lead to indigenous communities' dependency on continued support. Indigenous Peoples, for instance, may experience difficulties engaging with the market economy through alternative livelihood activities that they may be unable to sustain, at least on an equitable basis, while foregoing traditional practices. They may also become dependent on new livelihoods that are not sustainable environmentally as well as socially, perhaps because they were developed without due consideration of their social and cultural context. New institutional structures may displace existing structures with both positive and negative impacts typically depending on the level of participation in and control over the process.
- *Inequitable participation*: The costs (e.g. in time and resources) of participating in project activities such as protected area management activities, monitoring and enforcement, even in cases of co-management, may outweigh the benefits to local communities. Participation design may not include appropriate capacity building (when needed) or take into consideration local decision-making structures and processes with the risk of leading to alienation of local communities or even conflicts with and/or between local communities. Participation design may not include appropriate representation of Indigenous Peoples in decision-making bodies.

## E. Consultation with Indigenous Peoples

Under OP 4.10, World Bank project support requires that the project borrower undertake a process of free, prior and informed consultation (FPIC) that results in a collective expression by Indigenous Peoples communities of broad community support for the project. The modality, methodology and extent of consultations may vary according to the local context. Where the number or dispersion of Indigenous Peoples necessitates consultation on a sample basis, an explicit consultation strategy is devised to ensure appropriate representation. Generally, the consultation process is:

- ✓ Conducted in a manner allowing Indigenous Peoples communities to openly express their preferences or concerns without intimidation or trepidation;
- ✓ Conducted in a timely manner, such that the preferences or concerns raised by Indigenous Peoples communities may be considered before project design decisions or implementation arrangements are finalized;
- ✓ Conducted only after Indigenous Peoples communities have been provided, and have had sufficient opportunity to consider, relevant information about the project;
- ✓ Conducted in a manner that is inclusive, with special consultation arrangements included where necessary to obtain the preferences or concerns of women, the elderly, or others who customarily may not be expected or allowed to participate in community meetings.

A summary (including date, location, approximate number and status of persons in attendance, and summary of issues discussed and any agreements reached) is prepared and recorded for each consultation meeting. Consultations may be undertaken as part of the social assessment process or as a separate set of activities.

Indigenous Peoples are often vulnerable because of what they do not know and cannot anticipate in situations where projects or investments are being proposed, especially where change is being rushed. For this reason, the application of free, prior and informed consultation (FPIC) is critical.

The key principles for conducting FPIC consultation and engagement with Indigenous communities include:

- **FREE** – from an hindrance or reasons why Indigenous Peoples may or may not take part in consultation;

- **PRIOR** – Consultation starts as early as possible in the project planning and throughout the life of the project. Indigenous Peoples must also be given enough time to go through the traditional processes of decision-making and deliberation;
- **INFORMED** - Indigenous Peoples must be given enough information and in such a way that allows them to understand fully the impacts being discussed with them and feed into the decision-making process where appropriate;
- **CONSULTATION** – A two-way process that allows Indigenous Peoples to participate meaningfully in decisions that affect them directly, including proposed management and mitigation measures and sharing of development benefits.

Adequate and respectful consideration of the customary decision-making processes and complex governance systems that exist within Indigenous communities is a key element of FPIC consultation. Early in the process, it will be necessary to identify whether any Indigenous representative bodies or Indigenous Peoples Organisations (IPOs) exist, and whom may be utilised for information dissemination in the appropriate vernacular. Figure 1 (below) outlines the process for applying FPIC within the project preparation and implementation stages. It also indicates exits points for projects in scenarios whereby broad community support was not established.

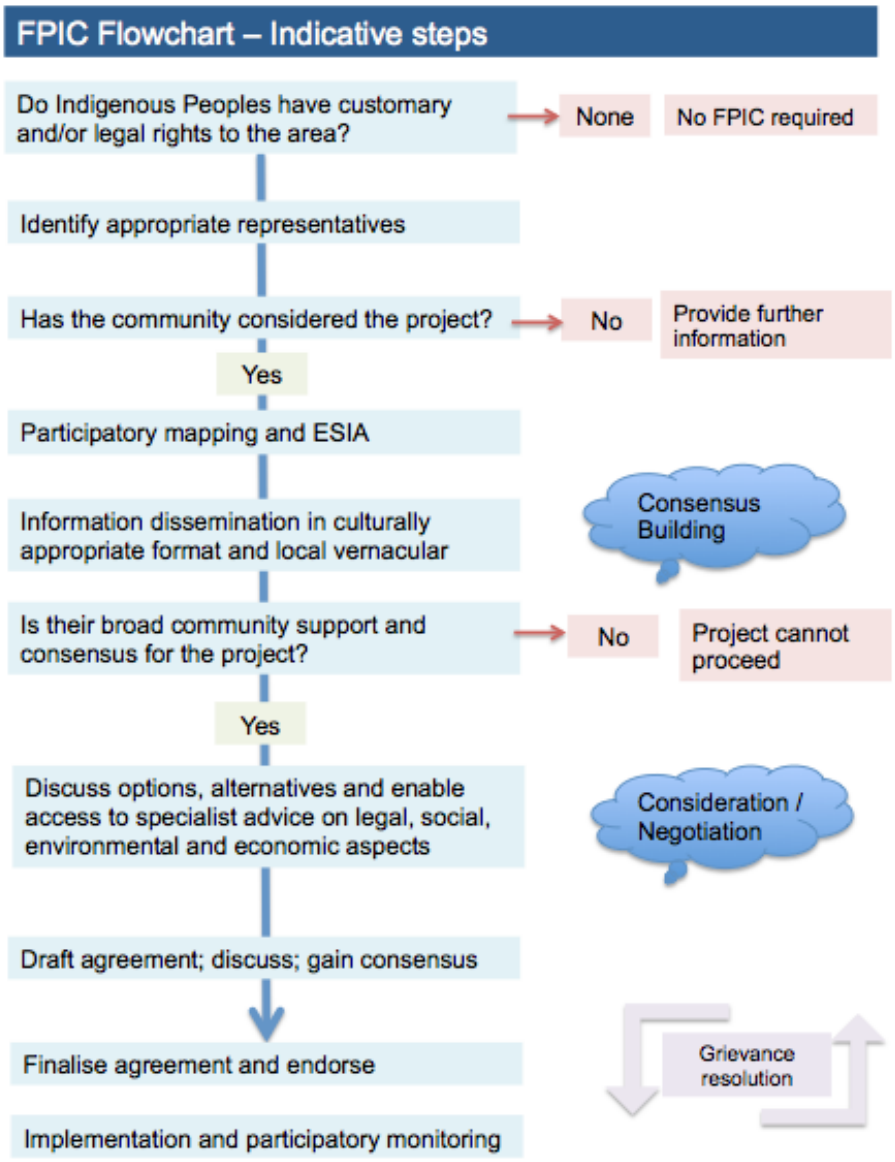


**Figure 1 Flowchart for Establishing FPIC with Indigenous Stakeholders**

## F. Legal and Institutional Framework Relating to Indigenous Peoples Communities

The project will be planned and implemented in a manner consistent with relevant laws and regulations of the Borrower and the principles and procedures of World Bank Operational Policy 4.10, Indigenous Peoples.

World Bank OP 4.10 provides the basis for identifying Indigenous Peoples in the project area, for ensuring that Indigenous Peoples communities are adequately consulted in project planning and implementation, that Indigenous Peoples communities are provided equitable opportunities to benefit from the project, that project benefits are culturally appropriate, that any potential adverse impacts on Indigenous Peoples communities are avoided or otherwise mitigated, and that appropriate arrangements are in place for recognizing and considering project-related grievances raised by Indigenous Peoples.

Under OP 4.10, the determination as to whether a group is to be defined as Indigenous Peoples is made by the World Bank, by reference to presence (in varying degrees) of four identifying characteristics:

a) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;

b) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources therein;

c) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and

d) An indigenous language, often different from the official language of the country or region.

Terms used in different countries to refer to these groups include “indigenous ethnic minorities”, “aboriginals”, ”hill tribes”, “minority nationalities”, “scheduled tribes”, and “tribal groups”.

It has been determined that it is likely for Indigenous Peoples communities to be present in countries participating in the PREP. Accordingly, the IAs agree to undertake a consultative process to inform project design, and to prepare and implement an Indigenous Peoples Plan (IPP) where applicable. The IPP may be prepared as a stand-alone document, or may be integrated into a broader environmental and social management plan. Where the sole, or great majority of, project beneficiaries are Indigenous Peoples, the essential elements of the IPP may otherwise be integrated into the overall project design (e.g., no separate planning document is necessary).

## G. Implementation Arrangements

Each country participating in the PREP, where OP4.10 is triggered bears official responsibility for ensuring that the IPP is prepared and implemented or the essential elements of the IPP are integrated into the overall project design. Direct authority for IPP planning and implementation is vested in the IA, which will exercise its authority as necessary to coordinate actions with any other agencies or jurisdictions involved in planning or implementation.

## H. Arrangements for Social Assessment

Social assessment (SA) is a necessary step for preparation of an IPP. The scope, level of detail, and methodological aspects of social assessment are commensurate to the nature and extent of project-related impacts and risks. The SA focuses on issues relating to Indigenous Peoples that are identified in the project screening process, or specified in terms of reference. The SA may be prepared as a stand-alone document or incorporated into a broader environmental and social impact assessment process. As relevant, the social assessment process includes the following elements:

a) Description of project and potential issues or impacts relating to Indigenous Peoples communities;

b) Review of the borrower's legal and institutional framework as applicable to Indigenous Peoples appropriate to the project context;

c) Identification of relevant Indigenous Peoples communities and other key stakeholders to be consulted in the social assessment process;

d) Baseline information on the demographic, social, cultural, economic and political characteristics of relevant Indigenous Peoples communities;

e) Elaboration of a culturally appropriate process for free, prior and informed consultations with Indigenous Peoples communities during IPP preparation and project implementation;

f) Based on consultation with Indigenous Peoples communities, assessment of the potential adverse impacts and benefits likely to be associated with the project; and

g) Summary of preferences and concerns of Indigenous Peoples communities relating to project objectives, access and cultural appropriateness of project benefits, mitigation of any adverse impacts, and project implementation arrangements.

## I. Collective Expression of Broad Community Support

Based on results of consultations and the SA process, the Borrower will determine whether there is broad community support for the project among relevant Indigenous Peoples communities. This determination generally is based upon collective and often informal expression of supportive views regarding project purposes, plans, and implementation arrangements. This determination does not require unanimity; broad community support may exist even when there is internal disagreement within the community or when there is limited opposition to project purposes or proposed arrangements. The IPP explains the basis upon which the determination has been made.

## J. Requirements for an Indigenous Peoples Plan

In countries where screening has identified that the sole or overwhelming majority of direct beneficiaries are Indigenous Peoples, elements of an Indigenous Peoples Plan (IPP) will be incorporated into the overall project design at the national level and a separate IPP is not required.

Table 1 provides guidance on incorporating elements of an IPP into overall project design, which could be applicable to national-level components depending on the prevalence of Indigenous Peoples in the participating country.

**Table 1 Incorporating elements of an IPP into project design**

| IPP Elements (OP4.10, Annex B) | Best means for incorporation |
|---|---|
| Summary of legal and institutional framework, and baseline data relating to Indigenous People | To the extent that such information is relevant in the project context, present in an ESIA or stand- |

| IPP Elements (OP4.10, Annex B) | Best means for incorporation |
|---|---|
| in the context of the project | alone SA. |
| Summary of the social assessment (SA) findings | Present in an ESIA or stand-alone SA. |
| Summary of consultations with Indigenous Peoples and communities | Some consultations will occur in tandem with the SA process, which can be detailed in the ESIA or SA report. Alternatively, a consultation summary report will include an assessment of Indigenous Peoples support for the project. |
| Actions to ensure that Indigenous Peoples receive culturally appropriate and/or economic benefits | Such actions are incorporated into overall ESMF or ESMP. If Indigenous People are also affected by land acquisition or loss of access to natural resources, measures to address these impacts should be incorporated into an Abbreviated Resettlement Action Plan (ARAP) where required. |
| Actions to address any adverse impacts on Indigenous People communities | Such actions are incorporated into overall ESMF or ESMP. If Indigenous People are also affected by land acquisition or relocation, mitigation measures must be incorporated into RPF or ARAP. |
| Cost estimates and financing plans for implementing actions or activities | Where any actions relating to provision of benefits or mitigation of adverse impacts are necessary, costs are estimated and financial arrangements are specified in the ESMP and/or ARAP where required. |
| Appropriate grievance procedures | Incorporated into the ESMP and/or ARAP where relevant. |
| M&E arrangements | Monitoring and evaluation arrangements regarding Indigenous Peoples may be specified in either ESMF or ARAP as relevant. |

Alternatively, if it has been identified that Indigenous People have a collective attachment to, and/or reside in, a specific subproject area or site (but may not be the overwhelming majority), a standalone IPP needs to be prepared at the subproject-level. The scope and level of detail required in the IPP is commensurate with the nature and extent of project-related impacts and risks. Depending on social context, an IPP may focus solely on issues relating to one specific group, or elements of the IPP may be incorporated into a broader, integrated multi-ethnic or community-based plan. As relevant, the IPP includes the following elements:

a) Project description and summary description of issues relating to Indigenous Peoples;
b) A brief summary of relevant issues and findings of the social assessment process;
c) A summary of results from the process of free, prior and informed consultations with relevant Indigenous Peoples communities, and review of determination of broad community support;
d) Actions to ensure equitable access to culturally appropriate benefits for Indigenous Peoples communities;
e) Actions to avoid, minimize or otherwise mitigate any adverse impacts affecting Indigenous Peoples communities;
f) Cost estimates, budget and financial responsibilities for implementation of the IPP;
g) Accessible and culturally appropriate means to address grievances raised by Indigenous Peoples (individually or collectively);
h) Monitoring arrangements; and
i) Arrangements for information disclosure.

## K. Disclosure Arrangements

The Borrower agrees to disclose relevant information regarding project design and implementation arrangements to Indigenous Peoples communities and to the broader public The IA is ultimately responsibility for information disclosure. Specifically, the SA findings, this IPPF, and any subsequently prepared IPP are made available in a manner, location and language accessible to Indigenous Peoples communities. If a document is subject to subsequent revision, the revised documents also are disclosed in a similar manner.

## L. Monitoring Arrangements

If the IPP contains any specific actions to benefit Indigenous Peoples communities, or measures to mitigate any adverse impacts upon them, a monitoring process is defined in the IPP to assess the effectiveness of actions or mitigation measures, and to provide a means for ongoing consultation with those communities throughout the implementation period. The scope and frequency of monitoring activities is commensurate with the complexities and risks of the project. Monitoring information may be collected by communities themselves or by an agent not directly affiliated with the IA. Monitoring information is submitted to the IA and/or PMU, which in turn, provides the World Bank with relevant monitoring information.

## M. Grievance Procedure

For PREP project, arrangements will be established to ensure that Indigenous Peoples communities may bring complaints to project management attention, and that the PREP responds to complaints in a timely and considered manner. Within Indigenous Peoples communities, complaints can be raised by individuals, groups, or by the community as a whole. **Alternatively, the established GRM in the ESMF or Project Operational Manual may be referred too.**

Specific arrangements for raising and addressing grievances are defined and described in the IPP. For PREP, it has been agreed that the grievance procedures:

- ✓ Will be accessible (e.g., location, language, and socially inclusive) to all community members;
- ✓ Will use local customary arrangements for conflict resolution in an initial stage of review, as appropriate in the project context;
- ✓ Will have a second stage of review at the project management level, with a grievance committee chaired by the director of the IA;
- ✓ Will have defined and disclosed performance standards for replying to grievances received at both initial and project management-level review stages.

Individuals or communities with complaints that have not been resolved to their satisfaction may also seek legal recourse consistent with laws and procedures of the country.

# Annex E Resettlement Policy Framework

## A. Introduction

The PREP will trigger social safeguards policy OP4.12 Involuntary Resettlement. The objective of this policy is to ensure affected persons living standards are not adversely affected as a result of the Program or its interventions. As such, the Borrower is required to prepare appropriate social safeguard instruments to address all adverse impacts that will be generated as a result of project activities and subprojects. It is envisaged that the majority of land required for project purposes will occur through either formal land donation, land use agreements, leasing, subleasing or purchasing arrangements. However, a preliminary safeguard assessment has identified there is potential for small-scale involuntary land acquisition to occur.

This Resettlement Policy Framework (RPF) has been prepared specially to address impacts cause by involuntary land acquisition, such as economic or physical displacement, or loss of assets or access to assets. It has been developed in accordance with the principles, objectives, procedures and rules set out in the World Bank Operational Policy OP4.12 Involuntary Resettlement. It provides guidance for preparing Abbreviated Resettlement Action Plans (ARAP), voluntary land donation (VLD) and associated documentation. It outlines the procedures and information requirements for ARAPs in accordance with policy requirements and national legislation, as well as VLD and land use agreements for specific subprojects. The preparation of documents is the responsibility of the IA in each country, which will be submitted for Bank review.

## 1. Regional and Sector Context

PICs are also among the most physically vulnerable nations in the world. They are highly exposed to adverse effects from climate change and natural hazards (including floods, droughts, tropical cyclones, storm surges, earthquakes, volcanic eruptions, and tsunamis), which can result in disasters that affect their entire economic, human, and physical environment and impact their long-term development agenda. Since 1950, natural disasters have affected approximately 9.2 million[33] people in the Pacific region, causing 9,811 reported deaths. This has cost the PICs around US$3.2 billion (in nominal terms) in associated damage costs (EM-DAT, 2010)[34].

Disasters, climate and weather extremes and projected changes in climate, are increasingly recognized as a core development challenge, as they adversely impact social and economic development. Poor populations tend to live on low value land, often close to flood prone waterways and the coastline in higher-risk areas, making them more likely to be affected by adverse natural events. More importantly, the vulnerability of the poor to natural disasters and the effects of climate change are expected to increase due to increased population pressure within the constraints of limited land, pushing increased numbers of the poor to live in more hazard prone areas. The capacity of PICs to cope with these hazards is often challenged, due to their inherent vulnerability stemming from the isolation, small size, insularity, environmental factors and limited disaster mitigation capacity. Hence, there is widespread acceptance of the need to strengthen disaster early warning and preparedness, and to mainstream disaster risk and climate change into development planning and financing.

The participating countries are exposed to a range of hydro-meteorological and geo-hazards, including tropical cyclones and associated storm surges and flooding, earthquakes and tsunamis, the impacts of which are summarized in the risk profile table below. Climate change is exacerbating the

[33] SPC Pocket Handbook 2010.
[34] Source: Pacific Catastrophe Risk Assessment and Financing Initiative (PCRAFI). Countries covered by PCRAFI are Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Timor-Leste is also included.

vulnerabilities of PICs through increased frequency and possibly the increased intensity of climate-related events. Apart from changing extreme weather events, climate change is adding pressure on fragile island systems, for instance, through sea level rise, coastal erosion and saline intrusion into limited freshwater lenses.

**Table 1 Risk Profile for Tropical Cyclone (TC), Earthquake and Tsunami for Phase I**

| | | **Samoa** | **Tonga** |
|---|---|---|---|
| | Average annual loss (% GDP)[35] | 1.7% | 4.3% |
| Last disaster and impact | Name<br>Date<br>Cost<br>% GDP | TC Evan<br>Dec 2012<br>US$210.4 m<br>30% | TC Ian<br>Jan 2014<br>US$50 m<br>11% |
| Impact of 1/50 year return period [3] | Cost<br>% GDP<br>Casualties<br>(injuries and fatalities) | US$110 m<br>19.4%<br>254 | US$140 m<br>39.2%<br>299 |
| Impact of 1/100 year return period[3] | Cost<br>% GDP<br>Casualties<br>(injuries and fatalities) | US$153 m<br>27.0%<br>374 | US$225 m<br>63.0%<br>600 |

Existing technical knowledge and financial capacity in participating countries is insufficient in many cases to fully address these vulnerabilities and reduce risks. The key challenges include limited: (i) capabilities for early warning and major gaps in preparedness; (ii) human resources and capacity to engage across multiple sectors; (iii) access to end-user-friendly data and risk assessment tools for disaster risk reduction and resilient investments; (iv) access to fiscal cash flows to better respond to disasters; (v) access to affordable market based insurance solutions for key-public buildings due to the small size of the portfolio and frequency of events; and (vi) institutional capacity and limited coordination between national and regional DRM and CCA agencies. Most of the countries have low implementation and absorptive capacities, which is a typical constraint for the small island countries. In most countries, the effectiveness of early warning and response is also influenced by the expansive geographical spread of the country and the limitations and high costs of communication systems.

Despite recent progress in terms of national level plans or policy to respond to disaster and climate risks, translating national climate and disaster resilient policies into sector policies and investments has been a significant challenge due to limited technical and fiduciary capacity and institutional coordination with support/oversight from the highest level of government. DRM, early warning and preparedness activities in the three Phase I countries are weakened by limits to technical and institutional capacity, as highlighted by the National Progress Report on the Implementation of the Hyogo Framework for Action (2011-2013). Responsible designated agencies, institutions and offices at the local level in the three countries often do not have the resources, capacity and higher level political support to enforce risk reduction regulations (e.g., building codes). In addition, local institutions, village communities, community volunteers and urban resident welfare associations are not properly trained in CCA and DRM.

## 2. Project Development Objective

The objective of the Program is to strengthen early warning, risk reduction planning and financial protection capacity of participating countries.

[35] PCRAFI Country Risk Profiles, September 2011

## 3. Project Description

The Program will comprise the following four components:

**Component 1: Strengthening Early Warning and Preparedness**

The objective of this component is to increase the resilience of the participating Phase I countries and the Pacific region as a whole to natural hazards such as cyclones, coastal/riverine flooding, volcanic eruptions, tsunamis and earthquakes by improving the quality of forecasting and warning services as well as disaster preparedness. This component has two sub-components: (i) Sub-component 1.1 - Investments in Early Warning and Preparedness in Phase I countries. Activities under this sub-component will be implemented at a national level; and (ii) Sub-component 1.2 - Regional TA to Support Impact Forecasting and Preparedness for Response. This sub-component will be regionally implemented by SPC.

**Component 2: Mainstreaming Risk Reduction and Resilient Investments**

The objective of this Component is to support a multi-sectoral planning process for integrating climate and disaster risk and resilience into development. This component is divided into two sub-components: (i) Sub-component 2.1 - Risk reduction and resilient investment planning and preparation. Activities under this sub-component will be nationally implemented; and (ii) Sub-component 2.2 - Regional tools and advisory services to support planning and investment. This sub-component will be regionally implemented by SPC.

**Component 3: Disaster Risk Financing**

The objective of this component is to strengthen the financial resilience of the participating PICs to disaster events by enabling them to secure access to immediate liquidity post disaster for low, medium and high risk events. Accordingly, this component will support the development and implementation of an integrated disaster risk financing strategy that provides an optimal combination of risk retention (for high frequency, low severity events) and risk transfer (for low frequency, high severity events) for participating countries (see Figure 1, Annex 2). This will include both national instruments and regional instruments, and will build on the PCRAFI pilot insurance scheme, which is reaching the third and final year and has previously been funded by Japan. This component is divided into two sub-components as follows: (i) Sub-component 3.1 - Disaster risk financing tools. Activities under this sub-component will be nationally implemented; and (ii) Sub-component 3.2 - Development of disaster risk financing framework. This sub-component will be regionally implemented by PIFS.

**Component 4: Project and Program Management**

The objective of this component is to provide efficient and effective implementation support to the Projects in each country, including staff, operating costs, monitoring and evaluation, and the cost of audits. It will also provide efficient regional coordination of the different country Projects and the implementation of activities that will be executed at the regional level. This component includes the following sub-components: (i) Sub-component 4.1 - Project Management. Activities under this sub-component will be nationally implemented; and (ii) Sub-component 4.2 - Regional Program Management and Coordination. Activities under this sub-component will be implemented at a regional level by PIFS and SPC

## B. Justification for Preparing a Resettlement Policy Framework for the Project

Since the nature and precise location/s of potential developments was not confirmed during project preparation, this RPF establishes the principles, objectives, procedures and rules to be used in the preparation of resettlement-related safeguard instruments. PREP activities may include small-scale

land acquisition to install monitoring equipment in specific geographic locations to detect seismic activity, weather patterns, rainfall etc. Activities involving large-scale or *significant* involuntary resettlement (i.e. Category A) are not eligible for PREP funding, which negates the need to prepare full-scale Resettlement Action Plans (refer to negative list Annex A of the ESMF). Therefore, only very small-scale land acquisition is eligible (where unavoidable) for subprojects identified as Category B, which require an ARAP. Given that the majority of activities implemented by the PREP will extend on existing public services and infrastructure, and bring about significant community benefit through improved forecasting and preparedness, it is anticipated that land is likely to be secured via voluntarily arrangements and the World Bank's Voluntary Land Donation Protocol (VLDP) will apply (Attachment A).

Fixed assets (crops, structures, etc.) may be present on the land and need to be accounted for prior to land agreements being signed or construction commencing. Fixed assets or access to such assets may be lost as a result of the land purchase or donation and there is potential for adverse socioeconomic impacts to occur if this is not properly managed. The RPF exists to protect people's rights and ensure project activities are approached with full consideration of existing assets, with appropriate valuation of assets, and persons affected by economic displacement are duly compensated.

## C. Objectives, Definitions and Key Principles

### Objectives

In World Bank-assisted projects, borrowers are expected to take all necessary measures to avoid, minimize, mitigate and compensate for adverse social impacts, including, but not limited to, those impacts associated with involuntary resettlement.

Every viable alternative project design and location should be explored to avoid, where feasible, or minimize involuntary resettlement.

If involuntary resettlement cannot be avoided altogether, sufficient resources should be made available to conceive and implement resettlement activities as sustainable development programs, in close consultation with displaced persons.

Displaced Persons should be assisted in their efforts to improve, or at least restore, their livelihoods and living standards to pre-displacement levels or levels prevailing prior to project implementation. This is accomplished primarily through: a) compensation at full replacement cost for losses of assets (for example, unharvested crops, structures etc); b) provision of other forms of assistance for livelihoods restoration; and c) physical relocation of assets, as necessary in accordance with OP 4.12.

### Key Definitions

For the purpose of this RPF, **"involuntary resettlement"** refers to economic displacement as a result of project activities set out in Section B. In this context, "**displaced persons**" refers to persons who are affected by the voluntary acquisition of land resulting in:

- relocation or loss of shelter;
- loss of assets;
- loss of access to assets; or
- loss of means of livelihood as a direct result of loss of assets or access to assets.

**"Full Replacement cost"** is defined, under OP 4.12, as a method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation of

structures and assets to be replaced is NOT taken into account to determine the compensation amount necessary to meet Full Replacement Cost.

Full Replacement Cost for:

- *Agricultural land, produce or established gardens*: it is the pre-project or pre-displacement, whichever is higher, market value of food produce of equal productive potential or use located on the voluntarily acquired land, plus the cost of preparing alternative areas to harvest levels similar to those of the voluntarily acquired land, plus the cost of any registration and transfer taxes.
- *Houses and structures or assets*: it is the market cost of the materials to build a replacement structure or asset with an area and quality similar to or better than those of the existing asset/s, or to relocate the existing asset/s, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining full replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.
- *Land in urban areas*: Pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

Where the laws of participating countries does not meet the standard of compensation at Full Replacement Cost, compensation under domestic law is supplemented by the additional measures set out in this RPF.

**Key principles**

OP4.12 establishes the key principles to be followed in resettlement planning and implementation. Of particular relevance for this RPF are the following:

- Wherever possible, project design and ARAPs should be conceived as sustainable development programs, so that Displaced Persons may benefit from the benefits, services and facilities created for, or by, project activities.
- Involuntary Resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- All Displaced Persons are provided prompt and effective compensation at full replacement cost for losses of assets (example: crops, trees, etc) attributable directly to the project.
- Displaced Persons without a recognizable legal claim or right to the land they are occupying are provided with compensation for loss of assets and resettlement assistance (example: skills training, employment, etc).
- Displaced Persons should be provided prompt and effective compensation at full replacement cost (including without depreciation or deduction for tax arrears, licensing or registration fees, or for any other purpose).
- When cultivated land is acquired, the borrower should support the reestablishment of crops through the transitional period if that is the preference of the Displaced Person.
- If new resettlement sites are to be prepared, replacement facilities and services are provided of a quality at least equivalent to those prior to displacement, or to minimum community standards, whichever is higher. Measures also are taken to ensure that resettlement sites do not diminish the quality or availability of facilities or services to surrounding host communities.
- If a commercial enterprise (e.g., shop or vendor, service provider, industrial facility) is required to close temporarily, the owner or operator is compensated for temporary loss of profits. If a commercial enterprise is required to relocate, the owner or operator is compensated at replacement cost for loss of assets and structures (including fixtures or improvements that

cannot be relocated), is provided transitional assistance sufficient to meet costs of moving equipment and inventory, and compensated for loss of profits until business operations can be restored.

- The involuntary resettlement transition period should be minimized. Compensation for crops, structures and other assets should be paid prior to involuntary resettlement. Transitional support should be provided prior to the time displaced persons will incur transitional expenses.
- Displaced Persons should be informed and consulted through culturally appropriate methods/languages during the process of ARAP preparation, so that their preferences and concerns regarding involuntary resettlement and other resettlement arrangements are solicited and considered.
- Both the draft and final ARAPs are publicly disclosed in a manner and place accessible to Displaced Persons.
- The previous level of community services and access to resources should be maintained or improved after involuntary resettlement takes place.
- The ARAP should include an estimated budget for all costs associated with involuntary resettlement, including contingency arrangements.
- Monitoring and evaluation arrangements should be established for the borrower to adequately assess the effectiveness of ARAP implementation.
- Methods by which displaced persons can pursue grievances will be established as necessary, and information regarding these grievance procedures will be provided to displaced persons.

**D. Legal and Regulatory Framework**

The following information should be provided in the legal and regulatory framework analysis:

- The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;
- Relevant national law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- Laws and regulations relating to the agencies responsible for implementing resettlement activities; and
- Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary law and traditional usage.

***Summary of Phase I Participating Countries Land Legislation***

**Tonga - Land Tenure and Acquisition**

Land tenure and acquisition in Tonga is governed by the following laws:

(i) The Constitution of Tonga;
(ii) Government Act;
(iii) The Land Act.

Under the Constitution of Tonga, all land in the Kingdom belongs to the Crown and is classified as: (i) King's estate, (ii) hereditary Royal Family estates, (iii) hereditary estates of Nobles, or (iv) Crown land. The latter two categories are subdivided into allotments for the rest of the people of Tonga. Under the Constitution, every Tongan male over the age of 16 is entitled to an agricultural and residential allotment of land. Sale of land is prohibited, but land leases and land permits may be granted, and leases are transferable.

There are five types of land in Tonga, as specified in *The Land Act*:

(i) *Tax Allotments:* Every male Tongan subject to receive an allotment of land as a grant of land not exceeding 3.3387 hectares. This allotment may be a continuous plot of land or a number of different plots.
(ii) *Town Allotments:* Tongan males are also entitled to receive a land grant in a town of an area not exceeding 1618.7 meters squared.
(iii) *Hereditary Estates:* These are lands held by nobles and *matapules*.
(iv) *Royal Estates:* This is land available for the use of the Sovereign.
(v) *Royal Family Estate:* This land is granted by the Sovereign to individuals for a period of time as determined by the Sovereign.

*The Land Act* provides for the resumption of land for public purposes, however does not include provisions for transitional assistance, compensation to tenants or non-legal dwellers (as required by the Bank's Safeguard Policies). The Act does not specify the nature of compensation, for example, whether it can include transitional assistance or compensation for loss of livelihood; however the Constitution notes that acquisition of land by Government should be compensated at "fair value".

Mechanisms for establishing infrastructure are contained under the following Acts:

- Roads Act
- Transport Services Act
- Harbours Act
- Emergency Management Act
- Building Control and Standards Act
- Building Code Regulations
- Shipping Act
- National Spatial Planning and Management Act 2012.

Collectively, these regulations provide a fundamental basis for acquiring land for public purposes and for compensating land users according to the registered use of the land.

**Samoa - Land Tenure and Acquisition**

Land ownership in Samoa is under three categories: freehold, customary and state-owned land. Customary land is land owned jointly within extended families, and is the predominant form of land ownership particularly outside the capital, Apia. It is clusters of these land-holding extended families that form the villages of Samoa and provide customary representatives to the associated village councils.

The Constitution provides ultimate protection for Samoans against any form of compulsory land acquisition by the State. Articles 13 and 14 acknowledge the right to reside, and provide protection from compulsory acquisition, while Articles 101 and 102 state that customary land cannot be alienated. Thus, the Samoan government does not have powers of compulsory land acquisition.

The relevant law governing land acquisition and compensation is the *Taking of Land Act 1964*. This Act applies to freehold and customary land, including land of this type that is currently under

leasehold, and provides for the taking of land for public purposes. The Act provides the procedures for land acquisition, sets out the circumstances in which compensation is payable, methods for assessing such compensation and dispute resolution procedures. Section 7 empowers the state to take customary land or freehold land required for any public purpose. Furthermore, Section 3 provides that the state may declare any purpose to be a public purpose within the meaning of this Act. Part VI of the *PUM Act 2004* addresses rights to compensation on the taking of land. Thus, the state has powers to acquire land, but only with the agreement of all the owners. Obligation rests clearly on the State to inform the existing landowners and persuade them of the merits of allowing their land to be taken, in order to achieve such agreement.

The *Customary Land Advisory Commission Act* (2013) established a consultative Commission to advise the government on its approach to customary land and promote greater economic use and development of customary land.

Village Councils ('*fonos*') are formally recognised by the *Village Fono Act* (1990) and deal exclusively with village affairs such as culture, customs, traditions, as well as all customary land matters. Land decisions made by the *fonos* may be challenged in the Land and Titles Court, which in turn may be reviewed by the Supreme Court.

***Gap Analysis***

For this project, the IA agrees to carry out the project in accordance with this RPF and OP4.12 and so the IA agrees to waive any national legal, regulatory provisions in contradiction to the requirements established in this RPF, and to take actions necessary to ensure full and effective implementation of ARAPs prepared in accordance with the RPF.

A gap analysis between national laws covering involuntary resettlement and the Bank's OP/BP 4.12, and the measures to bridge such gaps is detailed in Table 2, and will be completed when ARAPs are being prepared.

**Table 2 Country-level Gap Analysis to be prepared for each country**

| Safeguard Requirements | Aspect / Gap in national legislation | Proposed Project Measures |
|---|---|---|
| Consultation with customary landowners and affected persons is essential, and may require their participation in baseline studies as part of the Social Assessment. | Is public consultation including formal consultation with customary landowners compulsory in the EA process or mandated under law? | Consultation Plan developed as part of Project Operations Manual during preparation phase |
| Where Indigenous Peoples are present, explore all viable alternative project designs to avoid physical displacement of these groups. | Is there specific legislation pertaining to the rights of Indigenous Peoples or customary lands? | |
| Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs. | Does the proponent need evidence that all other options must be exhausted first? | Acquisition of land will only be pursued once all viable alternatives have been considered and no other suitable sites exist. The process and agreements between the Government and landowner are based on an ARAP approved by the Bank. |
| Affected persons/communities are provided timely and relevant information, and informed about their options and rights. | Is public consultation including formal consultation with customary landowners compulsory in the EA process or mandated under law? Does consultation go beyond making objections? | Consultation Plan developed as part of Project Operations Manual during preparation phase must ensure ongoing consultation throughout the project cycle. Where persons face direct adverse impacts, they must be informed about their entitlements, options, and provide feedback on designs and proposed mitigation measures. |
| Eligibility Criteria and cut off date – persons with either formal legal rights to land, no formal legal rights but valid claims to land/assets, or without legal rights but occupying land | Do national laws have provisions for those without legal tenure or title, with assets on the land, or occupying the land? | Compensation to all affected persons as defined in this RPF and under OP4.12. |
| Appropriate and accessible grievance mechanisms are established for affected persons/communities. | What are the formal and traditional grievance procedures in place? | A Grievance Redress Mechanism (GRM) has been detailed in the ESMF to enable issues to be addressed in a transparent and responsive manner. |
| Land Valuation/Compensation Standard - Where physical relocation is necessary displaced persons are provided compensation, transitional assistance and support to enhance or restore livelihoods | How are land and assets valued? Is it standardized or market-based and are sources of livelihoods also considered? | Provide compensation to all affected persons as defined in RPF and under OP4.12. Any ARAP prepared will specific full compensation and measures to enhance or restore livelihoods where necessary. |

| Safeguard Requirements | Aspect / Gap in national legislation | Proposed Project Measures |
|---|---|---|
| Full replacement cost to be paid for land and fixed assets affected by land resumption and payment of cash compensation for lost assets | How are land and assets valued? Is it standardized or market-based? | Provide compensation to all affected persons at full replacement cost as defined in RPF and under OP4.12. Any ARAP prepared will specify an inventory of losses will cover the value of impacted land, structures, business, livelihoods and assets. |
| The form of compensation is to be based on consultation, disclosure and needs of the affected person/s. | Who decides how the land will be compensated? | Activities will require participation and consultation of affected persons as set out in the Consultation section of the ESMF. |
| Particular attention is paid to the needs of vulnerable groups. | Is their formal recognition of vulnerable groups, their participation and inclusion in consultation? | Activities will require participation and consultation of vulnerable groups as set out in the Consultation section of the ESMF. |

## E. Preparing and Approving Safeguard Instruments

Table 3 lists the safeguard instruments required for subprojects that may involve involuntary resettlement, voluntary land access or donation. Acquisition of land will only be pursued once all viable alternatives have been considered and no other suitable sites exist.

**Table 3 Safeguard instruments required under project scenarios**

| *EA/SA identifies that there will be:* | *Safeguard Instrument applied:* |
|---|---|
| Minor involuntary resettlement - No Physical Displacement or less than 10% of productive assets are lost | Abbreviated Resettlement Action Plan (ARAP) |
| Moderate involuntary resettlement - Physical and/or Economic Displacement of less than 200 affected people or less than 10% of productive assets are lost | Abbreviated Resettlement Action Plan (ARAP) |
| Significant involuntary resettlement - Physical and/or Economic Displacement of more than 200 affected people and/or more than 10% of productive assets are lost | Normally a Resettlement Action Plan (RAP) would be required, but subprojects identified to result in *significant* involuntary resettlement will not be eligible for funding under PREP (see negative list Annex A in the ESMF) |
| Land gifted by private or customary landowner/s for project purposes | Voluntary Land Donation Protocol (VLDP) (Attachment 1) |
| Land access required on customary or private land (temporary or permanent) | Land Use Agreement (LUA) (Attachment 2) |
| Small-scale involuntary land acquisition of customary or private land (short or long term) | Abbreviated Resettlement Action Plan (ARAP) |

Responsibility for preparation, implementation and monitoring of safeguard instruments (including responsibility for meeting all associated costs with their implementation) rests with the IA in collaboration with the government agency who has direct and overall responsibility for managing the land acquisition and involuntary resettlement process in the participating country. As necessary, the IA will exercise its authority to coordinate actions with any other agencies involved to ensure timely and effective ARAP implementation.

Preparation of safeguard instruments (ARAP/VLD) will commence as soon as once the specific location of facilities and infrastructure is known and it is determine that involuntary resettlement is required to carry out project activities and shall be finalized prior to implementation or commencement of any works. Safeguard instruments will include an assessment and validation of the impacts of land acquisition, in coordination and full consultation with all stakeholders. Draft safeguard instruments will be provided to the Bank as a condition of subproject approval.

*Safeguard Instruments*

As identified in Table 3 above, an ARAP, VLD or LUA will be required for activities requiring small-scale involuntary acquisition, voluntary land donation, access to specific sites, or rental or leasing of land.

If land use is changed or involuntarily lost through temporary occupation by the Project activities, rent as agreed between the Project and the leaseholder for an agreed term (time period) will be arranged. Agreement and record of payment will be documented in writing and maintained in the PMU.

For involuntary loss of gardens, trees, crops, perennials, and/or productive trees/plants, or other elements of livelihoods such as loss of business income due to the Project, compensation will be paid

by the Project at a scheduled rate (current market value) by the Project, or based on negotiation/agreements made with the owners of the business.

Voluntary donations of land, structures or goods for project implementation will be made with informed consent, free from any coercion, and will not unduly affect the livelihood of the donor. The purpose and any terms of the donation will be recorded in writing with the signature of the owner (see Attachment 1).

*Detail Required for an ARAP*

The IA (with support from other agencies as required) will carry out a SA or socioeconomic survey to identify and enumerate Displaced Persons and to identify and inventory land and other assets to be required. The survey must cover 100 percent of the Displaced Persons and establish whether any displaced persons are significantly affected by loss of productive land, whether any commercial enterprises are affected, or loss of assets.

Appropriate mitigation measures (e.g., compensation at full replacement cost for loss assets, transitional assistance for relocation, transitional assistance for livelihood restoration, transitional assistance for commercial enterprises) will also be established for any adverse impacts.

The following will be addressed in the ARAP depending on the scale of impacts and subproject category:

- Description of the project activity causing involuntary resettlement and explanation of efforts to avoid or minimize involuntary resettlement associated with the project (alternative project designs or locations considered);
- Range and scope of potential adverse resettlement impacts including identification of alternative sites and selection;
- Findings of socioeconomic survey, gender analysis and baseline census survey information (including number of people affected);
- Review of relevant laws and regulations relating to land acquisition and involuntary resettlement;
- Percentage of land holding taken and evidence of landownership, tenure, acquisition and transfer titles or documents;
- Description of asset valuation procedures and specific compensation rates (or alternative measures) for all categories of affected assets;
- Inventory, valuation of, and compensation for lost assets (quantity and type of assets);
- Other assistance measures, if any, necessary to provide opportunities for livelihood restoration for Displaced Persons;
- Assistance to affected commercial enterprises;
- Eligibility criteria for compensation and all other forms of assistance;
- Summary entitlements matrix;
- Relocation arrangements, if necessary, including transitional support;
- Resettlement site selection, site preparation, and measures to mitigate impacts on host communities, if necessary;
- Restoration or replacement of community infrastructure and other services;
- Land donation arrangements and documentation requirements as per VLDP, if relevant;
- Organisational responsibilities for implementation;
- Community participation and disclosure requirements and arrangements;
- Resettlement implementation schedule with time-bound actions;
- A detailed cost estimate and budget;
- Monitoring and evaluation;
- Grievance resolution and appeals procedures.

## F. Eligibility Criteria

"Displaced persons", as defined under Section C above, are eligible to receive compensation or assistance under the PREP. The social assessment (SA) will identify persons whom may fall into these specific categories.

Valuation methodology for compensation packages will be determined in accordance with national legislation and regulations and approved by the Bank.

## G. Voluntary Land Donation

For land donated by the community or landowners for specific project needs, the Voluntary Land Donation Protocol (VLDP) in Attachment 1 will be followed.

## H. Communal Land Acquisition – Guiding Principles

If communal land is required for the Project, the resettlement planning process and safeguard instrument/s establishes the following:

- Alternatives to land acquisition are considered. Especially where replacement land is scare or non-existent, or where customary land tenure is deemed inalienable, negotiated agreements for long-term lease, even for infrastructure siting, should be considered.
- Where communal land must be acquired, collective compensation may be appropriate. Under such conditions, compensation is used solely for appropriate community purposes, or is distributed equitably among community members. The ARAP describes arrangements for usage of collective compensation.
- Individual users and occupants of acquired communal land are identified in the census prepared for the ARAP and the ARAP describes mitigation measures or negotiated agreements providing for restoration of their livelihoods or living standards.
- Where replacement land does not exist, it will be impossible to establish a technical valuation for replacement cost. The ARAP describes alternative means used for valuation. This may include negotiated agreement with affected communities.
- Where negotiated agreements for land valuation, for long-term lease, or for provision of remedial assistance to users or occupants of acquired communal land, are to be established, the resettlement plan describes the methods by which affected communities are involved in the negotiations, and methods by which terms of negotiated agreements are fully disclosed to them, in a manner accessible to the affected community.
- If relevant, the ARAP describes any changes that may occur regarding land use and tenurial arrangements for remaining communal land in project-affected areas.
- The ARAP describes a process by which conflicting claims to ownership or use rights will be addressed.

## I. Implementation Process

A time-bound implementation schedule of all activities relating to involuntary resettlement shall be included in the ARAP. Payment of compensation should be completed at least one month prior to involuntary resettlement. If there is a delay of one year or more between land or asset valuation and payment of compensation, compensation rates will be adjusted for inflation purposes.

**Table 4 Responsibilities for involuntary land acquisition**

| *Task* | *Stakeholder Responsible* |
|---|---|
| Subproject design | Ministry or IA |
| Subproject public consultation and disclosure | PMU |
| Survey and marking of site/s | PMU and relevant Ministry (surveyors) |
| Loss assessment (inventory) | PMU, affected persons, district/town officer |
| Establish compensation rate prices | PMU, affected persons, district/town officer |
| Consultation and agreement on compensation | PMU, affected persons |
| Prepare ARAP and land acquisition documentation | PMU and relevant Ministry |
| Review and approve draft ARAP | WB, SPC, PIFS |
| Update ARAP | PMU |
| Approval and release of funds for compensation | IA (Ministry of Finance) |
| Verify affected persons | PMU, district/town officer |
| Land acquisition | Ministry of Lands or responsible party under law |
| Physical works | Contractor |
| Grievance redress | PMU, district/town officer |
| Monitoring and compliance | IA, WB |
| Restoration of lands (post-construction or at end of project life) | Contractor |

## J. Budget and Costs

Compensation will be paid to persons who have suffered temporary or permanent involuntary loss as a result of project activities. The IA bears responsibility for meeting all costs associated with involuntary resettlement. Any ARAPs prepared in accordance with this RPF require a budget with estimated costs for all aspects of their implementation. All affected persons are entitled to compensation or other appropriate assistance and mitigation measures, regardless of whether these persons have been identified at the time of resettlement planning, and regardless of whether sufficient mitigation funds have been allocated. For this reason, and to meet any other unanticipated costs that may arise, the ARAP budget shall include contingency funds, i.e. at least 10 percent of estimated total costs.

Compensation must be paid promptly and in full to the Displaced Person within a mutually agreed timeframe. No deductions from compensation will occur for any reason and agreements will be honoured in full. The ARAP should describe the fiscal procedures by which compensation funds will flow from the IA to the displaced persons.

## K. Consultation and Disclosure Arrangements

A Consultation Plan must describe consultation activities taken to consult with affected persons regarding proposed land acquisition, transitional assistance, relocation arrangements, and other arrangements, and results of those consultations. The Consultation Plan in the Project Operations Manual may be referred too.

The IA discloses the draft and final versions of the ARAP to the displaced persons and the general public in the project area, in a language, format and location accessible to them. Disclosure of the draft ARAP should occur at least one month prior to Bank review. Disclosure of the final ARAP occurs following Bank acceptance.

## L. Monitoring Arrangements

Monitoring arrangements will be established in the ARAP to assess the effectiveness of ARAP implementation in a timely manner. Monitoring includes review of progress in land acquisition, payment of compensation, provision of transitional assistance, and functioning of project grievance procedures. The ARAP should establish the frequency of monitoring activities. Monitoring should be conducted by an individual, firm, or community organization not directly affiliated with the IA or PMU. Any issues or problems associated with ARAP implementation that are observed in the monitoring process will be reported to the IA and the World Bank project team.

Prior to project completion, the monitoring process will assess whether livelihoods and living standards of displaced persons have been improved, or at least restored. If these objectives have not been achieved, the IA identifies, plans and implements supplemental measures necessary to achieve satisfactory outcomes.

## M. Grievance Procedures

A consultative ARAP process and effective ARAP implementation will reduce the likelihood of project-related complaints. However, to ensure that displaced persons have avenues for raising complaints relating to land acquisition, compensation payment, relocation, impacts on livelihoods, construction-related damages, or other aspects of project implementation, a multi-step grievance procedure will be established in the ARAP. **Alternatively, the established GRM in the ESMF or Project Operational Manual may be referred too.**

Necessary elements of the grievance procedure include:

- ✓ Stage 1: at the local village level, any person aggrieved by any aspect of the land acquisition or involuntary resettlement process can lodge an oral or written grievance to Project Officer or Village Representative. This complaint shall be appropriately documented and registered by Project Officer or Village Representative. If the complaint cannot be resolved within 30 days of receipt, it advances to the second step of the process.
- ✓ Stage 2: if the aggrieved person is not satisfied with the outcome of initial stage consideration, or if local level review is unable to reach a proposed solution, the aggrieved person can refer the issue to the Project Coordinator or a grievance committee established by the IA. The grievance committee, chaired by the IA, also includes representatives not directly affiliated with the IA, reviews issues raised in the initial complaint and any actions for resolution suggested at the lower level and makes recommendations for resolution within 30 days.
- ✓ Stage 3: if the aggrieved person is still dissatisfied following review by the grievance committee, the case may be referred to legal proceedings in accordance with national laws and procedures.

The IA keeps a record of all complaints referred to the grievance committee, including a description of issues raised and the outcome of the review process.

## Attachment 1 Voluntary Land Donation Protocol

### 1. Background

This Voluntary Land Donation Protocol (VLDP) has been prepared by the World Bank for the purpose of due diligence. This annex includes a Land Commitment Letter to be used by the implementing agency in cases where land is being donated.

For cases where communities and/or individual landholders have offered to donate their land for the project because it is of benefit to the broader community, the World Bank's Voluntary Land Donation Protocol (VLDP) should be followed. The project team is to exercise their best judgment where voluntary land is offered, and conduct due diligence to avoid adverse impacts and reputational risks. Donations are usually based on the premise that the project benefit will offset or outweigh the loss of the land donated.

Voluntary donation of land by beneficiary households is acceptable where:

- It has been verified the donation did not result from any form of coercion or manipulation and is offered in good faith;
- The donation does not severely affect the living standards of the community and/or individual landholder responsible for the donation (i.e. impacts are marginal based on percentage of loss and minimum size of remaining assets);
- Alternatives and the viability of other locations or sites have been considered;
- The donation does not result in the displacement of households or cause loss of income or livelihood;
- The landholder/s making the donation will directly benefit from the project;
- Consultation has been conducted in an open and transparent manner and to a degree that the landholder/s can make an informed choice;
- The land is free from disputes regarding ownership;
- Land transactions are supported through the transfer of titles; and
- Full and proper documentation of all consultations, meetings, grievances and actions taken to address grievances has been reviewed and made available.

To ensure that any land provided for the siting of subprojects is contributed voluntarily, in accordance with the requirements of the ESMF, two representatives of the land owners (family or clan) are asked to sign a Land Commitment Letter (see below). This certifies that the land is voluntarily donated for the purposes of the subproject and for the benefit of the community. The signature of the Letter is witnessed (as attested by their signature) by a suitable project representative (e.g. Project Manager).

### 2. Introduction

World Bank-assisted projects frequently require temporary or permanent use of land for siting of infrastructure or facilities. Where land is required, preference should be given to acquiring it on a voluntary basis (the "willing buyer, willing seller" approach). However, where this is not feasible, World Bank OP 4.12, Involuntary Resettlement, establishes the conditions and procedures that must be followed when acquisition of land on an involuntary basis results in the social and economic impacts identified in the policy.

In the PICs, access to land is sometimes achieved through a process of voluntary land donation (VLD). Such a process has been adopted in order to address – in a practical manner – some of the complex features of land ownership, use and administration in the PICs. Nevertheless, many

of the risks associated with involuntary resettlement have the potential to affect the voluntary land donation process. Care needs to be taken in ensuring that the process is transparent, based on knowledge and consent and is accurately documented. This Protocol, which should be followed in all cases of voluntary land donation, aims to address these issues, and assist project teams in minimizing the potential risks.

## 3. Land in Pacific Island Countries

The land situation in many of the PICs is complex. A number of factors contribute to this:

- Many PICs do not have comprehensive formal procedures for land acquisition and, even where formal procedures exist, legal and institutional processes can be complex and time consuming;
- Different systems of land use and property rights may exist on the same land;
- Complex patterns of customary collective ownership may exist, which are inconsistent with private ownership, use rights, or de-facto possession;
- These different, and sometimes conflicting, land systems can make it difficult to establish with certainty who has a right to own and use a specific parcel of land;
- Such difficulties can make it difficult to reach a clear determination of the extent to which the informed consent of those who actually are affected by a transfer of land has been achieved; and
- Local representation and negotiation processes can increase the risk of informal political or social pressure.

For the reasons identified above, any proposals for land acquisition or use in connection with a project – whether "willing buyer, willing seller," involuntary acquisition or voluntary donation – needs to be carefully assessed.

### A. The Basis for Using A VLD Approach

This section provides guidance to help determine[36]:

- Whether VLD is a suitable approach for a specific Bank-financed project.
- Whether the proposed donation is voluntary or not.

In some circumstances, it is proposed that land required by the project be donated by individuals or the community on a voluntary basis. At the outset, two questions need to be answered:

***1. Is land donation appropriate in the circumstances of this project?***

Land donation is, generally, only suitable for community driven projects where the community (and each member owning or using the land) wishes to provide small amounts of land to support initiatives that will benefit the community. This is an important point to bear in mind in assessing whether voluntary donation is appropriate. The donation of land for medium to large scale infrastructure, particularly in cases where a government agency or entity that has a statutory obligation to provide the infrastructure and/or services for which the land is required, is not appropriate. Voluntary donation should be used only to support small-scale community infrastructure where impacts are minor, in consideration of other sites and whether alternatives have been screened out.

***2. Is this donation voluntary?***

[36] Note: that the social assessment should contain the relevant information to assist teams making these determinations.

In practice, determining whether a land transaction is voluntary or involuntary can be difficult. A useful starting point is OP 4.12, which defines "involuntary" as "*actions that may be taken without the displaced person's informed consent or power of choice.*" Accordingly, in assessing whether a potential donation is voluntary, it is necessary to focus on whether the owner(s) or user(s) of the land understand:

- The exact demarcation of land boundary for the project's use;
- What the land is going to be used for, by whom and for how long;
- That they will be deprived of the ownership or right to use the land, and what this really means;
- That they have a right to refuse to donate the land;
- Whether there are proposals which would allow other land to be used;
- What they will need to do to donate the land, and what costs are involved;
- The intergenerational effect of the donation on their family, what they can do if they (or their family or heirs) want the land back.

The issues above assume that it is straightforward to identify the owners or users of the land, and that there are no competing (or potential) competing claims to that land. Clearly this is not always the case. In many circumstances either: (a) the proposed use of the land means that voluntary donations are not appropriate; or (b) having examined all the relevant facts, it is difficult to determine – with a reasonable degree of certainty – that the donation is being made by the right parties and is truly voluntary. In these circumstances, OP 4.12 should be triggered and a RPF or RAP prepared, following the template set out in these PIC Procedures. In cases where there is any doubt as to whether the donation is truly voluntary, OP 4.12 should be triggered.

## B. Limiting Potential Harm

This section provides good practice guidance to limit any potential harm associated with a proposed VLD. Examples of such good practice include, for example, the requirement that the donation of land will not cause any household relocation.

Over the years, a number of practices have developed in the Bank which seek to limit any potential harm associated with a proposed voluntary donation. These include that: (a) the proportion of land donated by any individual cannot exceed 10 percent of the potential donor's land holding; and (b) the donation of land will not cause any household relocation. As discussed previously, voluntary donation should be used only to support small-scale community infrastructure, where the impacts are minor.

It is important to consider whether there are alternatives to land donation which would adequately support the project, such as the granting of rights of way or use for a specific period of time.

It is good practice to ensure that the documentation establishes a deadline to initiate project use of donated land. Any donated land that is not used for its agreed purpose by the agreed deadline is returned to the donor. However, where the land has already been legally transferred, this will frequently require further administrative processes, fees and taxes to return the land.

A further complication is that, in some cases of VLD, the donor of the land may request compensation or other benefits to be paid as a condition of the land transfer not in connection to the transfer of the land itself, but in relation to structures or other fixed assets on the land. This can lead to conflict with other individuals also donating land, and has the potential to undermine the VLD process. A donor may also agree to transfer only part of the land required. Such requests need to be carefully evaluated at the outset and, if agreed, documented appropriately.

Due diligence and consultation, discussed in more detail below, is important. It is often not possible to implement the VLD unless adequate information is gathered regarding owners, users, legal requirements and community practices, and is available at the outset. Such information is important to ensure that the voluntary land donation is sustainable, and occurs without causing conflict in the community. In some circumstances, disputes can arise between the owner of the land, who wishes to donate, and the user(s), who do not; such issues need to be resolved in a transparent and equitable manner.

## 4. Process for Voluntary Donation

This section provides guidance on the process for VLD, namely on how to:

- Determine and document the appropriateness of VLD in the project context;
- Verify the requirements of the donation and the formalization of the donation;
- Carry out due diligence on the owners and users of land donated;
- Ensure appropriate consultation and disclosure;
- Establish informed consent of the person donating the land;
- Document the legal transfer of land donated; and
- Establish grievance redress mechanism.

This section outlines the process that should be followed once the threshold considerations set out in Section 1 have been considered, and it has been determined that it is appropriate for the land to be provided to the project by voluntary donation.

It is necessary to follow a clear process for the donation, and to prepare and maintain documents that demonstrate such process. Each step set out below should be addressed in the context of the specific project, and fully documented.

**(i) Determine and document that VLD is appropriate in the circumstances of the project.**

The team should record the reasons why it thinks that the donation of land is appropriate for the project. In certain cases, only some of the land the project requires will be donated or alternatives to land donation exist. The project team should identify (in as much detail as possible):

- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;
- The identities of the parties who intend to donate;
- The beneficiary of the donation; and
- Any details that are relevant to why donation may be appropriate.

**(ii) Verify the requirements to transfer, and formalise the transfer of, the land**

It is important to understand the process that should be followed to transfer the land, and appropriate ways to formalize the transfer so as to achieve certainty for both the transferee of the land and the project. In many countries this will require consideration of the legal and administrative requirements but also, particularly in the case of customary land, local and community processes. In some cases these will constitute two different but parallel (and overlapping) systems and a process will have to be established to ensure that the requirements of each system are satisfied. An important consideration will be how transparent the process and the decision making process actually is, and what can be done to enhance the process.

**(iii) Conduct due diligence on who owns and uses the land**

Given the specific issues surrounding land ownership and use in the PICs, it is important that the project team carries out careful due diligence to understand the type of land rights that exist in the project area, and to identify any particular issues relating to land ownership and use. Thereafter, a more specific due diligence must be conducted on each parcel of land proposed for donation to identify:

- The owner or owners of the land;
- The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
- Any competing claims of ownership or use;
- Structures and assets on the land;
- Any encumbrances on the land.

It is important to: (a) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbours.

**(iv) Disclosure and Consultation**

The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else should be consulted about the proposed donation; for example, spouses and older children.

There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

**(v) Establishing Informed Consent**

It is crucial that the project team is confident that the decision to donate was taken in circumstances of *informed consent or power of choice.* As discussed earlier, this means being confident that the owner(s) or user(s) of the land understand:

- What the land is going to be used for, by whom and for how long;

- That they will be deprived of the ownership or right to use the land, and what this really means;
- That they have a right to refuse to donate the land;
- Whether there are alternatives to using this land;
- What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
- The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.

The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.

**(vi) Documentation**

It is necessary to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. [In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community relations.]

The project team should:

- Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
- Ensure that the agreement:
    - Refers to the consultation has taken place;
    - Sets out the terms of the transfer;
    - Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
    - Attaches an accurate map of the land being transferred (boundaries, coordinates);
    - Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights.
- Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
- Ensure that the transfer and title is registered or recorded; and
- Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

It is also important to maintain a record of the process that has been followed. Such documents could include the following:

- The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
- Records of the consultations that were held and what was discussed;
- A copy of the due diligence that was conducted;

- Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
- Copies of all documents, registrations or records evidencing the legal transfer of the land; and
- A map, showing each parcel of land.

The project implementing agency should maintain a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

**(vii) Grievance Arrangements**

Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process. Refer to Grievance Redress Mechanism (GRM) in RPF or ESMF.

## 5. Exit Process for Problem Subprojects

An Exit Process provides project staff with guidance as to how to deal with subprojects in which disputes emerged that were preventing implementation. These guidelines are shared with the communities, when a subproject is deemed to be a “problem” so that they are aware of the steps required to follow to resolve the dispute. The Exit Process is facilitated and support by the Project Coordinator, and IA if needed. If the process does not result in a resolution of the problems faced by the community, the subproject is terminated.

When it is beyond doubt that factors affecting a sub-project cannot be resolved or require support beyond IA’s capacities guidelines will be developed to allow the IA’s to systematically respond to such situations by outlining what action is to be taken during both sub-project preparation and sub- project implementation. The actions described will also help communities avoid lengthy deliberation processes or extended periods of inactivity by providing time-bound steps leading to judicious decisions on sub-project termination.

**LAND DONATION COMMITMENT LETTER TEMPLATE**

**Project:** _____ **Location:** _____

| Project Partner | Name | Organisation |
|---|---|---|
| Team Leader (PMU) | | |
| Town, District or Provincial Officer | | |
| Project Representative | | |

Dear Sir/Madam,

**Re: LAND AVAILABILITY FOR THE PROJECT**

This letter serves to confirm our commitment that land is available for the project. This land is given for the use of the _____.

The owners of the land in our community are Mr/Ms. _____ who with a second family/tribal member confirm our commitment by putting their hand hereto;

This piece of land (_____) is confirmed to be free from dispute and the Project Representative and subsequent committees appointed by the village to administrate the infrastructure are free to use the said land to provide/improve/expand the provision of the services directly provided by the infrastructure. The landowners fully agree that this commitment is irrevocable.

I / we hereby sign confirming that the above is true and correct:

| Party | Name | Signature | Date |
|---|---|---|---|
| Landowner | | | |
| Landowner Representative | | | |
| Project Representative (verification) | | | |

## Attachment 2 Land Use Agreement

A Land Use Agreement (LUA) may be required where (i) subprojects or activities require access on a permanent or temporary basis to certain sites on customary land; (ii) no suitable alternative sites exist; (iii) customary landowners have agreed for the land to be used for a specific purpose for the benefit of the whole community; and/or (iv) any other situation where it may be deemed the most appropriate instrument for the local context.

The LUA does not apply when state- or privately-owned land will be utilized or needs to be acquired or leased (ARAP or national process to be followed in these circumstances). However, where formal land use or leasing agreement are being delayed due to circumstances outside the PMU's control, the LUA may provide a 'stop-gap' or temporary safeguard instrument, subject to approval by the Bank.

It is important that absentee landowners are engaged, and that a suitable witness (non-clan member) signs the agreement.

The process used to enter into the LUA is as follows:

- Share the rationale for the subproject and its proposed siting, and seek the granting of access of the necessary land by the landowning clan or household;
- Village representatives of the community, organize a meeting with the representatives of the specific clan/s who have customary ownership of the proposed land or access-way;
- Any persons with fixed physical assets on the land/proposed site, but not considered a landowner, is involved in meetings and their rights are taken into consideration;
- The meeting would discuss the proposed subproject with the landowning clan or household to reach an understanding that the subproject is for the benefit of the whole community and access of land (either permanent or temporarily) is required;
- The payment of access fees should be discussed and agreed in writing (if applicable);
- The landowners would be clearly notified that the agreement to allow land access should be completely voluntary and the specific timeframe should be mutually agreed too;
- If agreement to proceed is reached, then a LUA will be entered into between the clan, the other clans and the leader of the community;
- The LUA should be endorsed by the District or Town Officer or equivalent;
- The signed LUA will be submitted as part of the subproject proposal.
- The LUA is submitted to the local magistrate (Commissioner of Oaths) or equivalent for certification.

*Exit Strategy and Grievances*

If all landowner parties are in disagreement about the land or conditions of LUA, or if landowners are excluded from initial discussions then the subproject will not proceed and the grievance process must be followed where relevant.

**LAND USE AGREEMENT LETTER TEMPLATE**

**Project:** _____ **Location:** _____

| Project Partner | Name | Organisation |
|---|---|---|
| Team Leader (PMU) | | |
| Town, District or Provincial Officer | | |
| Project Representative | | |

Dear Sir/Madam,

**1)** We, the undersigned being the representatives of the …….. hereby acknowledge that…… have the right under the native law and custom to make decisions on the land known as …….. for the purpose of …….. with the rights to the receive the proceeds of any development or other conducted on the said land. We certify that all members of the said clan agree to the truth of this certificate and that we are the persons authorized by the clan to sign it.

…… …… ……..

**Signature of Witness** **Full Name of Clan Leader** **His Signature/ Mark**

…… …… ……..

**Signature of Witness** **Full Name of Clan Leader** **His Signature/ Mark**

…… …… ……..

**Signature of Witness** **Full Name of Clan Leader** **His Signature/ Mark**

**2)** We, the undersigned being the representatives of …… clan of …….. Village, ……..……

District, ……hereby declare that;

(1) We have the right under customary law to allow access or use of the land ……. for the purpose of …….. (project name) and agree to allow access to …… to support this project (entity);

(2) That we undertake not to interfere in any manner on any activities or developments undertaken by our ……on the said parcel of land;

(3) That we understand the use of natural resources located on the said land (edible or non edible plants/shrubs, sand, gravel, rocks, timber, water sources, bush materials and other organic matters) will not be used for the purpose of the said project;

(4) That we understand rental payment of …… will be made by …… for right of access to the said parcel of land (put nil if no rent is expected);

(5) We commit ourselves in upholding the contents and the spirit of this agreement for so long as it remains in force;

(6) We will undertake efforts to convey the contents of this agreement to members of the ……. clan/s and to ensure that they so honour it.

## 3) SIGNATORIES

| Name | Signature / Date | Role |
|---|---|---|
| | | PMU |
| | | Town, District or Provincial Officer |
| | | Village Representative |

## 4) WITNESSES

We, the undersigned being representatives of …… clan (who share the land boundary with …….. clan) hereby declare that by Customary Law, we are rightful owners of the land known as ‘‘……..” located at ……. Village ……. District and that it has the right by customary law to transfer/ lease the said parcel of land.

**NAME** **SIGNATURE** **DATE**

……. …… ……

…….  ……  ……

…….  ……  ……

Made under our hands these agreements:

This _____ day of _____ 201_ at _____

village _____ District _____ in _____.

Submitted to:

Commissioner of Oaths at this location _____

On this _____ day of _____ 20__ at _____.

## Annex F Environmental Codes of Practice

### Mitigation Checklist

Mitigation measures are required to minimize environmental and social risks and impacts related to subproject activities. Table 1 provides a list of standard mitigation measures that may be applied to PREP subprojects identified as Category B and C, particularly for circumstances where Environmental Codes of Practice (ECOPs) are absent at the country level.

Selected mitigation measures are to be included in contract documentation for civil works (and storage of emergency supplies), and these measures will form the minimum performance requirements. Depending on the nature of the subproject, additional protection measures may be necessary to prevent or further mitigate negative impacts. It is the duty of the PMU to ensure that these additional protection measures are included in contract documentation.

**Table 1 Codes of Environmental Practice**

| | Environmental and Social Issues | Action Code | Mitigation actions to prevent negative impacts | Applicable? (Y/N) | Completed at Audit? (Y/N) |
|---|---|---|---|---|---|
| 01. | Site clearance and land disturbance | 0101 | Minimise the removal of trees and plants. | | |
| | | 0102 | Community consensus is reached on site selection site with whole community to ensure subproject activity does not conflict with or remove a persons livelihood and sensitive / disputed / tambu sites are avoided | | |
| | | 0103 | Site is away from steep slopes, rainforest, wetland, rivers, sensitive ecosystems and other critical habitats such as animal feeding and nesting grounds | | |
| | | 0104 | Use of heavy machinery conducted by trained persons only | | |
| | | 0105 | No disturbance of land until confirmation that land is able to be used for subproject by completing Land Use Agreement (LUA), and that it is less than 5% of landholdings | | |

| | Environmental and Social Issues | Action Code | Mitigation actions to prevent negative impacts | Applicable? (Y/N) | Completed at Audit? (Y/N) |
|---|---|---|---|---|---|
| | | 0106 | Stop any activity if ecologically sensitive areas are disturbed | | |
| | | 0107 | Replant any plants, fruits trees or medical herbs that were cut during site clearance. | | |
| | | 0108 | Stop any activity if cultural heritage sites are uncovered, follow Chance Find Procedures and contact relevant authorities | | |
| 02. | Noise disturbance | 0201 | Consult community regarding appropriate timing of noisy activities and avoid noisy activities at night | | |
| | | 0202 | Use noise-control methods (barriers/ shelter/ muffling devices) and maintain a buffer zone if possible | | |
| | | 0203 | Minimise project transportation, particularly heavy vehicles, through residential areas | | |
| 03. | Air quality | 0301 | Do not burning of debris or waste materials in proximity to village or site | | |
| | | 0302 | Reduce dust generation through application of water where practical | | |
| | | 0303 | Cover stockpiled materials and secure debris with tarpaulins | | |
| | | 0304 | Limit heavy vehicle movements and idling | | |
| | | 0305 | Identify asbestos risk and hazardous materials to be handle only by qualified or appropriately trained persons | | |
| 04. | Soil erosion and contamination | 0401 | Limit ground disturbance to small areas and minimize removal of trees and plants. | | |
| | | 0402 | Complete construction works during dry season and avoid wet season | | |

| | Environmental and Social Issues | Action Code | Mitigation actions to prevent negative impacts | Applicable? (Y/N) | Completed at Audit? (Y/N) |
|---|---|---|---|---|---|
| | | 0403 | Construct temporary/permanent structures / barriers to control erosion | | |
| | | 0404 | Stabilize sloping or cleared area before construction with gabions (walls / stones), ditches and/or terraces as appropriate | | |
| | | 0405 | Construct retaining walls to hold back loose sediments and use mulch, grasses or compacted soil to stabilize exposed area | | |
| | | 0406 | Avoid construction on unstable soils, steep slopes and near riverbanks | | |
| | | 0407 | Minimize length and steepness of slopes for bridges | | |
| | | 0408 | Re-plant trees and re-vegetate cleared areas immediately after construction | | |
| | | 0409 | Confine construction site with trench or bund (mound) to avoid surface runoffs from entering surrounding environments. | | |
| | | 0410 | Do not discharge water in areas that are steep and unstable. | | |
| | | 0411 | Construct proper drainage systems to divert water away from activity site and other sensitive environment including ditches for water flows to carry surfaces run-off away from erodible areas and slopes, and line steep channels/slopes with palm fronds, mulch, rocks etc to reduce run-off. | | |
| | | 0412 | Drain storm-water through a single filtered outlet by passing the water over gravel/sand sieve, then over vegetated surface to remove organic pollutants before discharging on to any drainage system. | | |
| | | 0413 | Stop any activity that is causing excessive erosion and turbidity | | |

| | Environmental and Social Issues | Action Code | Mitigation actions to prevent negative impacts | Applicable? (Y/N) | Completed at Audit? (Y/N) |
|---|---|---|---|---|---|
| 05. | Water (groundwater, surface water run-off, turbidity, contamination) | 0501 | Select sites away from riverbanks and creeks, with a buffer of approximately 20m | | |
| | | 0502 | Natural water flows should not be altered or changed | | |
| | | 0503 | Construct proper drainage systems | | |
| | | 0504 | Keep waste and hazardous materials away from water bodies and do not dispose of waste in creeks or rivers | | |
| | | 0505 | Manage site safety to avoid contamination of drinking water from waste materials and pollutants | | |
| | | 0506 | Wells should always be located upstream of any septic tank soak-away. Minimum 15 m distance from septic tank is recommended to avoid contamination | | |
| | | 0507 | Do not discharge solid or liquid wastes in waterways or on coastal environment | | |
| | | 0508 | Avoid sedimentation of waterways and coastal areas through erosion control methods (see section 4 on erosion) | | |
| | | 0509 | Protect water sources from overuse and salt intrusion through the use of buffer zones and barriers where necessary | | |
| | | 0510 | Dispose of waste water in soak pits | | |
| | | 0511 | Construct culvert around well and cover well with lid | | |
| | | 0512 | Avoid logging, large-scale animal farming/aquaculture and major | | |

| | Environmental and Social Issues | Action Code | Mitigation actions to prevent negative impacts | Applicable? (Y/N) | Completed at Audit? (Y/N) |
|---|---|---|---|---|---|
| | | | construction activities in the water catchment area | | |
| 06. | Waste (solid and hazardous) | 0601 | Collect and transport construction waste to appropriately designated/controlled dump sites, far from villages | | |
| | | 0602 | Keep waste sites at least 300 meters away from water bodies and wetlands | | |
| | | 0603 | Hazardous materials handled with protective equipment by trained persons only (including asbestos), and securely stored | | |
| | | 0604 | Proper disposal of contaminated waste materials in designated/approved sites by license contractors | | |
| | | 0605 | Protocol of accidental spills is in place (emergency response) | | |
| | | 0606 | Indicate hazards through signs, pictures and labels | | |
| | | 0607 | Do not use or store chemicals, pesticides or fertilizers | | |
| 07. | Visual | 0701 | Avoid construction works that will significantly alter the landscape | | |
| | | 0702 | Revegetation areas as soon as possible | | |
| 08. | Extraction of materials | 0801 | Seek permission of environmental authority for permitting and approval of material use (sand, gravel, etc). | | |
| | | 0802 | Limit extraction of sand or gravel | | |
| | | 0803 | Source sand, rocks and gravel from approved quarry | | |
| 09. | Natural Hazards | 0901 | Build appropriately-designed infrastructure to relevant specifications | | |

| | Environmental and Social Issues | Action Code | Mitigation actions to prevent negative impacts | Applicable? (Y/N) | Completed at Audit? (Y/N) |
|---|---|---|---|---|---|
| | | 0902 | Avoid areas prone to natural hazard events (flooding, spring tides etc), steep slopes and vulnerable to erosion, landslides, etc. | | |
| | | 0903 | Consider long-term climatic affects and seasonal extremes on location and materials | | |
| 10. | Community and worker safety | 1001 | Limit use of heavy machinery by trained persons only | | |
| | | 1002 | Proper management of hazardous materials and waste, and disposal in designated areas | | |
| | | 1003 | Awareness of dangers on site and occupational, health & safety requirements | | |
| | | 1004 | Storage of medicines consistent with Ministry of Health standards | | |
| | | 1005 | Facilities upgraded in consultation with Ministry of Health in reference to RWSS sanitation manual | | |
| | | 1006 | Locked storage of fuels, paints and chemicals (cool, dry shed) | | |
| | | 1007 | Contain mixing area for concrete / bitumen to avoid spillage and contamination of surrounding environment. | | |
| | | 1008 | Encourage skilled villagers to participate in and supervise construction works | | |
| | | 1009 | Keep extra materials stockpiled in a safe place undercover, away from walkways | | |
| 11. | Social Impact | 1101 | Ensure outside workers respect the code of conduct of construction | | |

| | Environmental and Social Issues | Action Code | Mitigation actions to prevent negative impacts | Applicable? (Y/N) | Completed at Audit? (Y/N) |
|---|---|---|---|---|---|
| | | | activities in the community through briefing session | | |
| | | 1102 | Subproject activity does not conflict with or remove a persons livelihood (e.g. purchase of solar panels does not remove a persons phone-recharging enterprise) | | |
| | | 1103 | Identify community members with key responsibilities for project implementation | | |
| | | 1104 | Grievances resolved using the grievance redress mechanism | | |
| | | 1105 | Discontinuation of project if conflict arises and exit strategy followed | | |
| | | 1202 | Develop environmental management plan specific to farming activities and techniques, detailing monitoring frequency, in consultation with the Department of Primary Industries | | |
| | | 1203 | Ensure a buffer zone of at least 20m between gardens/plots and waterways | | |
| | | 1204 | Minimize application of pesticides and fertilizer use by using organic options where viable, and store pesticides and fertilizer in a dry place away from water ways or wet areas that is not accessible to children | | |
| | | 1205 | Conduct soil testing or trial plots in different areas to ensure best site with most fertile soil for food production is selected | | |
| 13. | Temporary Fuel Storage (CERC) | 1301 | Do not site facilities within 30 meters of a watercourse, active river flood plain or in ecologically sensitive areas | | |
| | | 1302 | Facilities shall be bunded and lined with impervious material with the bund capable of retaining at least 100% of the net capacity of the | | |

| | Environmental and Social Issues | Action Code | Mitigation actions to prevent negative impacts | Applicable? (Y/N) | Completed at Audit? (Y/N) |
|---|---|---|---|---|---|
| | | | largest tank | | |
| | | 1303 | Any accumulated fuel/rainwater to be discharged through an oil/water separator | | |
| | | 1304 | A dedicated refuelling hardstand established for all plant and equipment | | |

## Annex G Guidance on Action Plan of Activities for CERC

### I. Guidance on developing a CERC Action Plan of Activities Framework

A draft Action Plan of Activities Framework (APAF) be developed and submitted to the World Bank prior to the occurrence of an eligible event. While the Action Plan of Activities Framework will not contain the specific activities to be financed – as they are demand and event driven – it will identify the requisite coordination and implementation arrangements, including policy and procedural compliance measures. Specific attention should be given to the proposed procurement arrangements, including:

(i) proposed matrix of procurement methods and procedures against proposed contract types and values, and;

(ii) sample Notice of Request for Qualification for the consultants, contractors and vendors who will be invited to submit proposals for the activities identified post-event.

By submitting an Action Plan of Activities Framework, the Recipient and the World Bank will be afforded the opportunity to verify that the requisite measures are in place to ensure the rapid approval and disbursement of CERC financing upon the occurrence of an eligible event.

**Figure 1 Sequence of Events for CERC**


# II. Template for Action Plan of Activities Framework

## A. Executive Summary

This document was prepared pursuant to the Financing Agreement for the Pacific Resilience Program (PREP). The Financing Agreement stipulates the preparation and submission of an acceptable Action Plan of Activities for Component 3 CERC as a condition of effectiveness for the Component.

This document serves as the Government of <enter country name> Action Plan of Activities and details the following:

- The proposed emergency activities to be finances by the proceeds allocated to PREP Component 3 CERC; and
- The coordination and implementing arrangements related to the programming and execution of these activities.

Upon No Objection provided by the World Bank, the Action Plan of Activities will be annexed to the Operations Manual and used by Implementing Agencies involved in the execution of emergency response activities financed by CERC.

The specific activities to e financed by the proceeds allocated to Component 3 are needs-driven and the contents of this Action Plan of Activities is a framework outlining eligible activities and how these will be coordinated and implemented in accordance with Bank and national government policies and procedures.

## B. Background

The Government of <enter country name> received financing from the World Bank for the purpose of participating in PREP Component 3 (CERC). The development objective is to strengthen early warning, resilient investment planning and financial protection capacity of participating countries.

The PREP financing envelope is US$41.2 million, of which US$10.2 million is allocated to Component 3. Component 3 will finance post-disaster critical imports, emergency recovery and reconstruction works, and associated consulting services that are identified in the Action Plan of Activities in support of Government of <enter country name> rapid emergency response efforts.

## C. Mechanism for Triggering CERC

*This section of the Action Plan of Activities should describe the national policies and procedures for the declaration of an emergency/disaster and the causal relationship between the need to trigger the CERC (i.e. utilize the financing allocated to the CERC disbursement category) and the need to reallocate financing to the CERC disbursement category. This section should also provide details related to the internal processes regarding the preparation of the damage, loss and needs assessment as a precursor to the identification of preliminary activities for possible inclusion in the final Action Plan of Activities for financing through the CERC Disbursement Category.*

In accordance with the Financing Agreement (FA), two conditions of effectiveness must be met in order to access the financing allocated to Component 3, which are:

(i) Establish a causal relationship between the relevant emergency and the need to trigger Component 3 and withdraw the financing allocated to the Disbursement Category; and
(ii) Prepare an Action Plan of Activities that is acceptable to the Bank for the purpose of financing proceeds allocated to the Disbursement Category.

A Post-Disaster Needs Assessment (PDNA) will be undertaken to inform the nature and scope of damages sustained by the public and private sector once a national state of emergency has been declared. The PDNA report will be appended to the Action Plan of Activities.

## D. Coordination and Implementation Arrangements

Within the CERC Action Plan of Activities, the Recipient should identify the general and specific coordination arrangements for the activities to be financed through the CERC Disbursement Category. If the arrangements are consistent with those identified within the PAD and Project Operation Manual, a simple reference to these preexisting arrangements will likely suffice. However, any exceptions to these arrangements (or arrangements unique to the CERC that were not captured in the PAD or the Project Operation Manual) need to be detailed within the CERC Action Plan of Activities. Potential exceptions or overlooked coordination/implementation arrangements include:

- The roles and responsibilities of Government Agencies in the damage, loss and needs assessment and their expected contribution vis-à-vis the identification and preparation of the preliminary CERC Action Plan Activities and their respective role in the implementation/supervision of those activities endorsed by the Recipient's Ministry of Finance and approved by the World Bank;
- Entity or Designated Representative responsible for coordinating the preparation of the CERC Action Plan of Activities, including the selection[37] of the eligible activities to be submitted to the World Bank for financing under the CERC; and
- Arrangements on procurement, financial management, disbursement, safeguards, M&E and reporting for the activities to be financed under the CERC (if they differ from those outlined in the FA, PAD and World Bank approved Project Operations Manual).

## E. Procurement

The procurement of goods, services and works under the CERC Disbursement Category will be governed under *BP/OP 8.0 Rapid Response to Emergencies and Crises*. Where possible, eligible activities will benefit from direct contraction and single source selection in times of emergency.

*Important Procurement Documents*

The Recipient should refer to the following documents when preparing the procurement section of the CERC Action Plan of Activities:

- Financing Agreement;
- World Bank Guidelines for Procurement under IBRD Loans and IDA Credit;
- World Bank Guidelines for Selection and Employment of Consultants by World Bank Borrowers;
- Project Appraisal Document – Procurement Chapter;
- Procurement Plans; and
- Sample Procurement Documents provided/agreed with the World Bank.

Packaging & Scheduling: Due to the emergency nature of CERC financed activities, appropriate packaging and scheduling is essential for economic and efficient procurement. Procurement packaging should generally be on the basis of (i) technical design/drawings and cost estimates, (ii) technical supervision, and (iii) implementation. Packaging and scheduling should take into account factors such as construction period/procurement priority, climatic situation, similar work items, beneficiary preferences etc.

Critical Imports: It is recommended that the Action Plan of Activities framework present the following information and supporting documentation for the proposed critical imports to be procured:

- List of disaggregated goods comprised within their respective components of material and equipment as well as their unit costs, proposed quantity and technical specifications;
- List of identified suppliers/vendors that have sufficient capacity[38] to supply the identified eligible critical imports; and
- Description of procurement methodology and supporting documents (i.e Request for Proposals/Contracts) that the Project Coordination Entity intends to use to procure the goods.

[37] A listing of the specific roles of the Project Steering Committee (or equivalent), as they pertain to the prioritization of competing financing demands under the CERC.

[38] It is important that the identified vendors have a documented history of procuring said goods in sufficient quantities all the while respective the contractual timelines. References supporting their capacity may/will be required.

Emergency Sub-projects[39]: Since the location and nature of the emergency sub-projects is event driven, the Action Plan of Activities framework will not contain specific works and the related services required to support the proposed activities. In the absence of an identified eligible emergency sub-projects, it is recommended that the Recipient take the subsequent steps to facilitate the contracting of emergency recovery and reconstruction services/works:

- Identification of potential types of eligible emergency sub-projects to be financed and specify the procurement methods to be used, qualification requirements and a list(s) of firms (national & regional) that have a demonstrable track record in implementing similar activities; and
- Draft ToRs and contracts that will be used to contract technical services to support the scoping and design of the sub-projects.

Procurement Plan: In order to facilitate a rapid review of the proposed procurement section of the CERC Action Plan of Activities framework (and subsequent final Action Plan of Activities), it is recommended that procurement related information be presented in a matrix format similar to that utilized in the PAD and Operations Manual. Information to be provided includes:

i. Brief description of goods/works/services to be contracted;
ii. Cost estimates;
iii. Proposed method of procurement;
iv. Proposed contract type;
v. Implementing agency;
vi. Funding source; and
vii. Major dates of the procurement process (advertising/bid opening etc.).

Pre-qualification of Vendors, Contractors & Consultants: In order to expedite the procurement of critical imports and the services related to emergency sub-projects, it is recommended that the Recipient proceeds with the pre-qualification of vendors, contractors and consultants prior to launching the bidding process. A sample Notice of Request for Qualification, including the detailed technical, financial and operational criteria by which they will be evaluated should be included as an annex to the Action Plan of Activities Framework.

## F. Disbursement and Financial Management

Per the FA, the CERC Disbursement Category has been allocated 650,000 SDR (approx. $US 1 million) and can finance goods, works, non-consulting services and consultant services for emergency recovery and reconstruction activities. No withdrawal from the CERC Disbursement Category 2 in response to any given CERC related activity (emergency response and recovery activity) is allowed unless the recipient has clearly established (a) a causal relationship between the relevant event and the need to withdraw the proceeds of the project allocated to the CERC Disbursement Category, and (b) that the activity is contained within the World Bank approved Action Plan of Activities.

## H. Safeguard Compliance

In accordance with the World Bank safeguards requirements, this project has been classified as Category B per OP/BP 4.01 on Environmental Assessments. Since the CERC Component was designed to largely finance the retrofitting, repair or reconstruction of damaged public infrastructure, it is expected that all proposed CERC emergency sub-projects will fall into Category B or lower (Category C). However, there still may be exceptional cases where the sub-project will involve work in highly ecologically sensitive areas or need to acquire substantial areas of land either temporarily or permanently for reconstruction

[39] Template for presentation of said material found in Annex 4.

work. In order to ensure that the CERC emergency sub-project activities duly comply with the requirements of the World Bank Safeguard Policies (as outlined in the FA, PAD, Operations Manual and Project Environmental and Social Management Framework and Resettlement Policy Framework), it is recommended that the Action Plan of Activities includes a section[40] that details the specific procedures that will be undertaken by the Recipient during CERC Activity preparation and implementation. Procedures for consideration include, *inter-alia*:

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

## I. Monitoring and Evaluation

Since the use of CERC funds will be demand and event driven, the Project's Results Management Framework does not contain pre-determined quantitative or qualitative targets[41] against which project's progress, impact and compliance are evaluated. As a result, it is critical to include in the Action Plan of Activities a proposed M&E framework that will serve as a project management information tool for the Project Coordinating Entity.

[40] This section can be composed of a short narrative referencing the procedures as outlined in the ESMF and RPF, coupled with a table listing the relevant Bank Safeguards, their triggers and the actions required in order to comply with relevant safeguards.
[41] Geographical areas covered or the number, type or scale of civil works/goods/services supported.

# Annex H ESMF Consultation Summary

## I. Initial Meetings

Names of persons met during initial consultations on ESMF and safeguard aspects of PREP in Vanuatu, Tonga, Samoa and Fiji from 23 November 2014 to 13 February 2015 are list in the table below.

| Name | Organisation |
|---|---|
| **Vanuatu** | |
| David Gibson | Acting Director, VMGD |
| Shadrack Welegtabit | Director, NDMO |
| Esline Garaebiti | Manager, VMGD Geo-hazards Division |
| Philip Meto | Provincial Liaison Officer, NDMO |
| Paul Audin | PMU Project Advisor |
| Wojciech Dabrowka | Disaster Management Advisor, NDMO |
| Albert William | Director, Department of Environment |
| Reedley Alfred Tari | Officer, EIA Unit, Department of Environment |
| Emma Dunlop-Barrett | Country Manager, World Vision International |
| Anjali Nelson | Country Manager, Live and Learn |
| Pauliane Basil | Community Resilience Programs, Live and Learn |
| **Samoa** | |
| Litara Taulaelo | Assistant CEO, Climate Change Resilience, MoF |
| Filomena Nelson | Assistant CEO, Disaster Management Office, MNRE |
| Ausetalia Titimaea | Assistant CEO, Meteorology Division, MNRE |
| Elsa Fruean | Assistant CEO, Building Division, MTRI |
| Ferila Brown | Planning and Urban Management Agency, MNRE |
| Molly Nielsen | Manager, NEOC, MNRE |
| Tautala Mauala | Secretary General, Samoa Red Cross |
| Ross Harvey | Disaster Management Specialist, NEOC, MNRE |
| **Tonga** | |
| 'Ofa Fa'anunu | Director, TMD, MEIDECC (formerly MEECCDMMIC) |
| Taaniela Kula | Director, NRD, Ministry of Lands, Survey and Natural Resources |
| Rennie Jegsen Vaiomo'unga | NRD, MLNR (formerly MLSNR) |
| Ana Bing Fonua | PMU, PPCR Program Manager, MEIDECC (formerly MEECCDMMIC) |
| Mafua Maka | Public Communications Officer, NEMO, MEIDECC (formerly MEECCDMMIC) |
| Eva Tuuholoaki, | Director, Tongan Red Cross |
| Monalisa Tukuafu | Social Safeguards Officer, PPCR PMU |
| **Fiji** | |
| Michael Petterson | Director, Applied Geoscience and Technology Division (SOPAC), Secretariat of the Pacific Community (SPC) |
| Rhonda Robinson | Deputy Director, Water and Sanitation Programme, Applied Geoscience and Technology Division (SOPAC), Secretariat of the Pacific Community (SPC) |

## II. Feedback on draft ESMF

A consultation session was held on February 11 and 13, 2015, with representatives of the key national Government agencies in Tonga and Samoa respectively to discuss the Environmental

and Social Safeguard Management Framework (ESMF) of the Pacific Resilience Program (PREP).

The consultation sessions achieved the following:

(i) Introduced the Program (PREP) to key stakeholders by providing an overview of the components and objectives;
(ii) Discussion on environmental and social issues of relevance to the project activities;
(iii) Presentation on the draft ESMF to gain feedback its appropriateness and relevance;
(iv) Confirmation of responsible persons / agencies with the capacity and skills to undertake required tasks for safeguards compliance.

Ms. Claire Forbes, the ESMF Consultant, presented an overview of the current design of the PREP and applicable World Bank's environmental and social safeguard policies and instruments. This included key elements and templates in the draft ESMF including the CERC.

Key points of the discussions were as follows:

- Components of the PREP and activities being funded;
- Regional and national implementation arrangements for different components;
- The purpose of the regional-level ESMF to guide PREP activities and inform the development of a Project Operations Manual aligned to country systems and existing arrangements;
- Subproject activities and potential safeguard issues, e.g. land access;
- Component 3 (CERC) and the requirement for an Action Plan of Activities;
- PMU's communication strategy for public awareness and information dissemination;
- Role of National Coordinator and membership of the National Technical Committee;
- Integration of existing institutional arrangements for climate resilience projects and responsibilities of IA, PMU, WB and other stakeholders for assuring compliance with safeguard procedures and their role in the review process.
- Next steps for design and preparatory stage and information dissemination.

**Tonga**

**Minutes of Consultation, 11 February 2015, Geology office, Nuku'alofa Tonga**

| Stakeholder | Comment / Concern | Action / Resolution |
|---|---|---|
| MEIDECC | Ministries had name change since election in December 2015 including the two Tongan implementing agencies. MECCDMMIC is now Ministry of Metrology, Information, Energy, Disaster Management, Environment, Climate Change and Communications (MEIDECC); Ministry of Lands, Survey and Natural Resources (MLSNR) is now Ministry of Lands and Natural Resources (MLNR). Changes formally take effect from 1 July 2015. | Noted. ESMF updated. |
| MEIDECC | Construction of new TMD headquarters at airport on government lease within Tonga Airport Limited envelope. | Land tenure and agreements to be confirmed by MLNR. |
| MEIDECC | PREP National Coordinator located in the TMD office. | Noted. |
| All | Retrofitting of schools under PREP will be complex as it incurs very high costs, is already being done under PPCR, and involves more Ministries. Prefer this be excluded from PREP. | Confirm whether PPCR retrofitting activities will be included in PREP. |
| PMU | The Project Operations Manual for ADB project is the PAM which includes a separate EA framework and LARF. Will the POM be similar and do we need separate documents? | The ESMF is a guiding document encompassing EA and RPF as well as gender aspects. A new POM for each participating country will be required, however much of the PAM is likely to be relevant to PREP operations and implementation. |
| PMU | Will the Bank supply standard templates for reporting (procurement, safeguards etc)? | Yes the Bank can supply these and they will be contained in the Project Operations Manual. |
| PMU | PMU is recruiting environmental safeguards person for PPCR but does not have legal advisor in team. PMU can allocate 17% of time for PREP support, but the costs must be factored into Project Management budget (Component 4). It is also recommended a legal advisor to be contracted for 30 days over two | PMU cost estimates to be factored into Component 4 budget including legal advisor. |

| | | |
|---|---|---|
| | years to support IA and PMU for PREP. | |
| MLNR | Do we have access to legal advisors? | The overarching objective of safeguards is to abide by national legislative requirements and regulations so as to avoid any legal repercussions. Support will be provided for legal review, and your suggestion of contracting a legal advisor will be considered. |
| PMU | What is in the Action Plan of Activities Framework and who develops this? Can we use lists developed under other projects? When should it be prepared by? | This will need to be developed by IAs in discussion with Customs and other key agencies. It will outline how emergency operations will be coordinated should an event occur and include a list of suppliers. It may draw upon existing documentation and be based on your experiences. |
| PMU | Formal disclosure process involves informing the Ministry of Internal Affairs of public awareness and community engagement activities, and support *fono* meetings. | PMU to advise of costs for information dissemination and public awareness activities. |

Attendees:

| **Tonga** | |
|---|---|
| ’Ofa Fa’anunu | Director, TMD, MEIDECC (formerly MEECCDMMIC) |
| Rennie Jegsen Vaiomo’unga | NRD, MLNR (formerly MLSNR) |
| Ana Bing Fonua | PMU, CRSP Program Manager, MEIDECC (formerly MEECCDMMIC) |
| Monalisa Tukuafu | Social Safeguards Officer, CRSP PMU |

**Samoa**

**Minutes of Consultation, 13 February 2015, MNRE, Apia, Samoa**

| Stakeholder | Comment / Concern | Action / Resolution |
|---|---|---|
| NEOC | DMO is yet to discuss plans for land and leasing arrangements with Fire Department the NEOC office is currently located on. | Leasing agreement to be finalized. |
| PUMA | We need to understand the current land arrangements for monitoring sites and determine is land use agreements exist. | Follow up with ACEO DMO and PUMA on current land arrangements for site location and access. |
| MoF | ESMF disclosure will need Samoan language summary. PMU can assist here but we need time to make arrangements. | Once the final ESMF is received CRICU will disclosure in country with newspaper notification and via website. |

Attendees:

| **Samoa** | |
|---|---|
| Su'a P. Onesemo | ACEO PUMA, MNRE |
| Ross Harvey | Disaster Management Specialist, NEOC, MNRE |
| Litara Taulealo | CRICU (PMU), Ministry of Finance |

*Notes:*

Local NGOs were invited to the session but were not able to attend due to illness and other commitments.

Due to project constraints, travel to Vanuatu was not feasible, therefore comments and feedback were sought from Vanuatu stakeholders via email.