



Concept Environmental and Social Review Summary

Concept Stage

(ESRS Concept Stage)

Date Prepared/Updated: 05/23/2019 | Report No: ESRSC00446



The World Bank

Support to the effectiveness and operationalization of the Emission Reductions Payment Agreement under the Maï-Ndombe ER Programme (P170835)

BASIC INFORMATION

A. Basic Project Data

Country	Region	Project ID	Parent Project ID (if any)
Congo, Democratic Republic of	AFRICA	P170835	
Project Name	Support to the effectiveness and operationalization of the Emission Reductions Payment Agreement under the Maï-Ndombe ER Programme		
Practice Area (Lead)	Financing Instrument	Estimated Appraisal Date	Estimated Board Date
Environment & Natural Resources	Investment Project Financing		9/15/2019
Borrower(s)	Implementing Agency(ies)		
Ministry of Environment and Sustainable Development (MESD)	Coordination Unit of the Forest Investment Program (CU-FIP)		

Proposed Development Objective(s)

The development objective of the proposed project is to: (i) meet ERPA effectiveness in a timely manner; (ii) kick start operationalization; and (ii) establish a continuous improvement process to support the sound implementation of ERPA terms over the ERPA period at the jurisdictional level.

Financing (in USD Million)	Amount
Total Project Cost	5.00

B. Is the project being prepared in a Situation of Urgent Need of Assistance or Capacity Constraints, as per Bank IPF Policy, para. 12?

No

C. Summary Description of Proposed Project [including overview of Country, Sectoral & Institutional Contexts and Relationship to CPF]

The Maï-Ndombe ER Program covers an area of 12.3 million hectares, including 9.8 million hectares of forest. It is the first jurisdictional REDD+ program for results-based payments on a large scale in DRC and the Congo Basin and among the first in Africa and worldwide. Its goal is to develop a provincial-level model for forest-smart development that

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provides alternatives to slash-and-burn agriculture while simultaneously avoiding greenhouse gas emissions through reduction of deforestation, climate change mitigation, reducing poverty and securing local livelihoods, enhancing the governance of natural resources and protecting biodiversity. The World Bank and the government signed an Emission Reductions Payment Agreement (ERPA), for a value of \$55 million, in September 2018, based on a net emission reductions target of 29 MtCO₂e over 2018-2022, and with the following six conditions of effectiveness to be met within 12 months:

1. Submission of a Letter of Approval;
2. Submission of a final Benefit Sharing Plan (BSP) which, based on the advance draft version of the BSP, takes into account specific guidance to be provided by the Trustee, following consultations with the respective Participants, on the outstanding issues that need further clarification in the final version of the Benefit Sharing Plan;
3. Action Plan which describes further steps and timelines to adopt a final Reversal Management Mechanism;
4. Submission of the final terms of reference for the selection of an ER Program Management Unit tasked to manage the ER Program on behalf of the Seller;
5. Action Plan which describes further steps and timelines for the Seller to demonstrate its ability to transfer Title to ERs, free of any interest, Encumbrance or claim of a Third Party, prior to any ER Transfer; and
6. Provide evidence which demonstrates that the Seller has secured funding of USD 2,200,000 (through the Central African Forest Initiative (“CAFI”) or other sources of funding) to operationalize and improve the components and subcomponents listed in the guidance applying to the Readiness Package Assessment Framework (as specified in Annex I of FMT Note 2013-1 rev) required for ER Program implementation.

Current main challenges include lifting these six conditions of effectiveness listed above. There is need of ground work and extensive consultations with beneficiaries including local communities, indigenous communities and the private sector in order to finalize the BSP; the operationalization of REDD+ tools; revision of the REDD+ Homologation Decree to ensure effective onboarding of REDD+ investments and alignment with the BSP; and engagement with stakeholders and strengthening their capacity on REDD+ tools and frameworks.

D. Environmental and Social Overview

D.1. Project location(s) and salient characteristics relevant to the ES assessment [geographic, environmental, social]

The proposed project will finance meeting the conditions of effectiveness and operationalization of the signed Emission Reductions Payment Agreement (ERPA), between the Bank and the Congolese government, under the Mai Ndombe ER Programme. The location where most of the activities supported by this grant is likely to be carried out is Kinshasa, although the technical assistance (TA) will support some activities that are to be carried out more broadly in Mai Ndombe province, where the Mai Ndombe Emissions Reduction Program is implemented, on an area of 12.3 million hectares, including 9.8 million hectares of forest. Local communities living in this area practice : (i) slash-and-burn agriculture, (ii) charcoal production, massive amounts of which are transported from Mai Ndombe to supply the greater Kinshasa area; and (iii) the legal and illegal exploitation of forests for lumber. The Mai Ndombe province has also some villages inhabited by Indigenous Peoples who might also be concerned by the Benefit Sharing process.

D. 2. Borrower’s Institutional Capacity

Environmental and social matters of this Grant will be handled by the Coordination Unit of the Forest Investment Program (FIP-CU), which also manages the Improved Forested Landscape Management Project (IFLMP, P128887). The FIP-CU has experience applying Bank safeguards policies through managing several projects funded by the World



Bank. Main functions of the FIP-CU include, among others, the monitoring of proper project implementation, including safeguards implementation, and fulfillment of the project’s monitoring and reporting requirements. FONAREDD will also have two safeguard specialists in their team to ensure implementation of national REDD+ safeguards standards. However, FIP-CU does not have experience in implementing Bank financed projects under the new Environmental and Social Framework (ESF). Capacity building will be carried out, including capacity building of the FIP-CU's safeguard specialist who provides support in monitoring the implementation of environmental and social performance standards and safeguards requirements. Capacity building will focus among others on the preparation and implementation of instruments required under the new ESF: the Environmental and Social Commitment Plan (ESCP), and the Stakeholder Engagement Plan (SEP).

II. SCREENING OF POTENTIAL ENVIRONMENTAL AND SOCIAL (ES) RISKS AND IMPACTS

A. Environmental and Social Risk Classification (ESRC)

Moderate

Environmental Risk Rating

Moderate

Environmental risk rating is classified as moderate. The project includes no physical works. The project is TA and directly finances salaries for activities to support meeting conditions of effectiveness for the ERPA under the existing Mai Ndombe Emissions Reductions Program (P160320), including training and capacity building. Potential adverse risks to and impacts on human populations and/or the environment, including occupational health and safety, related to project activities are anticipated to be minimal or negligible.” The outcome of this TA does facilitate Environmental and Social risks and impacts that must be managed consistent with Bank E&S requirements. However, these risks and impacts are already being managed in accordance with Bank safeguard policies through the existing Mai Ndombe Emissions Reductions Program (P160320), a Category B project under implementation that this TA is designed to support and the environmental risk rating reflects this risk.

Social Risk Rating

Moderate

Social risk rating is moderate. Several of the project technical assistance activities involve due consideration of Indigenous People's rights and issues and a careful design of consultation and stakeholder engagement. The project involves Indigenous Peoples dwelling in the Mai-Ndombe Province as well as their representative platforms at the national level, while the carbon mitigation activities embrace, among other things, the finalization of the Benefit Sharing Plan with Indigenous Peoples and forest dependent/rural communities and the iterative engagement of indigenous and rural stakeholders at the local level. A participatory process, including relevant stakeholders at the local level, has supported the design of the advanced draft of the Benefit Sharing Plan. Appropriate mitigation measures need to be put in place to make sure these activities duly take into consideration indigenous and forest dependent/rural communities' specific context in a country with weak governance and frequent minimal State presence at the rural level, and the distinct vulnerability scenarios among the indigenous peoples and forest dependent/rural communities and their specific concerns and priorities. Complaints might be expected from some stakeholders (National or international non governmental organizations), especially regarding the consultation, participatory and benefit-sharing process during the implementation of activities. The risks and impacts noted above are already being managed in accordance with the Bank’s safeguard policies through the existing Mai Ndombe ER program (P160320), the Improved Forested Landscape Management Project (IFLMP, P128887) and its related Additional Financings (AF) Mai Ndombe REDD+ Integrated Project under the Central African Forest Initiative (CAFI)

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(P162837) and IFLMP GEF AF (P160182). Project-related grievances for this project will be dealt with through a Feedback and Grievance Redress Mechanism (FGRM), which will be included as part of the Stakeholder Engagement Plan (SEP).

B. Environment and Social Standards (ESSs) that Apply to the Activities Being Considered

B.1. General Assessment

ESS1 Assessment and Management of Environmental and Social Risks and Impacts

Overview of the relevance of the Standard for the Project:

Project screening included review of the Project Initiation Note. Environmental risks related to the TA activities are anticipated to be negligible. Activities to be financed will cover: workshops; institutional support for central and provincial authorities on REDD+ tools and frameworks; operationalization of working groups on homologation Decree revision; legal study, as well as project management by the FIP Coordination Unit (FIP-CU). No further environmental assessment has been determined necessary following screening and initial scoping, as the project is likely to have minimal or no adverse environmental risks and impacts. Any risks or impacts related to the TA outputs will be managed in accordance with World Bank safeguards policies through the implementation of the safeguard instruments prepared for the Mai Ndombe Emissions Reductions program (P160320), the Improved Forested Landscape Management Project (IFLMP, P128887) and its related Additional Financings (AF) Mai Ndombe REDD+ Integrated Project under the Central African Forest Initiative (CAFI) (P162837) and IFLMP GEF AF (P160182).

Areas where “Use of Borrower Framework” is being considered:

The project does not propose to rely on the Borrower's E&S Framework.

ESS10 Stakeholder Engagement and Information Disclosure

Stakeholders for this project include (but are not limited to) the beneficiaries of the grant, who are a large group of actors who are involved in the REDD+ since the readiness phase: technical agents of different ministries (environment, agriculture, finance), representative of non governmental organization (national and international) including IPs organizations at the national and local levels, universities, private sector. Other stakeholder groups include forest dependent communities on the ground, Indigenous Peoples, rural women and other potentially vulnerable groups. Stakeholder engagement is a critical tool for social and environmental risk management, project sustainability and success. In consultation with the Bank, the client will prepare, consult upon, and implement an inclusive Stakeholder Engagement Plan (SEP) proportional to the nature and scale of the project and associated risks and impacts. The Plan will pay attention to the identification of vulnerable groups, particularly forest dependent communities and indigenous and rural women, and will facilitate and monitor their participation in the process. The SEP will also identify the way by which Indigenous Peoples will participate in the relevant activities' design and implementation in coordination with the DGM-financed Forest Dependent Community Support Project (P149049), which is already developing consultation activities. In this regard, the Project will also benefit from the foregoing involvement of civil society and Indigenous Peoples' platforms in the REDD+ process. The SEP will include a Feedback and Grievance Redress Mechanism (FGRM) that will be set up with related communications channels and tools. As part of the environmental and social assessment the Borrower will maintain and disclose a documented record of stakeholder engagement, including a description of the stakeholders consulted, a summary of the feedback received



and a brief explanation of how the feedback was taken into account, or the reasons why it was not. The draft SEP will be prepared for the Appraisal stage ESRS .

B.2. Specific Risks and Impacts

A brief description of the potential environmental and social risks and impacts relevant to the Project.

ESS2 Labor and Working Conditions

Risks and impacts related to ESS2 were screened with minimal to no expected adverse risks or impacts related to labor and working conditions. Based on the current concept, the proposed project will be implemented by direct workers (consultants working on a daily basis within the FIP-CU) and contracted workers (including the firm responsible for the design of the transactional registry, and the law firm in charge of the review of the legal framework). The FIP-CU Project Implementation Manual for the existing project should document the organization's labor management procedures, including relevant requirements related to terms and conditions of employment (in case consultants are needed), nondiscrimination and equal employment, worker's organizations, protecting the workforce, and grievances and appeals processes consistent with the requirements of ESS2, including health and safety of staff, and will be updated prior to project implementation if additional labor protections are needed.

ESS3 Resource Efficiency and Pollution Prevention and Management

This ESS is not relevant for the Project as risks and impacts related to resource efficiency and pollution prevention and management are determined to be negligible. Any risk or impacts related to TA outputs that may arise under ESS 3 will be managed under the implementation of safeguard instruments prepared for the Mai-Ndombe ER Program (P160320), the Improved Forested Landscape Management Project (IFLMP, P128887), Mai Ndombe REDD+ Integrated Project under CAFI (P162837) and IFLMP GEF AF (P160182).

ESS4 Community Health and Safety

Risks and impacts related to community health, safety and security stemming from this project are generally determined to be negligible. Under the Mai Ndombe ER Program, the project will pay attention to identify dedicated entry points for GRM and service delivery and community campaigns that are accessible to indigenous women, girls, men and boys, especially in Mai Ndombe, where the project safeguards instruments identified a high vulnerability of indigenous women to Gender-based Violence (GBV). The IFLMP project is currently developing and preparing to implement a GBV Action Plan for its project zone. A project-level service mapping will involve a deeper investigation into the GBV services currently accessible in each area where project activities are carried out, and will also involve gathering information from community members, civil society organizations, or local service providers (such as health workers or relais communitaires) to understand GBV service availability at the local level. In addition, the project will review and document the existing GRM for both communities and workers, suggesting the needed adaptations to ensure it is safe and ethical to file complaints of Sexual Exploitation (SEA) and Sexual Harassment.

ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement



Land acquisition leading to economic or physical displacement is not expected under the implementation of this project but it could have implications for land tenure arrangements. The land tenure analysis of the Emissions Reduction Program Document (ER-PD) highlights the program zone and includes both formalized and informal land-holdings and resource rights. Forest dependent/rural and indigenous communities uphold mostly informal customary land rights, which revolve around clan structures. Nevertheless, customary rights are increasingly contested in rural areas. This vulnerability has the potential of negatively impacting customary land tenure and resource rights of indigenous and rural communities. In addition, according to the Social and Environmental risks and mitigation analysis of the ER-PD (Annex 12), increased land conflict due to valorization of lands which were previously unused (savannahs) is also a social risk that can be facilitated by the ER-Program. One of the key mitigation measures foreseen to address these risks is participatory mapping work/ local land-use plan in order to identify agricultural or forestry development zones. Under the IFLMP (P12887) project, the sound design of consultation processes and respect of the FPIC process, particularly if linked to participatory mapping, is central. The Emissions Reduction Program (P160320) implementation relies on a Resettlement Policy Framework and a Process Framework prepared for the National REDD+ Strategy. The IFLMP, currently under implementation, has extended its activities to cover all the Mai Ndombe province. As a result, on November 2018 its Process Framework was updated to include the Tumba-Lediima Reserve. The southern part of the Tumba-Lediima Reserve is in the Mai Ndombe province and is an integral part of the Emissions Reduction Program of Mai Ndombe.

Any additional risk or impacts related to TA outputs that may arise under ESS 5 for this project will be managed under the implementation of safeguard instruments prepared for the Mai-Ndombe ER Program (P160320), the IFLMP (P128887), Mai Ndombe REDD+ Integrated Project under CAFI (P162837) and IFLMP GEF AF (P160182).

ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources

Any additional risk or impacts related to TA outputs that may arise under ESS 6 for this project will be managed under the implementation of safeguard instruments prepared for the the IFLMP (P128887), Mai Ndombe REDD+ Integrated Project under CAFI (P162837) and IFLMP GEF AF (P160182).

ESS7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities

The project's foreseen activities involve Indigenous Peoples (IPs) as defined under ESS7 and apply directly, as the project will support engagement with IPs, and indirectly in that the TA will influence how the ER Program engages with IPs. The ER Program (P160320) relies on the Indigenous Peoples Planning Framework prepared for the National REDD+ Strategy. The IPPF considered that some investments leading to emissions reductions payments could have an adverse impact on Indigenous Peoples' lands and livelihoods. Specific Indigenous Peoples Plans (IPPs) will be prepared and implemented under the ER-Program, as required under individual projects. Various subprojects also embrace a learning purpose and should help ensure that future ERPA benefits and benefits from other REDD+ projects accrue directly to communities during ER implementation (some 177 villages, of which 39 are exclusively IP, and the others mixed). The IFLMP, financed by a \$36.9 million grant from the Forest Investment Program (FIP) and complemented by additional financings from the GEF (\$6.21 million) and CAFI (\$18.22 million), prepared and disclosed an updated Indigenous Peoples Plan. The involvement of Indigenous Peoples' own participatory structures will be respected as indicated under the section targeting ESS10. Consultations with Indigenous Peoples are being prepared and will be implemented in close coordination with the DGM-financed Forest Dependent Community



Support Project (P149049) led by an Indigenous Peoples’ steering committee and the NGO Caritas. Indigenous Peoples (IPs) make up about 3% of the population of the province, representing about 45,000 individuals. Moreover, the ERPD foresees the implementation of Free, Prior and Informed Consent (FPIC) in certain sectoral activities that will be initiated through the establishment of local sustainable development plans designed at village level and validated by sector/chiefdoms, territories and subsequently the province.

ESS8 Cultural Heritage

Risks or impacts to cultural heritage are not expected as a result of the implementation of this project. Impacts related to TA outputs that may arise under ESS8 will be managed under the implementation of the Mai Ndombe ER Program (P160320), IFLMP (P128887), Mai Ndombe REDD+ Integrated Project under CAFI (P162837) and IFLMP GEF AF (P160182), and according to the prepared Physical Cultural Heritage Management Plan.

ESS9 Financial Intermediaries

This ESS is not relevant since the project activities will not involve any financial intermediaries

B.3 Other Relevant Project Risks

No other relevant risks specific to this project have been identified apart from the ones listed elsewhere in this ESRS.

C. Legal Operational Policies that Apply

OP 7.50 Projects on International Waterways No

The Grant will not finance activities related to International waterways

OP 7.60 Projects in Disputed Areas No

The Grant will not involve disputed areas

III. WORLD BANK ENVIRONMENTAL AND SOCIAL DUE DILIGENCE

A. Is a common approach being considered? No

Financing Partners

Not applicable.

B. Proposed Measures, Actions and Timing (Borrower’s commitments)

Actions to be completed prior to Bank Board Approval:

The FIP-CU will prepare, with Bank support : draft ESCP, and SEP for Appraisal, which will be finalized by Bank Board Approval. The ESCP will be annexed to the FA (in English).

Possible issues to be addressed in the Borrower Environmental and Social Commitment Plan (ESCP):

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Implement the GRM and promptly notify the Bank of any complaints received.

Ensure that a project implementation manual exists and is consistent with the requirements of ESS2. Notify the Bank of any material changes to the Staff Regulations, Rules and Instructions applicable to PIU's staff .

C. Timing

Tentative target date for preparing the Appraisal Stage ESRS

20-Jun-2019

IV. CONTACT POINTS

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Borrower/Client/Recipient

Borrower: Ministry of Environment and Sustainable Development (MESD)

Implementing Agency(ies)

Implementing Agency: Coordination Unit of the Forest Investment Program (CU-FIP)

V. FOR MORE INFORMATION CONTACT

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VI. APPROVAL

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