

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY



Ministry of Public Works and Transport (MPWT)
The Department of Road (DoR) and
The Public Works and Transport Research Institute (PTRI)

Annexes
Environmental and Social Management Framework (ESMF)

Lao Road Sector Project 2 Additional Financing
(LRSP2-AF)

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ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank	Km	Kilometers
AF	Additional Financing	LFNC	Lao Front for National Construction
ARAP	Abbreviated Resettlement Action Plan	LRSP	Lao Road Sector Project
ASEAN	Association of South East Asian Nations	LRSP-2	Lao Road Sector Project 2
AWPB	Annual Work Plan and Budget	LWU	Lao Women Union
BKX	Bolikhamxay Province	MAF	Ministry of Agriculture and Forestry
CoC	Code of conduct on gender-based violence and violence against children	MCIT	Ministry of Cultural, Information and Tourism
DCCM	Department of Climate Change Management	MEM	Ministry of Energy and Mine
DNEP	Department of Natural Resources and Environmental Policy	MoH	Ministry of Health
DOF	Department of Forest	MoF	Ministry of Finance
DONRE	District Office of Natural Resources and Environment	MoNRE	Ministry of Natural Resources and Environment
DoR	Department of Roads	MPI	Ministry of Public Investment
DoT	Department of Transport	MPWT	Ministry of Public Works and Transport
DPI	Department of Planning and Investment	NBCA	National Biodiversity Conservation Areas
DPWT	Provincial Department of Public Works and Transport	NDF	Nordic Development Fund
DRC	District Resettlement Committee	NGOs	None Government Organizations
EA	Environmental Assessment	NPA	National Protected Areas
ECC	Environmental Compliance Certificate	NPFA	National Protection Forest Area
ECOP	Environmental Code of Practice	NR	National Road
EDPD/PT RI	Environmental Research and Disaster Provension Division of PTRI	NTFP	None Timber Forest Products
EG	Ethnic Groups	OP/BP	Operation Policy/Bank Procedure
EGEF	Ethnic Groups Enagement Framework	OLFNC	District Office of Lao Front for National Construction
EGDP	Ethnic Groups Development Plan	OPWT	District Office of Public Works and Transport
ESHS	Environmental and Social Health and Safety	ODX	Oudomxay Province
ESHSG	Environmental and Social Health and Safety Guideline	PBC	Performance-based contract
EIB	European Investment Bank	PCR	Physical Culture Resources
ESMF	Environmental and Social Management Framework	PONRE	Provincial Office of Natural Resources and Environment
ESMP	Environmental and Social Management Plan	PRC	Provincial Resettlement Committee
ESIA	Environment and Social Impact Assessment	PROMMS	Provincial Road Asset Management Systems
ESOM	Environmental and Social Operations Manual		
ESU	Environmental and Social Unit	PSL	Phongsali Province
GoL	Government of Lao People's Democratic Republic	PTRI	Public Works and Transport Research Institute
GRC	Grievance Redress Committee	RAP	Resettlement Action Plan
GRM	Grievance Redress Mechanism	RMF	Road Maintenance Fund
GRMS	Grievance Redress Mechanism Services	RMS	Road Management System
IDA	International Development Association (or the WB)	RoW	Right of ways
IEE	Initial Environmental Examination	RPF	Resettlement Policy Framework
INDC	Intended Nationally Determined Contribution	SA	Social Assessment

IUCN	International Union for Conservation of Nature and Natural Resources	SCWG	Safeguard Coordination Work Group
JBIC	Japan Bank for International Cooperation	SMMP	Social Management and Monitoring Plan
SIA	Social Impact Assessment	VRC	Village Resettlement Committee
SOP	Standard operating procedures	WB	World Bank
TA	Technical assistance	WBG	World Bank Group
ToR	Terms of Reference	XBL	Xayabouly province
UNCBD	United Nations Convention on Biological Diversity	XK	Xieng Khouang province
UXO	Unexploded Ordnance		

1 ANNEX A: POLICY, LEGAL AND INSTITUTIONAL SETTING

1. **National Laws and Regulations:** In Lao PDR, there are a range of laws and regulations governing and regulating the utilization and management of natural resources management (land, forest, water, aquatic and wildlife, etc.) established in late 1990's and many of these legislation have been updated and/or revised. The Environmental Protection Law (EPL) established in 1999 and revised in 2012, describes the principles, regulations and measures for managing, monitoring, restoring, and protecting the environment including the pollution control and the impact assessment processes. The Environment Impact Assessment (EIA) and an Initial Environmental Examination (IEE) Instructions which were established in late 2013 and the new EIA decree prepared to supersede the above instructions was approved by the Prime Minister in January 2019. MoNRE is the lead ministry responsible for implementation of the EPL and its regulations and/or guidelines.
2. The following highlights key regulations related to EIA/IEE process and pollution control:
 - *MoNRE regulation on ESIA and IEE (17 December 2013).* These regulation have been overruled by the new EIA decree issued in early 2019 (Decree 21/GoL). The new EIA decree describes the EIA/IEE processes and requirements regarding the preparation and submission of an ESIA and IEE reports including the Environment and Social Management Plan (ESMP). The Department of Natural Resources and Environment Policy (DNEP) is responsible for review of the ESIA report and make recommendation for the issuance of an Environmental Compliance Certificate (ECC)¹ while the Natural Resources and Environmental Inspection Office (NEIO) is responsible for undertaking compliance monitoring. The Provincial Department of Natural Resources and Environment (PoNRE) is responsible for review, issuance of ECC, and monitoring of project that require an IEE. A regulation on the list of projects requiring EIA or IEE (see *Box 1*) is being reviewed and updated. In addition, MoNRE has established a number of guidelines for the preparation of EIA, SIA, and IEE report including the public involvement in the EIA and IEE processes. The Compensation and Resettlement Decree (2005) was also revised in early 2016 (Decree 84/PM) and is being reviewed in light of the new law on landscape allocation and occupation (2018).

Box 1 GoL ESIA and IEE regulations related to road investment	
Group 1: IEE	Group 2: ESIA
4.1 Land filling of ponds, canals, drainages that may cause public damage	4.11 Construction of new road (all size and types)
4.12 Upgrading or rehabilitation of roads (all types)	

- **Pollution Control:** The Decree on National Environmental Standards (amended 2017) defines types, areas, and nature of pollution control from point sources and non-point

¹ The ECC will be issued by the Minister of MoNRE

sources as well as from emergency situations, including environmental standards (effluent and ambient). The project developments will be required to obtain the pollution control permit as described in the ministerial regulations which will be established by MoNRE. Article 10 determines the National Surface Water Quality Standards for 5 different classes of waterways. Article 11 determines the groundwater quality standards and Article 14 determines the effluent limit values for different activities. The Pollution Control Department (PCD) of MoNRE and the respective unit at the provincial and district levels will be responsible for overseeing the implementation and monitoring of the decree/regulations. PCD is also responsible for management of the ozone depleting substance (per the Montreal Protocol) and be the focal point for the Great Mekong Sub-region program (funded by ADB). A number of regulations and technical guidelines are being prepared.

3. On social safeguard key regulations are as follows:

- *Decree on Compensation and Resettlement of People Affected by Development Projects (Decree 84, 2016)*: This Decree defines principles, rules, and measures to mitigate adverse social impacts and to compensate damages that result from involuntary acquisition or repossession of land and fixed or movable assets, including changes in land use, restriction of access to community or natural resources affecting community livelihood and income sources. This Decree aims to ensure that project affected people are compensated and assisted to improve or maintain their pre-project incomes and living standards and are not worse off than they would have been without the project. The provisions will be applied during the preparation and implementation of the social impacts assessment (SIA), the social impact mitigation and monitoring plan, and/or the resettlement action plan (RAP). Technical Guideline for this Decree is being prepared and expected to be approved and launched before the end of 2019. While DNEP is responsible for review and approval of the SIA with consent from the province, the province under supervision of the Provincial Resettlement Committee (PRC) is responsible for overseeing the implementation of the Decree which will be carried out by the project owner. Discussion is underway on whether this Decree will be superseded by the new Law on Resettlement and Livelihood launched in August 2018 or will be revised in line with the new law, which is discussed in the below paragraph.
- Key articles of relevance to the Project's resettlement are as follows: Article 6 - Compensation principles state that before compensation, a joint committee will be established to assess loss to Project Affected Persons (PAPs). PAPs will be entitled to compensation for structures at replacement cost, compensation will be payable for losses of income due to the project, and those without documented legal title will still be entitled to compensation for lost structures and other support so as not to be negatively impacted. Article 6 - paragraph 6. States that PAPs including ethnic minorities who are living in rural or remote areas, who do not have any legal Land Use Certificate or any other acceptable proof indicating land use right to the affected land and assets they occupy shall be compensated for their lost rights to use land and for their other assets at replacement cost and provided additional assistance to ensure that they are not worse-off due to the project. PAPs in urban areas, who do not have any legal Land Use Certificate or any other acceptable proof indicating land use right to the affected land and assets they occupy and

who have no land at other places will be compensated for their lost rights to use land and for their other assets at replacement cost and other additional assistance to ensure they are not worse off due to the project. Article 8 - entitlement to economic rehabilitation measures if more than 20% of income-generating assets are lost due to a development project. Article 11 - voluntary donation of land by PAPs is only acceptable if the impact on their income generation is not significant (less than 20% reduction), no physical displacement is caused, and APs are fully aware of their entitlements before relinquishing them. Article 11 - project proponents will define mitigations measures and socioeconomic benefits to improve the status of ethnic communities which will be developed in consultation with the communities and in harmony with their cultural preferences. Article 17 of the Decree - requires a separate section on indigenous people's issues and mitigation measures in the RAP. Where impacts on ethnic peoples are more significant an Ethnic Groups Development Plan (EGDP) will be prepared. The decree and its guidelines rectify key areas of the Land Law which would prevent informal land users from any eligibility, and also sets a clear definition of the "reasonable compensation" mentioned in the Land Law and determines these as replacement cost.

- *The new Law on Resettlement and Occupation (2018)* was promulgated and effective. The law, which applies for both government and private sector development projects aims to define, regulate, manage and monitor resettlement and livelihood for Lao population of all ethnic groups to ensure that those who are in areas identified for resettlement and livelihood are provided with stabilized residential and production land and occupation with ultimate goals to address illegal relocation, eliminate poverty, improve livelihood, security and social order, develop small villages into rural small towns contributing to national socio-economic development and national security. Article 22.1 also states that people affected by settlement and livelihood program (governed under this law) will be provided with compensation for land and assets lost at a replacement cost, providing that she/he has official land (use or title) documents. The Article 22.4 recognizes customary land use that if certified by the local authority and concerned sector, the affected person is eligible for compensation as specified in the above Article. Article 22.5 discusses that in event if person affected by settlement and livelihood program does not have official land (use or title) document, she/he will not be provided with compensation for the land lost (acquired) but assets (structures, trees and crops) located on the land parcel acquired.
- The 1992 ethnic policy, *Resolution of the Party Central Organization concerning Ethnic Affairs in the new Era*, focuses on gradually improving the living conditions of the ethnic communities, while promoting their ethnic identity and cultural heritage. The general policy of the Party concerning the ethnic communities include: Build National Sentiment (national identity); Realize Equality among ethnic communities; Increase the Solidarity Level among ethnic communities as members of the greater Lao family; Resolve Problems of Inflexible and Harmful thinking, as well as economic and cultural Inequality; Improve the living Conditions of the ethnic communities step by step; Expand, to the greatest extent possible, the good and beautiful Heritage and ethnic Identity of each group as well as their Capacity to participate in the affairs of the nation. The Project may involve minor or temporary land acquisition for road maintenance work in some areas where ethnic minority groups or communities reside. No major loss of land is anticipated because the work will be carried out within existing roads and may involve minor realignments without expansion, which may affect trees and other roadside private assets. However, a separate Ethnic Group Development Framework (EGDF) is designed and applied under the LRSP2

to ensure that the ethnic groups are not adversely affected and their livelihood is not worst off as a result of project implementation.

- *On ethnic groups*², in Lao PDR the term ethnic groups (EG) is used to characterize a variety of cultural groups. Constitutionally, Laos is recognized as a multi-ethnic society and Article 8 of the 1991 Constitution states that “All ethnic groups have the right to preserve their own traditions and culture, and those of the Nation. Discrimination between ethnic groups is forbidden”. The 1992 Part policy on EG focuses on realizing equality between EG and gradually improving the lives of EG while promoting their ethnic identity and cultural heritage. The Lao Front for National Construction (LFNC) introduced an official ethnic classification into forty nine main groups comprising four ethno-linguistic families, namely the Tai-Kadai, the Mon-Khmer, the Tibeto-Burmese, and Hmong-Mien which are distributed from the north to the south of the country. Out of the four regions the north has the highest number of districts with ethnic groups comprising about 87% of the region population while the east has the second highest number of 69% and followed by the southern and central regions, each of which have ethnic populations of about 50%³. *Box 2* below summarizes the main characteristics associated with the four ethno-linguistic groups in Lao PDR⁴. In mid 2013, the LFNC established the national guideline for Consultation with Ethnic Groups.

Box 2: Main characteristics of ethnic groups in Lao PDR		
Ethno-Linguistic	Language Family	Summary Characteristics
Tai Kadai	Lao Phoutai	65% of the population, living mostly along the economically vibrant Mekong corridor along the Thai border or in Northern lowlands; settled cultivators or urban dwellers; migrated into Lao PDR since the 13 th century ; Buddhists.
Austroasiatic	Mon Khmer	24% of the population, living mainly in highland areas in the North and Central South, smaller groups (Khmou) live also in the Northern lowlands; the most diverse ethnic group and the first one to inhabit large areas of Lao PDR; animist and shifting cultivators; fairly assimilated due to hundreds of years of interaction with Lao-Tai, single communities live in isolation as hunter-gatherers.
Hmong – Mien	Hmong Yao	8% of the population, living mainly in mid- and upland areas in the North; Hmong is the largest subgroup; animist with strong ancestor cults, although many converted to Christianity; typically shifting cultivators, migrated to Lao PDR in the 19 th century.
Chinese – Tibetan	TibetoBurman	3% of the population, living mainly in poorly-connected upland areas in the North; animist and shifting cultivators; migrated to Lao PDR in the 19 th century.

4. Key regulations related to natural resources include:

²The official terminology for describing the diverse population of Lao PDR which was introduced with the 1991 Constitution, and it is considered equivalent to the definition described as the Indigenous Peoples according to OP/BP 4.10.

³ National Biodiversity Strategy to 2020 and Action Plan to 2010, 2004.

⁴Lao People's Democratic Republic: Northern Region Sustainable Livelihoods Development Project, Indigenous Peoples Development Plan, Document Stage: Final Project Number: 35297, August 2006, Prepared by the Government of Lao People's Democratic Republic for the Asian Development Bank (ADB), page 5 and NSC/CPI, ADB, SIDA and the World Bank, 2006

- *Forestry Law (24 December 2007)*. This law determines basic principles, regulations and measures on sustainable management, preservation, development, utilization and inspection of forest resources and forestland; promotion of regeneration and tree planting; and increase of forest resources in the country. The principles of the law aim to maintain balance of nature, making forest and forestland a stable source of resources, ensuring sustainable preservation of water sources, prevention of soil erosion and maintenance of soil quality, conserving plant and tree species, and wildlife for the purpose of environmental conservation and contribution to national socio-economic development (*Box 3*).
- *Wildlife Law (24 December 2007)*. This law determines principles, regulations and measures on wildlife and aquatic life in nature to promote the sustainable regeneration and utilization of wildlife and aquatic life, without any harmful impact on natural resources or habitats and to restrict anthropogenic pressure on decreasing species and the extinction of wildlife and aquatic life. The law outlines guidelines for managing, monitoring, conserving, protecting, developing and utilizing wildlife and aquatic life in a sustainable manner; to guarantee richness of ecological natural equilibrium systems, and to contribute to upgrading livelihoods for multi-ethnic people, which has the potential to develop and realize national social-economic goals.

Box 3: Classification of forest areas (2007)

- The Forest Law provides for three classes of forest: Conservation Forest, Protection Forest, and Production Forest. The first two are relevant to biodiversity conservation and watershed protection although individual regeneration forests could presumably, in time, be reclassified as protection or conservation forests. It is estimated that conservation and protection forests cover over 80,000 km² or about 76 per cent of forest area.
- The conservation forest is defined as: 'forest and forest land classified for the purpose of protecting and conserving animal species, nature and various other things which have historical, cultural, tourism, environmental, educational and scientific research value.' The protection forest is defined as: 'forest and forest land classified for the protection of watershed areas and the prevention of soil erosion. It also includes areas of forest land significant for national security, areas for protection against natural disaster and protection of the environment and other areas.' The conservation forests aims to maintaining biodiversity and natural forest and landscapes, 'for the development of national parks appropriate for tourism and scientific research.' It also provides for zoning into total protection zones, controlled use zones and corridor zones. The former would be closed to entry or harvesting of NTFP—plant or animal.
- The protected areas are classified as national (area more than 50,000 ha), provincial (5,000-50,000 ha), district (up to 5,000 ha). Three zones are: Totally Protected Zones; Controlled Use Zones; and Corridor Zones.

- *Regulation No. 0360 on Management of National Protected Areas, Aquatic Animals and Wildlife* (Ministry of Agriculture and Forestry, 2003). This regulation describes the zoning of national protected areas into core, managed, and corridor zones and specifies activities in these areas, prohibits hunting of all wildlife and aquatic animals in the core zone, prohibits trade in wildlife, and specifies that guns must be registered with special licenses. This regulation has been replaced by *the Decree on Protection Forest (No. 333 PM, dated 19/07/2010)* and *the Decree on Protected Area established in 2015 (No. 134/G, dated 13/05/2015)*. These decrees strengthen clarity and legal provisions on type and land use

categorization and zoning as well as authorities of agencies/units responsible for management of the protected area and protection forest at national, provincial, district, and village levels. The Department of Forest Resources and Management (DFRM) of MoNRE which was responsible from management of these areas has been integrated into the Department of Forest (DOF) of Ministry of Agriculture (MAF).

5. **Other related policy, regulations, and international agreements:** Lao PDR is a member of many international and regional conventions and/or agreement and has been playing an active role. *Box 4* summaries other related policies/strategies, laws, decrees, regulations, and guidelines related to natural resources and environment and related international agreements and/or conventions related to natural resources and environmental management.

Box 4 Other national policies, laws, regulations and international conventions

- *Lao Tiger National Action Plan 2010-2015*. The government of Lao PDR endorsed this plan as part of the Global Tiger Initiative to secure the tiger habitat in its network of national protected areas. Two out of five priority actions programmes to achieve long term strategic goals for tiger conservation, as outlined in the Summary National Tiger Recovery Program will be supported under this project and includes: establishing an inviolate core zone at NEPL NPA through law enforcement, outreach and education, land use planning, and capacity building; establishing and maintaining connectivity between the NEPL source site of tigers with other neighbouring tiger conservation landscapes; and by demarcating an established corridor and collaborating with other forest managers to create a connected forest landscape.
- *Land Law (21 November 2003)*. The objectives of the Land Law are to determine the management, protection and use of land to ensure efficiency and conformity with land-use objectives and with laws and regulations, and to contribute to national socio-economic development and the protection of the environment. Legislations on land and forestry are currently under revision in Lao PDR. The National Assembly has oversight over a process that will lead to a land policy followed by a land use master plan, and a revised land law. The current draft of the land policy provides recognition to customary land management rights, collective management and community management rights. The revised Land Law was passed by NA in June 2019, further edits are to be made before it can be signed by the President of NA and endorsed by the President expected in October 2019.
- *Law on Water and Water Resources (amended 2017)*. The law specifies that the Government is responsible for the prevention of adverse impacts from water and all acts that cause the depletion of water; water resources must be managed and used according to centralized, comprehensive and integrated management principles and according to the ‘allocation plan’ which gives individuals and organizations the right to use water. Article 4 defines rights, obligations, and procedures to gain approval for use of water resources. Article 18 stipulates that medium and large scale uses require feasibility studies, EIAs, and mitigation plans, before permission is granted for use of the resource. Article 22 stipulates that water resource development must be consistent with national and sector plans, must ensure preservation of the natural beauty of the resources, and must protect against harmful effects of water.
- *Law on Cultural, Historical and Natural Heritage (amended 2013)*: addresses a number of environmental protection issues. It states that socio-economic development shall proceed side by side with protection and conservation of the national heritage. It defines cultural, historical and natural heritage, noting that natural heritage may have scenic or ecological value. The Law also sets out zoning and measures for protection of heritage sites. Areas of national natural heritage shall be registered, especially those containing heritage of high value, such as biodiversity areas, conservation forests, wetlands, caves, and so on . Although it states that sources of biodiversity

which have national natural heritage, e.g. wetlands, ponds and marshes, shall be administered by inspection and registration, as proposed by the concerned sectors. It also sets out regulations for protection of national heritage, such as the need to obtain prior approval for development in any national natural heritage area from the Ministry of Information and Culture (MIC) and other concerned sectors.

- *Law on Hygiene, Prevention and Health Promotion (Amended 2011)*: focuses on controlling the elements of the environment which are dangerous or may be dangerous to the body, to mental health and social status of human (Article 2); promoting the investment in hygiene, prevention and health promotion (Article 5); community hygiene to be in place (Article 11); to ensure the building access to hygiene principles (Article 14); the care of working conditions for workers (Article 18); to ensure the cleanness of goods exposed, be far away from dirty sources, cemetery and rearing animal places (Article 22). All facilities to be in place particularly wastewater management, solid waste management systems and anti-fire management system.
- *ASEAN Agreement on the Conservation of Nature and Natural Resources (1985)*. Lao PDR as Party to this agreement has agreed on development planning, the sustainable use of species, conservation of genetic diversity, endangered species, forest resources, soil, water, air and address environmental degradation and pollution.
- *United Nations Convention on Biodiversity (CBD 1996)*. Under this convention, Lao PDR has agreed to conduct an Environmental Assessment of proposed development projects to minimize harmful effects.
- *Convention on International Trade in the Endangered Species of Fauna and Flora (CITES 2004)*. Provides an international umbrella for management and control of trade in endangered fauna and flora. Tiger is listed as CITES Appendix 1 species for which all international trade is prohibited.
- *United Nations Framework Convention on Climate Change (UNFCCC 1995)*. The Government of Lao PDR joined the global community to combat climate change by ratifying this Convention. As a developing country (non-Annex I), there is no requirement for Lao PDR to reduce its greenhouse gas emissions. The country also ratified the Kyoto Protocol in 2003 and thus may be eligible for involvement in carbon trading through a compliance market of the Clean Development Mechanism as well as the international voluntary greenhouse gas emission trading.
- *Ramsar Convention (1982)*. The GoL officially joined the Convention in 2010. Two wetlands of international importance have been designed as Ramsar sites as part of the accession process which are the Xe Champhone Wetlands in Savannakhet Province, and the BeungKiatNgong Wetlands in Champasak Province.

- **Road Law (2016)**: Road Law describes type of road works comprising construction of new road, road upgrading, road improvement, road rehabilitation, road maintenance, and emergency road works (see Box 5) and assign the responsibility for development and management of road networks to DoR and other agencies within MPWT including the provincial department of public works and transport (DPWT). The law is being revised taken into account the Government policy and the current institutional arrangement. The Road Law states that Ministry of Public works and Transport manages and uses the land for the road activity in conformity with the determination in the land law. Road width shall have the area consisting of the carriageway, shoulders, pathways, drainages, slope of road and Right of Way (Article 21,22,23,24). Within the Right of Way, it shall be banned all constructions and other activities. Article 30, 31 and 32 (new) states that conducting feasibility study of road construction,

maintenance and rehabilitation shall perform environmental impact assessment. Reasonable compensation must be paid to individuals whose land is expropriated for roads, relocation of replacement structures, and loss of trees and crops (Article 38 and 39); and it states that it is prohibited to construct within the road reserve (Article 38).

Box 5: Road types (2016)

- **Construction of new roads:** entirely new projects proposing the building/construction of a road on a new alignment (including major realignments of existing roads and bypasses). This type of project necessitates major land acquisition (for the corridor and associated work sites) and can also involve the removal of wide tracts of vegetation and habitats, and create a range of impacts on rivers and streams within the project area
- **Road upgrading:** changing an existing road to either upgrade its classification (under the Road Law) or to improve its alignment and traffic ability, e.g., changing a seasonal road to an all-weather road. This type of project can include alteration of the surface (from gravel to paved), widening the road (e.g., from two lanes to four lanes), widening intersections, minor realignments to improve general alignment or remove hazards (e.g., sharp corners or to improve sight distance). As most of the work or activities will likely take place outside of the existing right-of-way or road platform, land acquisition will be likely and environmental and social impacts will be associated with a narrower corridor of impact than for new roads
- **Road improvement:** this type of project generally involves improving road specifications with most of the work being done within the existing platform or right-of-way. Works include widening shoulders, adding passing lanes in steep areas, improving curves, and strengthening bridges. Additional land may be required, necessitating some land acquisition, and environmental and social impacts are likely to be limited
- **Road rehabilitation:** this type of project aims to bring existing but deteriorated roads up to a better standard or to their previous condition. Works include improving drainage, slopes, embankments and/or other structures; strengthening pavements; or resurfacing. As all or most of the work can be done on the existing platform, no additional land will be required (making land acquisition unlikely), and environmental and social impacts are likely to be limited
- **Road maintenance:** this type of project includes routine or periodic works and emergency road works aiming to maintain a road in working condition and includes patching potholes; clearing drains; and periodic works such as resurfacing, line marking, and bridge maintenance. All of the work is done on the existing road platform. Road maintenance divide the responsibility into two different level such as DOR/NRMP⁵ responsible for national road network and DPWT of all provinces district road and rural road.
- **Emergency road works:** this type of project is carried out after an emergency such as landslide or flooding has cut off the road and posed danger to traffic and aiming to restore the passability and safety of the emergency affected road. The emergency works usually involve removing the landslide, removing the sizable fallen rocks, opening temporary bypass, filling collapsed embankment, removing large fallen trees (with diameter over 30 centimetres), and repairing culverts. The DPWTs or NRMP are responsible for the environmental management of emergency works. In case that emergency works cause negative environmental impacts, the DPWTs or NRMP will be responsible for actions after the emergency to mitigate the impacts, by following the practices specified in the Regulations on Environmental Impact Assessment of Road Projects, either through force account or contracting to private contractors.

6. **National Institutional Arrangements:** MoNRE is the lead ministry responsible for ensuring effective implementation of the EPL and management and compliance monitoring of the EIA process. During 2016-2018 there were reorganization of MoNRE and other key ministries

⁵ This division has been separated into region 1, 2, 3, 4

including MPWT. At present (mid-2019), key institutions involved in natural resources and environment management, and road transport development are highlighted as follows:

- *MoNRE*: The ministry was established during 2011-2012. Since mid 2016, MoNRE is the lead agency responsible for effective management of natural resources and environment including water resources, land, and environmental quality including EIA process while the responsibilities related to forest resources, biodiversity, and minerals have been transferred back to the Ministry of Forestry (MOF) and Ministry of Energy and Mines (MEM). At present, MoNRE comprise 17 agencies⁶ including MoNRE is the lead ministry responsible for ensuring effective implementation of the EPL and management of the EIA process. In mid-2016, GOL decided to move DFRM to MAF and the Department of Geology and Minerals (DGM) back to MEM. As part of MoNRE internal reorganization, the Department of Environment and Social Impacts Assessment (DESIA) was replaced by the Department of Natural Resources and Environment (DNEP) and the Natural Resources and Environmental Inspection Office (NEIO). DNEP is responsible for ensuring effective management of EIA process including review of EIA/SIA reports and making recommendation (to MoNRE minister) to issue an ECC while NEIO is responsible for monitoring and inspection of ECC compliance. In addition to DNEP and NEIO, other key agencies include the PCD, DCCM and DEQP mentioned above, other key agencies include the Department of Water Resources (DWR), the Department of Meteorology and Hydrology (DMH), the Department of Land Management (DoLM), the Department of Land (DoL), and the Natural Resources and Environment Research Institute (NREI). DEQP is promoting Green, Clean, and Beautiful agenda using various policy and planning measures and/or other incentives and be the focal point for Global Environmental Fund (GEF) and Ramsar conventions. The technical and management capacity of these agencies remains weak due to limited number of qualified staff and with supports from international financing and/or donor agencies⁷, some technical assistance and capacity building activities to effectively fulfil their safeguard tasks. However, effective coordination among agencies and/or projects remains a challenge.
- *MPWT*: Ministry of Public Works and Transport is responsible for management of public works, urban development, and land and water transport including management of domestic water supply and sanitation in urban areas. It is relatively large and stable ministry and key agencies including the Department of Road (DoR), the Department of Waterways Transport, the Department of Urban Development, and the Public Works and Transport Institute (PTRI). DoR is responsible for road development and maintenance and technical divisions comprise the Project Management Division (PMD), 4 Regional Road Maintenance Projects (RRMP), and the Technical Division which is also responsible for planning and supervision of safeguards for road related activities. At provincial level, the provincial Department of Public Works and Transport (DPWT) is responsible for planning and implementation at provincial and local level including road maintenance. The

⁶ Including the Cabinet office, the Department of Internal Audit, the Department of Personnel and Organization (DPO), the Department of Planning and Coordination (DPC), the Natural Resources and Information Center, the Lao National Mekong Committee.

⁷ The key ones are the World Bank, IFC, Australia, ADB, the Mekong River Commission (MRC), Sweden, Finland, Germany, and UNDP.

Environment and Social Division of PTRI (ESD/PTRI) is responsible for establishment of safeguard procedure, supervision, and training of safeguard for MPWT.

- *Ministry of Agriculture and Forestry (MAF)*: MAF is responsible for ensuring effective management of agriculture, forests, and fisheries/aquaculture and it also went through a major reorganization during 2011-2012. It comprises many departments including the Department of Irrigation, the Department of Agriculture, the Department of Forest, the Department of Inspection, the Department of Fisheries, etc.
- *Mass Organizations*: The Lao Front for National Development (LFND) is a mass organization established to be responsible for promotion and protection of ethnic groups and their rights and interest in Lao PDR. It reports directly to the party and has established its own network at central and local level. Other mass organizations include the Lao Women's Union (LWU), the Labour Unions, and the Youth Groups.
- *The Provinces and Districts*: In addition to the central agencies, there are provincial departments/offices in all 18 provinces including those responsible for (a) Natural Resources and Environment (i.e. Provincial Office of Natural Resources and Environment or PONRE and District Office of Natural Resources and Environment or DONRE); (b) energy and mining (i.e. Provincial Department of Energy and Mines); (c) agriculture and forestry (i.e. Provincial Agriculture and Forestry Office or PAFO); (d) public works and transport (DPWT); and (e) other offices and mass organizations such as LFNC and LWU. PONRE is responsible for implementation of the IEE regulation and issuance of ECC.

7. **National Policy and Plan on Gender:** In Lao PDR, under the leadership of the Government Office and the Lao Women Union (LWU) gender issues has received priority attention and gender issue has been integrated into national policy and plans (Box 3.6)⁸. The Seventh Five-year National Socio-Economic Development Plan (NSED) (2011-2015) emphasized population policy, human capital development and elimination of all forms of violence against women and children. The NSED gender targets include *Governance* aiming at 20% of government core staff to be female; at least 15% of posts above level of district mayor held by women, and increase in % of female National Assembly members to more than 30%; *Sector Development* emphasizing the inclusion of women in sector and area development and planning; *Labor and Social Protection* working towards increasing women's participation in paid labor force to 40% and raised awareness on social hazards to 85% of women over age 15 on issues such as human trafficking; and *Human Resources Development* focusing on upgrading academic and technical knowledge of women. The target identified in the National Strategy for the Advancement of Women includes more than 35% increase in number of women in vocational and technical training in each sector, and 30% increase in women in political and governance studies, promotion of women's SMEs and economic leadership, increases in women's participation in planning and access to services. A National Commission for the Advancement of Women was established in 2003 to drive national policy and to promote gender equality and empower women and a National Strategy on the Advancement of Women for 2011-2015 was established.

⁸Country Gender Assessment for Lao PDR: Reducing Vulnerability and Increasing Opportunity, the World Bank and ADB, 2012.

2 ANNEX B: ROLES AND RESPONSIBILITIES ON SAFEGUARDS

- For Component 1: The Department of Road (DoR) will be responsible for ensuring that relevant safeguard requirements are included in the planning, design and bidding/contract documents and that the contractors are aware of this obligations and agreed that it is part of the subproject cost. The DOR will ensure that the subproject to be approved in the annual work plan for Project support has incorporated safeguard actions (safeguard screening, ESMP, EGDP, and/or RAP, etc.) as required under the ESMF. The EDPD/PTRI be responsible for the review of all safeguard screening forms and safeguard documents.
- DPWTs of the Project provinces (as the subproject owner) will be responsible for ensuring full compliance with all the safeguard activities outlined in the ESMF for the national, provincial and district road maintenance and ensure that all contractors are compliance with the safeguards requirements. DPWTs will ensure that the Environment and Social Unit (ESU) is active and responsible for (a) undertaking safeguard screening and maintaining proper record keeping, (b) ensuring that the environment code of practice (ECoP) and code of conduct on gender-based violence and violence against children (CoC) are included in the contract documents and that the contractors are aware of this obligations and agreed that it is part of the subproject cost, (c) conduct monthly monitoring of contractor performance and prepare a monitoring report to be submitted to EDPD/PTRI within 2 weeks after the end of the month. DPWT will also field engineer to be responsible for day-to-day supervision of safeguard activities as part of the road maintenance activities and include the safeguard performance in the subproject progress report.
- The Environment and Social Division of the Public Works and Transport Institute (EDPD/PTRI) will lead the implementation and supervision of the ESMF at the project level. The EDPD/PTRI will be responsible for ensuring that safeguards screening and safeguard monitoring is conducted by DPWT. The EDPD/PTRI will conduct biannual and annual safeguard monitoring on ESMF implementation and effectiveness of safeguard measures including provide training and conduct research activities necessary to improve effectiveness of safeguard measures (including monitoring reporting forms) for road maintenance. The annual monitoring reports and key findings from the research activities will be shared with DPWTs, the related DoR divisions, and WB.
- For Component 2, on the technical assistance (TA) to strengthen capacity of MPWT, DoR, and DPWT for the national road 13 south (NR13S), EDPD/PTRI will take the lead in the implementation of the capacity building program. The Department of Transport (DoT) will be responsible for implementation of the road safety program.
- For Component 4, the MPWT agencies or DPWT responsible for undertaking the road emergency works will be responsible for implementation of the activities per the Road Emergency Manual which will include safeguard measures during implementation. EDPD/PTRI will be responsible for undertaking a post audit report on safeguard measures and submit an audit report to WB.
- For Component 3, the agency responsible for overall Project management will also be responsible for incorporating safeguard monitoring report to WB.

3 ANNEX C: SECTOR BACKGROUND

1. This annex briefly provides background on the road sector

Road Sector and Climate Change Challenges

2. ***High natural disaster risks, financial constraints, and local capacity challenges:*** Lao PDR is one of the ASEAN region's most vulnerable countries to natural disasters. In 2009, Typhoon Ketsana resulted in estimated damages and losses of US\$58 million; in 2011, Typhoon Haima and Tropical Storm Nok-Ten caused damages of US\$66 million and US\$71.9 million, respectively; in 2013, a series of storms caused extensive flooding affecting 350,000 people in 12 provinces (out of a total of 18). Global and regional climate change projections suggest that natural disasters in Lao PDR are likely to intensify and increase in frequency. The Government recognizes the strong link between economic development, sustainability, and the need to mainstream environmental considerations including incorporating action on climate change into its development plans and efforts are being made to raise additional financing both from the public and private sectors. A Climate Change and Disaster Law is currently being developed with expected approval in 2017. The National Strategy on Climate Change (NSCC) was approved in early 2010, and climate change action plans for the period 2013-2020 have been prepared for key sectors, including transport. It is expected that the financial needs for implementing the mitigation and adaptation policies and actions identified in the NSCC would be about US\$ 2.4 billion.
3. Since the 2000s Lao PDR has progressively devolved administrative responsibilities to local levels. The decentralization policy mandates central government to focus on policy, financing, regulatory frameworks and oversight, while planning and implementation responsibilities are delegated to provinces and districts. The process is intended to help improve service delivery and respond to local needs. It has nonetheless faced important challenges, particularly weak monitoring and regulatory capacity at central level, inadequate technical and managerial capacities at local levels, and poor coordination between the two. These problems have had a negative impact on fiscal stability, with provincial investment expanding unchecked and becoming a heavy contributor to the growing government debt. Weak controls and limited public investment planning capacities at local levels have also affected the transport sector. The local transport infrastructure is particularly vulnerable as a result of low standards, lack of adequate maintenance, and inappropriate technical designs. Annually, approximately 30% of road maintenance budget is spent on emergency road repair. The importance of increased climate resilience for roads is now considered a potentially significant factor in reducing demand for emergency repair budget. However, the budget required to comprehensively address climate adaptation and strengthen the Lao road network exceeds by far available resources.
4. Innovative approaches are required to effectively and efficiently improve the climate resilience of the Lao local network, for example by focusing on the most vulnerable and important sections of the network. Prioritized back-strengthening of vulnerable road sections is a potential solution that could be adopted as a form of periodic maintenance. In 2008, the World Bank supported the establishment of a Road Management System for optimizing decision-making and planning at national and provincial levels (RMS and PROMMS, respectively), thereby making more efficient use of the RMF. The system provides data on existing roads,

their status, and routine and periodic maintenance needs. It does not provide data related to damage caused by natural disasters, nor does it support the identification of sections vulnerable to extreme weather. The capacity to identify and prioritize key road sections most vulnerable to climate threats is an essential tool to enhance this process.

5. At the institutional level, the sector faces important capacity gaps for the effective management of road assets. With the ongoing devolution of responsibilities, MPWT has progressively delegated tasks for maintenance of local roads to the Department of Public Works and Transport (DPWT) of each province. However, weak central capacities for monitoring and oversight, combined with the lack of policies and effective business processes to guide and enable provinces to undertake maintenance tasks, and insufficient technical and managerial capacities at local level remain major challenges. This has for example, limited the use and impact of PROMMS as provincial capacity for data collection and analysis remains weak.
6. Climate resilience adaptation remains a new concept and has not yet been integrated into road asset management practices, resulting in high costs for disaster recovery. Most of the main roads in Lao PDR were built with 8.2 tone of standard axle load, while ASEAN's minimum road standard is 9.1 tons. The main national roads, such as Road 13, 9, 3, 8, 7, and 12, which also serve transit transport, are heavily affected by overloading trucks. After neglecting overload control for some years and with the rapid deterioration of the road condition, the government realizes the need to reinstate and reinforce overloading control and is in the process to reinstall modern permanent weighing stations on national road 3, 9 and 13 and plans to scale it up to other roads later on. Road safety is another challenge and efforts are being made to address the issues sector wide.

Country Development Challenges

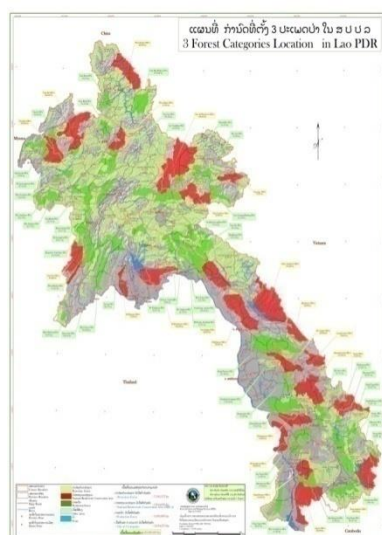
7. Lao PDR is one of the least developed countries in Southeast Asia and lies in the Indo-Burma Biodiversity hotspot. The country has considerable natural resources in forests, water resources, and minerals and these are significant for cultural development, environment protection, and economic development. Its forests cover about 40% of the country, the highest percentage in Southeast Asia, but the total area of forest has declined dramatically from 70% of the land area of 26.5 million hectares (ha) in 1940, to 49% in 1982, and to only 40% or about 9.5 million ha in 2010. Data on changes in forest cover suggest that during the 1990s the annual loss of forest cover was around 1.4% annually, giving an average annual loss of forest cover of about 134,000 ha. Efforts are being made to strengthen effectiveness of forest management including conservation of natural resources.
8. At present, the government has designated 20% of the country's land area as protected (including 21 national biodiversity conservation areas (NBCA), plus a number of provincial and district protected areas), and produced the Biodiversity Strategy to 2020. Around half of the NBCAs share a border with Viet Nam, Cambodia, Thailand or China, and a number of these form (or have the potential to be) trans-boundary protected areas. In 2010, there is a decree on protection forest area (PFA) defining the principles, the procedures, and the measures on the management of conservation and protection forests and the sustainable use of the protection forests/lands which are located in the areas of water resources, watershed areas, wetland forest and river bank's forests, road side forests, municipality or outskirts of city, sacred forests of villages and an area of about 8,200,000 ha has been assigned as the national protection forest

area (NPFA). In 2015, a new Decree on protected area has been established. Department of Forest (DOF) of MAF is the lead agency responsible for ensuring effective management of these areas.

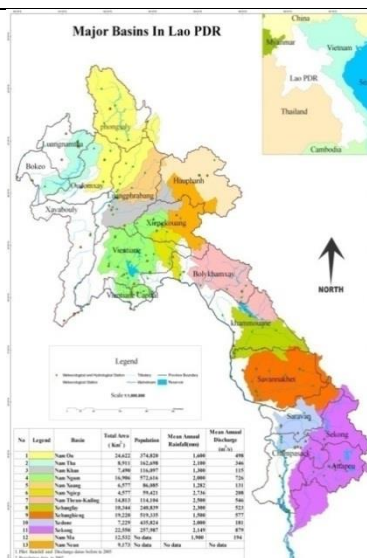
9. One of the key challenge is rapid development in the country especially hydropower and mining. It is the Government policy to ensure achievement of 8% annual growth rate by implementing a number of policy, legal, and institutional measures to promote hydropower development to become “*the battery of Asia*” as well as rapid development of urban development, industries, and infrastructure (especially road networks).
10. Map 1 presents locations of the three types of forests area as defined in the forestry law (NBCA, NPFA, and production forest) and locations of the river basins including the six Project provinces (Phongsaly, Houaphan, Xiengkhuang, Oudomxay, Bolikhamxay, and Xayabouly) while Map 2 shows locations of existing and planned road networks including those in the Project province. The country has made significant progress in becoming more integrated both internally and with the regional and international trading system. Lao PDR completed its accession to the World Trade Organization (WTO) in February 2013. The country is also a member of the Association of Southeast Asian Nations (ASEAN) Economic Community (AEC) established in December 2015, which is a milestone towards regional economic integration.

Map1: Locations and key features of Lao PDR

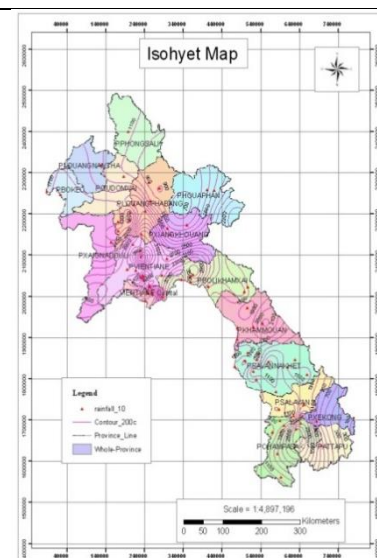
National Protected Areas (NPA or NCBA), the National Protection Forest Area (NPFA), and the production forest



River Basins in Lao PDR



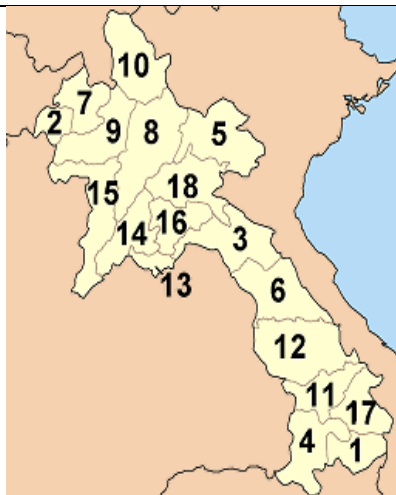
Rainfalls (isohyets Map)



Topography



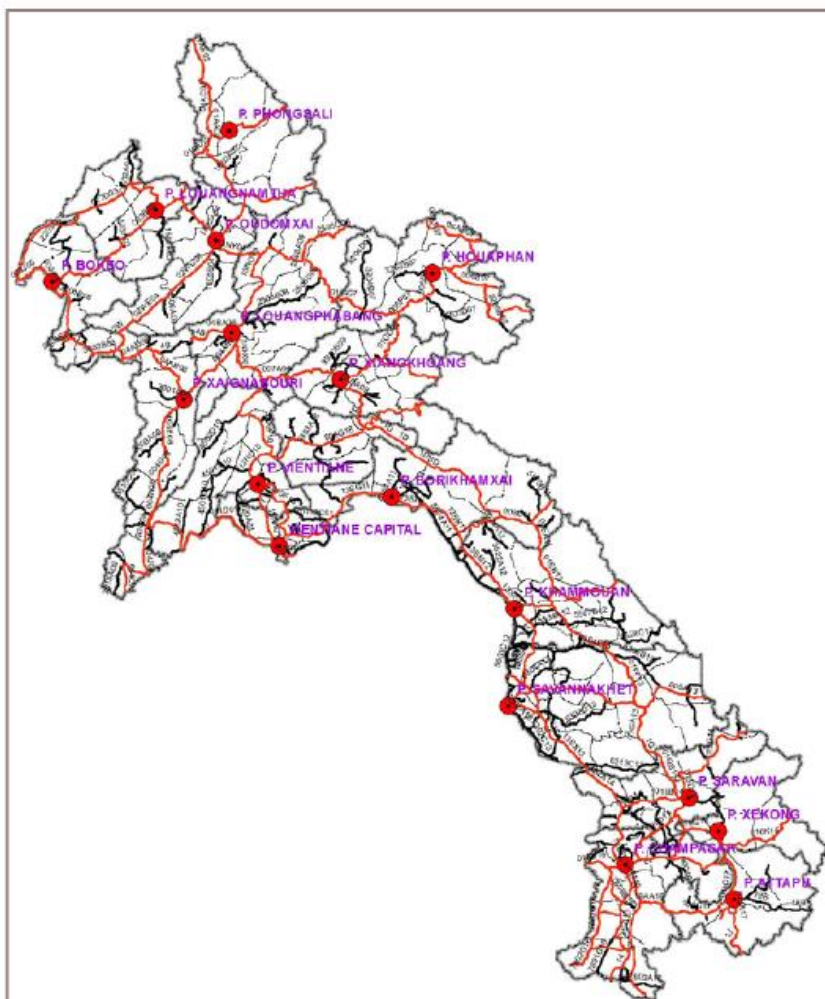
Provinces



The Project provinces

Bolikhamxay (BKX #3);
Xayabouly (XYB #15);
Phongsaly (PSL #10);
Oudomxay (ODX #8);
Houaphan (HP#15);
Xiangkhouang (XK #18);

Map 2: Road Network in Lao PDR



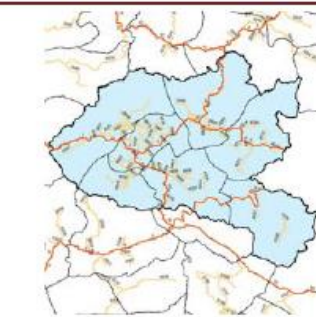
PHONGSALI PROVINCE



HOUAPHAN PROVINCE



OUDOMXAI PROVINCE



XIANGKHUANG PROVINCE



XAIGNABOURI
PROVINCE



BORIKHAMXAI
PROVINCE

Map 3 NR13S Project Location Maps



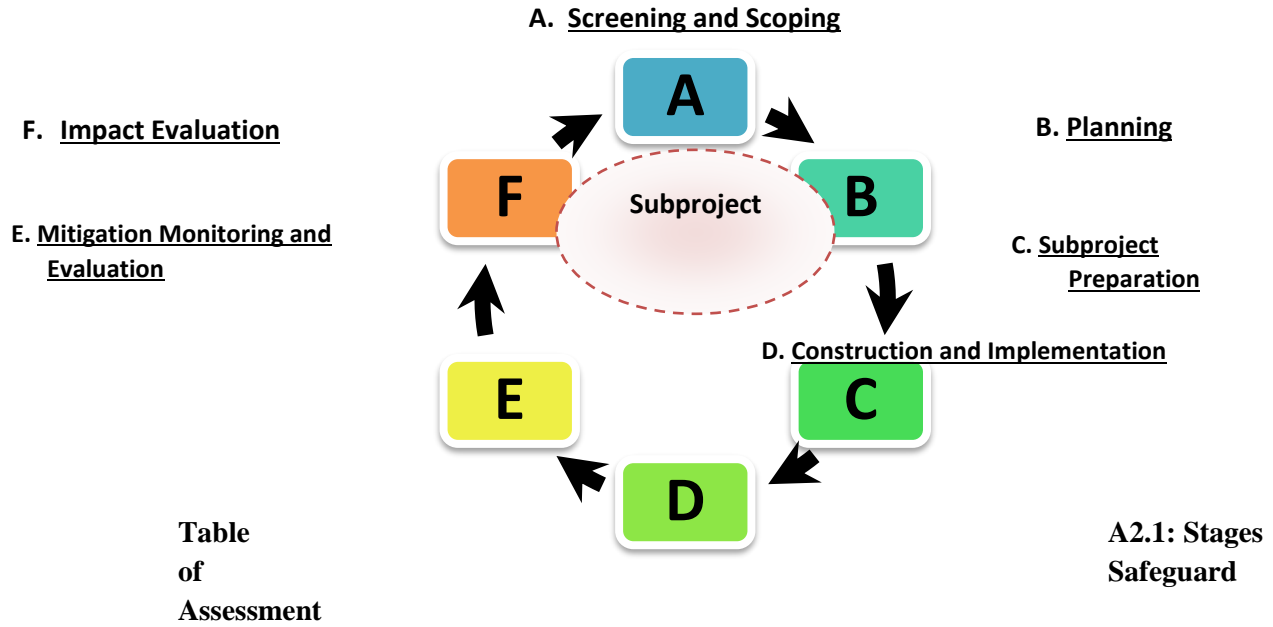
4 ANNEX D: SAFEGUARDS SCREENING

1. This annex presents the ineligible activity/subproject (Section D1) as well as the safeguard screening forms which have been described in the Environment and Social Operation Manual (ESOM) applicable for national, provincial and district road maintenance (Section D2). The provincial Department of Public Works and Transport (DPWT) the project provinces including those of the NR13S (BKX and KM) through its Environment and Social Unit (ESU/DPWT) is responsible for undertaking the screening and attach the screening result with the proposed subproject during the planning process (Stage A in Figure 1). The screening form will be reviewed and approved by the Environment Research and Disaster Prevention Division of the Public Works and Transport Institute (EDPD/PTRI) during the preparation of the ESMP of the province and the Alignment Sheet for the subproject (Stage B in Figure 1) The preparation of safeguard documents (IEE/ESMP, ECoP/CoC, EGDP, and/or RAP/ARAP) will also be prepared and submitted for approval by the EDPD/PTRI before contract signing (Stage C in Figure 1). EDPD/PTRI will provide technical guidance to DPWT and conduct six month and annual monitoring and reporting.
2. In line with ESOM and the eligible activities mentions above, EA category for the proposed subprojects along the NR13S will be categorized as Category B. Experiences from the safeguard implementation of LRSP2 confirms that road maintenance works involve Category B and C only. In addition, taking into account safeguard capacity at provincial and district level and available budget for road maintenance and spot improvement works, category A subproject are excluded from the project support by include in the negative list.

Subproject cycle and safeguards categorization and requirements

3. Main objective of this procedure is to determine appropriate EA category, safeguard policies trigger as well as safeguards instruments to be prepared for the proposed subproject. The project cycle and the safeguard checklist screening forms are adopted from those being used in ESOM being applied under the current second Lao Road Sector project (LRSP2) with some modifications to be practical and appropriate with the road maintenance works proposed under Component 1. Given the nature of the proposed works for LRSP2 which cover periodic maintenance subproject as well as routine maintenance using PBC contract, it has been agreed that an ESMP will be prepared for the province while an alignment sheet identifying safeguard actions for each specific location will be prepared for each subproject. This alignment sheet approach was used successfully during the implementation of the LRSP project. For the additional NR13 S subproject, preparation of the BKX ESMP will also cover related background from BKX to KM as well as the Alignment sheet for BKX to KM will be prepared.
4. ***The subproject cycle:*** In line with ESOM, the proposed road maintenance subproject will follow the general project cycle comprising: (i) reconnaissance; (ii) planning; (iii) project preparation; (iv) road maintenance; (v) mitigation monitoring; and (vi) impact evaluation (see Figure A2.1 and Table A2.1). Tables A2.2 and A2.3 presents key actions during the subproject cycle and criteria for categorization of the subprojects and safeguard requirements.

Figure 1: ESMF in the Stages of Subproject Investment Cycle



Assessment Stage	Questions to be Answered
1. SCREENING	Is an EA/SA required? What level of EA/SA is required? Will there be land acquisition and resettlement (LAR) impacts? What if the level of UXO/land mine risk and follow-up actions?
2. SCOPING	What kinds of impacts are likely?
3. ASSESSMENT	What impacts will occur and how/ what is the level of impact?
4. MITIGATION	How will the impacts be avoided or minimized?
5. MONITORING	How effective is the assessment and mitigation? Are there any unexpected impacts?
6. REVIEW	How could the EA/SA process have been done better?

Table A2.2 - Responsibilities for mainstreaming the ESMF in the subproject cycle

Stage	District/Province
RECONNAISSANCE	<p>For local, district, and provincial roads:</p> <ul style="list-style-type: none"> Project concepts identified in 5 Year Development Plans DPWT/Governor select transport investments to be put forward in ANNUAL PLAN DPWT provides inputs to provincial and district annual plans by completing PROJECT CONCEPT SAFEGUARDS CHECKLIST (Form A) DPWT submits Annual Plans to DPI and DOR For projects which affect national roads, Annual Plan agreed with DOR and submitted to DPI; DPWT annual plan submitted to the Governor and Province for inclusion in Provincial Public Investment Projects (PIP) program

Stage	District/Province
PLANNING	<p>For projects assigned to DPWT for implementation:</p> <ul style="list-style-type: none"> • Coordinator assigned (likely to become Project Manager when project approved) to work with all agencies • Priority subprojects scoped for PIP submission to WB: DPWTs (ESU) complete SAFEGUARDS SCREENING (Form B, C, and/or D) or engage assistance to undertake screening to determine PROJECT CATEGORIZATION and level of EA/SA required. • DPWT consult PONRE for possible requirement for IEE report and if yes, secure agreement on the scope and approach. • PIP submitted and approved, budgets allocated (incl. budget to cover safeguard requirements)
PROJECT PREPARATION	<p>For projects assigned to DPWT for implementation:</p> <ul style="list-style-type: none"> • Subproject manager confirmed • If preparation of an IEE is required, DPWT employ a qualified consultant to prepare an IEE report including conduct consultation as agreed with PONRE. ESU/DPWT review and comment on the IEE report prepared by the consultant before the final report will be submitted to PONRE for review and approval. A copy of the final IEE will be sent to ESD/PTRI for information. PONRE's comments and approval will also be sent to ESD/PTRI for a record. • To secure WB clearance of subproject safeguard, DPWT will consult ESD/PTRI and World Bank (WB) regarding the preparation of RAP, EGDP, and/or EMSP using the Environment and Social Alignment Sheet approach including finalization of clauses and specifications to be included in bid and contract (ECOP/CoC). ESU/DPWT will ensure that mitigation measures to be incorporated into detailed design and a plan to address road safety during operation phase is properly incorporated into the detailed design and subproject ESMP. • Upon receipt ESD/PTRI/WB clearance and ECC, DPWT ensures that environmental and social protection specifications and clauses (ECOP/CoC) are included in contract and bid documents and the final copy will be sent to DoR and EDPD/PTRI for a record. • ESU/DPWT will keep all records and documents in the subproject safeguard file for possible review by WB safeguard specialists.
CONSTRUCTION & IMPLEMENTATION	<p>For projects assigned to DPWT for implementation:</p> <ul style="list-style-type: none"> • If land acquisition is required and RAP is approved by WB and the Government, DPWT implement the activities in close consultation with EDPD/PTRI and payment must be completed before beginning of works. If an EGDP was prepared and approved by WB, DPWT implement the activities in consultation with EDPD/PTRI. GRM form (Annex 7) will be used for recording complaints. • DPWT engages contractor to undertake the civil works and assign the Construction Supervision Consultant (CSC) to be responsible for day-to-day supervision of contractor safeguard performance and include the results in the subproject progress report. The contractor needs to prepare contractor ESMP and submit to EDPD/DPWT and/or the CSC for review and approval.

Stage	District/Province
MONITORING & EVALUATION	<p>During construction EDPD/DPWT undertakes monitoring (MONITORING FORMS:</p> <ul style="list-style-type: none"> Forms 7.1 and 7.2) to assess compliance with ESMP and other specifications (ECoP). Results will be incorporated into safeguard monthly monitoring report (Monitoring Report Form 7.3). EDPD/PTRI will carry out semi-annual or annually monitoring and prepares monitoring report (Form 7.4). EDPD/PTRI and DoR will also complete an impact evaluation undertaken annually using Impacts Evaluation Form (Form 7.5) and an Environmental and Social Final Report (ESFR, Form 7.6). All these forms will be submitted to DPWT and WB.

5. *Safeguard categorization and requirements:* Using the criteria and screening checklist and forms provided in Section (A2.3), the subproject will be categorized to C or B and safeguard requirements/actions are presented in Table A2.3.

Table A2.3: Categorization of the subprojects and safeguard requirements

Category	Level of Impact/Risk	Safeguard Requirements	Time for preparation	Consultation and information disclosure
C	Low or minimal: The road maintenance subproject that is located in other areas not identified in B below.	(i) DPWT to complete the screening and scoping forms (Form A and B below)	During preparation of the annual work plan	The final form will be disclosed at MPWT websites
		(ii) DPWT prepare an Environment and Social (ES) Alignment Sheet identifying safeguard actions to be carried out during the design and construction of works including a final ECoP/CoC to be incorporated in the bidding and contract document.	During design and preparation of bidding and contract documents (see guideline in <i>Annex 3</i>)	Consultant will be carried out during this stage
		(iii) DPWT to include the final ECoP/CoC in the bidding and contract documents and ensure that contractor is committed to comply with the ECoP/CoC.	During bidding and contract signing (see generic ECoP/CoC in <i>Annexes FG and G</i>)	The final Alignment Sheet will be disclosed in MPWT websites
		(iv) DPWT to monitor contractor performance and include the result in the subproject implementation progress report.	During construction and monitoring	The monitoring reports will be disclosed in MPWT websites

B	Moderate: The road maintenance subproject that meet the following conditions:	(i) If an IEE is not required, the requirements and time frame will follow the process (i), (ii), (iii), and (iv) provided for Subproject Category C above.		
	(i) requires IEE by the Government IEE regulation;	(ii) If an IEE is required by the IEE regulation (2013), DPWT will consult and agree with PONRE on scope and form of the IEE report and prepare document as required.	When the annual work plan has been approved by MPWT and WB.	Consultation will be made according to the IEE regulations and technical guideline
	(ii) located within or very near (less than 100 m) to the national protected area (NPA) or the national protection forest (NFA) as defined by the Government legislation;	(iii) It is strongly recommended that preparation of the ES Alignment Sheet and the application of ECoP/CoC approach be applied during the preparation of an ESMP for the IEE report. Consultation with TD/DoR and/or EDPD/PTRI and WB safeguard specialist is recommended.	The activities will be conducted before and/or during design and preparation of bidding and contract documents.	The approved annual work plan will be disclosed in the MPWT websites.
	(iii) nearby the sensitive cultural sites;	(iv) If land acquisition and/or ethnic groups are involved, a RAP and/or EGDP will be prepared as agreed with EDPD/PTRI and/or WB;	When the annual work plan has been approved by MPWT and WB	
	(iv) involves ethnic groups; and/or	(v) EDPD/PTRI review and endorse the ESMP, EGDP/RAP, and all safeguard documents before submitting to WB for clearance. It is also possible to seek WB agreement on post safeguard review.	- When preparation of the documents are completed and before approval of the subproject.	-
	(v) requires land acquisition..	(vi) TD/DoR and/or EDPD/PTRI will ensure that (a) the proposed mitigation measures to be considered during the detailed design has been incorporated in the design, (b) the final ECoP/CoC are included in the bidding and contract documents.	- During the ESMP review and endorsement process	The approved ESMP will be disclosed in the MPWT website
		(vii) During construction, ESU/DPWT, TD/DoR, and/or EDPD/PTRI will conduct	- During construction or maintenance of	The monitoring reports will be

		supervision and monitoring and report the contractor performance in the subproject progress reports to be submitted to WB.	road works including site closing.	disclosed in the MPWT website
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Safeguard Screening Forms

6. These forms will be filled by ESU/DPWT during the identification of the subproject as part of the annual work plan. The signed will be properly signed and attached to the subproject proposal which to be reviewed by EDPD/PTRI.

FORM A: Project Concept Safeguards Checklist *(modified from ESOM Annex II.1 --Use in step A: Reconnaissance)*

Province:	District:	Location – sketch map attached (Mark √)	
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Road Name:	Road No:	Link No. (details)	
TYPE of works/activities (Mark √)	<input type="checkbox"/> Provincial road maintenance	<input type="checkbox"/> District road maintenance	
<input type="checkbox"/> Located within NPA	<input type="checkbox"/> Located near NPA	<input type="checkbox"/> Located near important cultural sites	
UXO risk level (see Note below): <input type="checkbox"/> Low; <input type="checkbox"/> Moderate; <input type="checkbox"/> High; or <input type="checkbox"/> Not Known	Next Actions (see Note below):		

Note: **Low UXO risk** if the proposed road maintenance works is small and will be conducted on existing road or area known that UXO clearance has been made in the past. **Moderate risk** if the proposed works will be conducted on existing road but require to open new borrow pit in area known to have heavy bombarding from the plane and/or heavy fighting on the ground. For moderate risk, DPWT will consult local authorities and conduct the non-technical survey and/or limited technical survey to reduce the UXO/land mine risk. **High risk** when works will be conducted in area outside existing embankment or undisturbed RoW which are located in area known to have heavy bombarding from the plane and/or heavy fighting on the ground. The subproject with high UXO risk will be confirmed by the non-technical survey and limited technical survey. If it is confirmed, DPWT will prepare a TOR to hire a qualified firm/agency to conduct technical survey and clearance as needed. To conduct technical survey and clearance when needed. This assessment will be trained by EDPD/PTRI in cooperation with NRA

Brief description of works/activities: [i.e. length of road, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) to benefit]

Checklist	Yes	No	Explanation/Comments
1. Will the works require any land acquisition?			
2. Will the works require taking land from people who are using it for agriculture (even if they do not own/have title to the land)?			
3. Will the works require any households to move structures (include, houses, small shops, rice bins etc.) back from the road?			
4. Are there ethnic people living in the area? If yes, how many different groups (list)?			
5. Are the works, located in or near a cultural/heritage area?			
6. Are the works, located in or near an area known to have special significance to the people of the area?			
7. Are the works, located near or in a protected area (or a buffer zone of a protected area)?			
8. Are the works likely to generate dust or create a dust problem? If yes, for how many months (during which season)?			
9. Will the works require NEW borrow pits or quarries to be opened up?			
10. Will the works be located near a river, stream or waterway?			
11. Will the works result in increases in, or changes to the type of, traffic using the road?			

12. Will any of the works require the use of toxic chemicals, herbicides, and/or explosives (including UXO and land mines)?			
13. Other information: map, additional issues or impacts etc. should be specified on the attached sheet: List attachments:			
Distribution of ESMF Initial Screening Form:			
Distributed to	Yes	No	Date
MPWT-ESD/PTRI			
MPWT-DOR			
DPWT – ESU			
PONRE			
Others (list below)			
ESMF Initial Screening Form compiled by:			
Name:		Duty:	
Signature:		Date:	
ESMF Initial Screening Form verified by:			
Name:		Duty:	

Signature:	Date:

<p>Attachments</p> <p>(For map, sketches, other information, issues, potential impacts, etc as mentioned in item 13 above)</p>
As required

FORM B: Environmental Assessment Category Screening Form for Road Maintenance (modified from ESOM Annex II.2 -Use in step B: Planning)

Province:	District:	Location – sketch map attached (Mark √)	
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Road Name:	Road No:	Link No. (details)	
TYPE of works/activities (Mark √)	<input type="checkbox"/> Provincial road maintenance	<input type="checkbox"/> District road maintenance	
TYPE of works/activities (Mark √)	<input type="checkbox"/> Upgrading/reconstruction	<input type="checkbox"/> Rehabilitation	
<input type="checkbox"/> Improvement	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Need UXO clearance	

Brief description of works/activities and project area: [i.e. length of road, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) to benefit, describe site sensitivity based on criteria in Form A; If UXO clearance is needed prepare TOR for the technical survey and clearance by a qualified firm or agency. Cost for the survey and clearance will be part of the subproject cost]			
Screening Questions	Yes	No	Explanation/Comments
Is the project area within or adjacent to any of the following areas?			
– Cultural/heritage area			
– Protected area			
– Buffer zone of a protected area			
– Wetland			
– River, stream or waterway			
– Estuary			
– Location and nature of Protected Area (PA)			
– Location and nature of Protection Forest Area (PFA)			
– Will secondary forest be affected?			
– Are there rare or endangered species of flora or fauna in the project area?			
– Will the project increase access to protected areas or areas important for biodiversity conservation?			
– Will the project require cuts, fills, quarries or extraction of material (stone, gravel, aggregate, sand)?			
– Will the project alter surface water hydrology of waterways or streams?			
– Will the project increase soil erosion?			
– Will the project require rock crushing or use of explosives (blasting) and/or UXO/land mines clearance?			
– Will the project generate dust or noise?			

– Will the project require the establishment of a camp for construction workers?			
– Will the project require the creation of temporary access or haul roads?			
– Will the project require the creation of material stockpiles?			
–			
INFORMATION ON ENVIRONMENTAL IMPACT			
Information			Explanation
What is the predominant type of vegetation to be affected by the project?			
What is the estimate of the total area of this type of vegetation to be affected?			
Are there any other proposals or projects which could increase the significance of any of the impacts (cumulative impacts)?			
Will the project require the acquisition or temporary use of people's land? If yes, also complete LAR SCREENING FORM (Form D)			
Will the project require the relocation of structures? If yes, also complete LAR SCREENING FORM (Form D)			
Is the project located in area where ethnic minority groups are known to live or use? If yes, also complete EG SCREENING FORM (Form C)			
PROJECT CATEGORIZATION FOR ENVIRONMENTAL IMPACTS			
Based on the definition of impacts in the Environmental and Social Operation Manual, what is the category?			
[] CATEGORY B – non-significant environmental impact, an IEE is required			
[] CATEGORY C – minimal or no environmental impact, no EA required, generic ESMP and technical specifications will apply			
Indicators of Site Sensitivity see in Form B below			

Distributed to	Yes	No	Date
MPWT-EDPD/PTRI			
MPWT-DOR			
DPWT – ESU			
PONRE			
Others (list below)			
EA Screening Form compiled by:			
Name:		Duty:	
Signature:		Date:	
EA Screening Form verified by:			
Name:		Duty:	
Signature:		Date:	

FORM C: Ethnic Groups(EG) Screening Formfor Road Maintenance (modified from ESOM Appendix II.12)

Province:	District:	Location – sketch map attached (circle one)	
		YES	NO
Road Name:	Road No:	Link No. (details)	
TYPE of works/activities (Mark √)	<input type="checkbox"/> Provincial road maintenance	<input type="checkbox"/> District road maintenance	

Brief description of works/activities and project area: [i.e. length of road, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) affected, describe communities to be affected]			
ETHNIC MINORITY ISSUES SCREENING			
Screening Questions	Yes	No	Explanation/Comments
1. Are there ethnic minority groups present in the subproject area(i.e. road alignment and its right of ways)? 2. If yes, how many different groups?			
3. Do they live in mixed communities with non-ethnic minority people?			
4. Do they maintain distinctive customs or economic activities?			
5. If yes, do any of these customs or economic activities may make them vulnerable to hardship?			
6. Will the project restrict their economic or social activity?			
7. Will the project affect or change their socio-economic and cultural integrity?			
8. Will the project disrupt their community life?			
9. Will the project positively affect their health, education, social activity, livelihoods or security?			
10. Will the project negatively affect their health, education, social activity, livelihoods or security?			
11. Will the project alter or undermine the recognition of their knowledge?			
12. Will the project preclude customary behavior or undermine customary institutions?			
13. If impacts on ethnic minority groups are expected:			
14. Are there sufficient skilled staff in the Executing Agency for preparing an assessment and identifying suitable mitigation measures (preparing an Ethnic Groups Development plan [EGDP]?			

15. Are training and capacity-building interventions required prior to EGDP preparation and implementation?			
16. In case of no disruption to ethnic minority community life as a whole, will there be loss of housing, land, crops, trees or access to resources owned, controlled or used by ethnic minority households?			
Anticipated Impacts on Ethnic People			
Project activity	Anticipated positive effect		Anticipated negative effect

PROJECT CATEGORIZATION FOR ETHNIC GROUP (EG) IMPACTS			
Based on the definition of impacts in ESOM what is the category?			
[] CATEGORY B – Impacts related to land acquisition only, specific action to be included in the RAP or abbreviated RAP is required			
[] CATEGORY C – No impact, no EGDP or Specific Action is required, generic social impact mitigation specifications will apply			
Distributed to	Yes	No	Date
MPWT-EDPD/PTRI			
MPWT-DoR			
DPWT – ESU			
PONRE			
Others (list below)			
EG Screening Form compiled by:			

Name:	Duty:
Signature:	Date:
EG Screening Form verified by:	
Name:	Duty:
Signature:	Date:

FORM D: Land Acquisition & Resettlement (LAR) Screening Form for Road Maintenance
(modified from ESOM Appendix II.11)

Province:	District:	Location – sketch map attached (√)	
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Road Name:	Road No:	Link No. (details)	
TYPE of works/activities (Mark √)	<input type="checkbox"/> Provincial road maintenance	<input type="checkbox"/> District road maintenance	
Brief description of works/activities and project area: [i.e. length of road, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) affected, describe communities to be affected]			
LAND ACQUISITION AND RESETTLEMENT SCREENING			
Screening Questions	Yes	No	Explanation/Comments
Is land acquisition likely to be necessary?			
Is the site for land acquisition known?			
Is the ownership status and current usage of the land known?			
Will easements be utilized within an existing right-of-way?			

Are there any non-titled people who live or earn their livelihood at the site or within the right-of-way?			
Will there be loss of housing?			
Will there be loss of agricultural plots?			
Will there be losses of crops, trees, and fixed assets?			
Will there be loss of businesses or enterprises?			
Will there be loss of incomes and livelihoods?			
Will people lose access to facilities, services, or natural resources?			
Will any social or economic activities be affected by land use-related changes?			
If involuntary resettlement impacts are expected:			
- Will coordination between government agencies be required to deal with land acquisition?			
- Are there sufficient skilled staff in the Executing Agency for resettlement planning and implementation?			
- Are training and capacity-building interventions required prior to resettlement planning and implementation?			
INFORMATION ON AFFECTED PEOPLE			
Any estimate of the likely number of households that will be affected by the project?	<input type="checkbox"/> Yes;	<input type="checkbox"/> No	
If yes, approximately how many households?			
Are any of the households vulnerable i.e. households that (i) are headed by divorced or widowed females with dependents and low income; (ii) include disabled or invalid persons; (iii) include persons falling under the generally accepted indicator for poverty as defined by the Ministry of Labor and Social Welfare, or the landless; and/or, (iv) are elderly with no means of support?			
	<input type="checkbox"/> Yes;	<input type="checkbox"/> No	
+ If yes, approximately how many households?			
+ If yes, briefly describe their situation:			
Are any of the households from ethnic minority groups?			
	<input type="checkbox"/> Yes;	<input type="checkbox"/> No	
+ If yes, briefly describe their situation:			
PROJECT CATEGORIZATION FOR RESETTLEMENT IMPACTS			

Based on the definition of impacts in the Environmental and Social Operations Manual, what is the category?			
[] CATEGORY B – marginal or non-significant resettlement impact, an abbreviated RAP is required			
[] CATEGORY C – minimal or no resettlement impact, no resettlement is required, generic social impact mitigation specifications will apply			
Distributed to	Yes	No	Date
MPWT-ESD/PTRI			
MPWT-DoR			
DPWT – ESU			
PONRE			
Others (list below)			
LAR Screening Form compiled by:			
Name:		Duty:	
Signature:		Date:	
LAR Screening Form verified by:			
Name:		Duty:	
Signature:		Date:	

5 ANNEX E: SAMPLE FORM OF GRIEVANCE REDRESS MECHANISM MONITORING

Sample Form of Grievance Redress Mechanism Monitoring to be used by Village Grievance Committee

Village:.....; District:.....;

Provinces:.....

No	Location (PK/Km) or village	Brief Description/nature of grievance	Grievance applied by and contact detail or code (not mandatory)	Ethnic Group	Date of grievance received	Grievance received by	Status of action taken		Action taken by	Remarks/ Explanation
							Solved or what action taken	Date of action completed or taken		

Sample Form of Grievance Redress Mechanism Monitoring to be used by District Grievance Committee and PMU

District:.....; Provinces:.....,

Month/Year.....

No	Location (PK/Km)	Village	Brief Description/nature of grievance	Grievance applied by with contact detail or code (not mandatory)	Ethnic Group	Date of grievance received	Grievance received by	Status of action taken		Action taken by	Remarks/ Explanation
								Solved or what action taken	Date of action completed or taken		

6 ANNEX F: PREPARATION OF AN ESMP

1. If an Initial Environmental Examination (IEE) is required by the Government the scope and content of the report will follow an agreement with the local authority (PONRE). Nonetheless, if an IEE is not required, an ESMP will be prepared identifying potential impacts during preconstruction, construction, and operations and applying the *Alignment Sheet* approach (see Section E1) as a tool to identify specific measures during implementation of the subproject including incorporation of the final Environmental Code of Practice (ECoP)(see *Annex F*). Section E2 provides general guideline regarding typical issues and mitigation measures for the road maintenance to be considered during the preparation of the ESMP and good practicing during consultation and finalization of ECoP. Preparation of RAP and/or EGDP will follow the RPF and EGPF.

E1.Guideline for preparation of an ESMP

2. The *Alignment Sheet* approach has been prepared as part of the ESMP for road sector project being implemented by MPWT for many years and it is found to be practical and easy for monitoring. The *Alignment Sheet* approach will therefore be used during the preparation of the ESMP of the proposed road maintenance subproject to be implemented under Component 1. Below presents a general principles that should be considered during the preparation of an ***Environment and Social (ES) Alignment Sheet*** during *preparation of the ESMP and implementation of the subproject*.

During the planning:

2. The environmental analysis, design, and preparation of an ESMP for each road subproject must be conducted in close connection with the feasibility and engineering design of the subproject and/or each individual segment. As the proposed subprojects will involve mainly road maintenance works of existing roads, the works should concentrate on environmental and social issues associated with direct impacts along the road alignment and the management of road construction impacts. ***If realignment is needed***, the ESMP report should include a detailed justification for all minor re-alignments proposed to improve the geometry or other technical features of the roads. Alternatives for any major realignment must be compared on technical, economic, environmental, and social merits. During the planning efforts will be made to address road safety issues during construction and operation phases. Issues related to gender aspect will also be considered.

(a) Environmental and Social Impacts:

3. The most significant and potentially adverse direct impacts associated with the proposed road maintenance works would be related to: (i) sensitive environmental and social sites along the right of way (RoW) such as natural habitats, protected areas, wetlands, cultural resources; (ii) potential minor resettlement of families in the right of way and the potential economic impact on small business and/or informal economic activities along the RoW; (iii) the interaction of construction workers with local communities, especially ethnic minorities, potential damages to private property and community infrastructure, and nuisances to communities caused by construction activities; (iv) localized environmental impacts due to new alignments and by-passes (if necessary), and construction activities with significant slope instability and erosion, impact on drainage patterns; (v) exacerbation of road safety hot spots along

the RoW; and (vi) management of non-motorized transport and motorcycles. Road safety issues during construction as well as operation were highlighted by the local authorities and peoples during consultation. The issues have been incorporated into the generic ECoP and specific activities can be identified during the preparation of the environmental management plan to be proposed by the contractor. To address road safety issues during operation, DPWT will work with local authorities and communities to take actions regarding road safety as part of the ESMP. Although resettlement issues will be addressed through specific resettlement plans, resettlement issues must be included in this analysis.

(b) Key elements of the ESMP and monitoring plan:

4. In principles, the ESMP should comprises brief description of the subproject areas, the proposed subprojects activities, the potential impacts and proposed mitigation measures during preconstruction, construction, and operation stages, and monitoring and budget plan while details could be provided in annexes. The mitigation measures to address issues related to road safety during operation should be prepared in consultation with local authorities and communities as much as possible so the activities will have positive impacts after the subproject implementation is completed. Monitoring of the ESMP implementation will follow the guideline provided in the ESMF. Cost for implementation of the ESMP will be considered as part of the subproject cost. This section provides the basic principles for the preparation of an alignment sheet approach in general which can be adjusted to fit the type of activities and location of the subprojects. However, key element of the ESMP for a simple subproject such as road maintenance can be simple and practical so that local contractors could understand and implement effectively and the activities could be supervised and monitored by local safeguard staff. It is necessary for EDPD/PTRI to provide clear guidance and if needed take the lead (on-the-job-training) during the preparation of the first few ESMP in close consultation with WB safeguard specialist as needed.

5. To mitigate the potential negative impacts, the ESMP should comprise, but not limited to, the following key elements:

- (i) Road-segment specific environmental management plans through the preparation of *the Environment and Social Alignment Sheets* for each segment or the whole subproject;
- (ii) Management of construction activities through the finalization of the generic ECoP provided in *Annex F* so that it can be included in the bidding document and contract document. Budget for implementation of the mitigation measures responsible by the contractor will be part of the contract cost;
- (iii) Preparation of a Community Relations Plan focusing on mitigation of potential impacts due to road safety, local traffic, and reduction of nuisance and other disturbance to local residents. This requirement has been incorporated into the generic ECoP; and
- (iv) Supervision and monitoring mechanisms to be applied throughout the construction period. The ESMP will provide a section identifying the responsible entity for ensuring effective implementation of the ESMP including budget allocation which will be considered as part of the subproject cost.
- (v) It is noted that cost for land acquisition and other compensation will be paid by the subproject owners and/or local government.
- (vi) In responding to comments from local authorities and communities during consultation the ESMP should pay special attention (as site-specific requirements in ECoP) to mitigate

potential impacts on road safety, proper closure of borrow pits, and management of worker camps and workers.

(c) *Environmental and Social Alignment Sheets*

6. Each road segment will be subject to a detailed environmental and social screening (*see Annex B*). The social and environmental screening will include, but not be limited to, the analysis of available information concerning the general population distribution, concentrations of tribal or cultural groups, concentrations of low-income communities, areas of significant RoW encroachment, sensitive and/or critical natural habitats (e.g. national parks, reserves, wildlife sanctuaries, sacred groves, protected areas, forests, wetlands, etc.), major rivers and waterways, recorded cultural heritage sites, and any other potentially sensitive areas, based on recent census, official data and information from NGOs (such as WWF), and detailed site visits.

7. Through a detailed survey of the final road alignment, the Environmental and Social Alignment Sheets will be prepared for each road segment where road maintenance works will be conducted or the whole subproject if information is available. These alignment sheets will include:

- Identification of all physical, environmental, and social issues along the road;
- Identification of mitigation measures identified by Km along the alignment;
- The instrument in which the mitigation measures will be included (design, resettlement plan, construction specifications, bidding documents, community relations plan, etc.);
- The agency responsible for implementation;
- The timing for the implementation of the mitigation measure (before construction, during construction, during planning, etc.);
- The sources of funding for implementing the mitigation measure.

8. The Alignment Sheet will be presented in maps at appropriate scales (both profile and overhead) and in schematic summary tables (as appropriate). Issues to be addressed in this manner include:

- Slope stability, major earth cuts;
- Natural hazards areas (flooding, instability);
- Erosion;
- Drainage, stream crossings, bridges;
- Direct and indirect effects on houses, businesses, and informal economic activities;
- Potential hot spots for road safety (junctions, crossing of communities, etc.);
- High gradients;
- Community infrastructure (water supply, irrigation, bus stops, etc.);
- Community use of resources (for instance, use of water/creek for bathing, washing clothes);
- Scenic areas (waterfalls, for instance);
- Road safety and borrow pits closure measures;

- Areas of special safety concern (bridges, road segments with significant precipices).

9. For each environmental and social problem identified and evaluated, mitigation measures must be identified. These may include:

- Slope stabilization;
- Erosion control and re-vegetation of RoW;
- Energy dissipation in drainage systems to minimize downstream erosion;
- Resettlement plan;
- Construction of areas for the relocation of roadside activities;
- Relocation and reconstruction of affected community infrastructure;
- Landscaping of scenic areas;
- Extra wide shoulders, independent lanes in certain hot points (bridges, community crossings, road safety, borrow pit closure measures);
- Special signs and traffic calming measures;
- Special design in critical junctions;
- Third (“passing”) lanes in steep slopes;
- Bus stops.

(d) Environmental Specifications for Road Construction (ECOP)

10. All mitigation measures for direct impacts (erosion control, embankment and slope stability, drainage) should be incorporated into project design and will be included in project costs. In addition, all the environmental requirements for road construction will be incorporated in an environmental annex (Environmental Specifications for Road Construction) which will be part of bidding documents.

11. The Consultants will identify and propose environmental and social mitigation measures that are necessary to mitigate the impacts and nuisances from road construction activities and that are common in construction of road rehabilitation and improvement projects.

12. The proposed mitigation measures should be described in easily understandable terms, identifying best practices, timing for implementation (before, during, after construction) and illustrated with sketches, diagrams, and pictures as necessary. The measures should be standardized in such a way to allow their application to any type of road construction activity.

13. The specifications will establish specific rules for minimizing environmental impacts during construction and provide guidance on the design of specific environmental mitigation measures such as slope stability, construction waste disposal and erosion control. Examples of topics that are included in the environmental specifications annex are: (i) explicit prohibitions and environmental behavior guidelines for work crews, specially along sensitive areas and near rural communities; (ii) proper selection, management, and restoration of quarries, borrow pits, gravel extraction sites in rivers and streams; (iii) the rehabilitation of affected areas through soil replacement and re-vegetation; (iv) selection of camp sites (with specific guidelines on distance to communities according to their population), management of camp wastes, and

guidelines for camp dismantling and abandonment; (v) proper disposal of excavated earth and spoil materials to avoid pollution of streams; (vi) management of health issues for road workers; (vii) storage, management, and use of explosives; and (viii) proper disposal of wastes from construction machinery and equipment.

14. The specifications will address social issues such as: (i) chance finding procedures for archaeological and/or paleontological artifacts; (ii) the management of noise in or near urban or peri-urban areas; (iii) traffic management in urbanized areas; (iv) minimization of disruptions of community activities in the vicinity of the right of way from the influx of workers and increased traffic of heavy machinery, from potential damages to property, and from conflicts with the local population; (v) communications programs during the construction period.

(e) Community Relations Plan (CRP)

15. Road construction works may disrupt the communities in the vicinity of the right of way as there will be an influx of workers, increased traffic of heavy machinery, potential damages to private property, and conflicts with the local population. The ESMP should identify community participation mechanisms (for instance, a committee with representatives from different communal leaders) to address social issues during the construction period. At present general requirements for establishing community relations has been incorporated in the ECoP.

(f) Supervision and Monitoring

16. The Project owner (DPWT) will assign the Construction Supervision Consultant (CSC) and/or filed engineer to be responsible for day-to-day supervision and monitoring of contractor performance and include the results in the subproject progress report. ESU/DPWT will conduct monthly monitoring while DoR and EDPD/PTRI will conduct 6 month and annual monitoring.

E2. Typical Issues and Mitigation Measures for Road Maintenance Subproject

17. This section provides guidance (as an example) on typical mitigation measures for road maintenance and rehabilitation that should be considered during the preparation of an ESMP (Table E1) and good practices to be considered during consultation (Table E2). These are just an example of overall potential impact and mitigation measure for EMMP. For the actual project will be based on project activities and will be different from site to site.

Potential Negative Impacts	Mitigation Measures
Design-general	
Erosion and instability of cut faces and borrow pits	Design cut slope to minimize instability Use structural stabilization measures such as retaining walls and gabions Use adequate design, siting, and sizes of drainage structures
Erosion of lands below the roadbed receiving concentrated outflow carried by drainage structures	Site drainage structures so as to avoid a cascade effect and to ensure that runoff is conveyed into natural drainage lines at controlled velocities Line receiving areas with stones or concrete to protect soils at outflow areas Incorporate sufficient number of drainage outlets such that flow from any individual outlet is not excessive
Loss of riverside vegetation	Where road alignment is close to the rivers, widening or re-alignment will be on the side not adjacent to the river

Potential Negative Impacts	Mitigation Measures
Loss of vegetation and habitat through road widening, realignment of right-of-way	Road cuts will be sited and designed with care so as not to undercut banks supporting forest vegetation
Impacts on wildlife through interruption of migratory routes and other habitat disturbances.	Road cuts will be sited and designed with care so as not to undercut banks supporting forest vegetation
Encroachment on irrigation structures from road widening and realignment	Use appropriate drainage structures to replace those presently used in irrigation systems. Avoid encroachment on irrigation systems in use. If unavoidable, consult with relevant organization for appropriate solution. Consult with relevant organization on planned area for irrigation. Incorporate culverts into road design where planned irrigation across the road.
Encroachment on water supply systems from road construction-activities	Road engineers will work with the Lao Clean Water Supply Authority in each province during the detailed design phase to identify places where there are existing and planned water pipes and to find appropriate ways to manage working around water pipes. Culverts will be incorporated into road design where water systems are planned. Detailed design will include plans for avoidance of damage to water systems and replacement/repair of water systems where avoidance is not possible. Coordination with the Water Supply is necessary.
Destruction of agricultural land through road widening and realignment	Minimize realignment through agricultural land. Do not site borrow pits or dispose of cut spoil on agricultural land. Ensure appropriate compensation for loss of agricultural lands
Encroachment on Sacred Trees	Design road alignment to avoid Sacred Trees (Consult with local people to identify such trees). If unavoidable, compensate for spirit ceremony for cutting the Trees.
Encroachment on known cultural and historical sites.	Do not damage to any newly discovered heritage sites.
	Regular consult with local people on road widening, realignment or other activity that would encroach on graveyard sites. Compensate for tombs moving ceremony in case affected.
Mobilization of equipment and workforces	
Accident risk from mobilizing construction equipment	To the extent possible, avoid the mobilization of heavy equipment at night. Over-width and over-length vehicles should display adequate warnings such as flashing lights, signs, and flags on extending parts of equipment.
Negative impact on the health and social well-being of local people by the introduction of an outside workforce	Conduct special briefing or on-site training on environmental requirement of the project to workers. Strictly supervise workers not to interference with local affairs or quarrel with local people. In case of complaints from local people on the issues caused by workers, the complains will be solved as soon as possible, under collaboration of Environmentalist.

Potential Negative Impacts	Mitigation Measures
Impacts on Local Wildlife by Workforce	<p>Carry out awareness-raising campaigns on wildlife value for workers</p> <p>Any worker conduct hunting, or buy wildlife from local people, will be dismissed from job</p> <p>Supply workers with sufficient foods from outside the Project.</p>
Accident risk from mobilizing	<p>The followings for safety will be provide to workers.</p> <p>Warning and/or Precaution Signs on safety.</p> <p>Helmets.</p> <p>Instruction on health and safety.</p> <p>Establishment of all relevant safety measures required by law and good engineering practices.</p>
Outbreak of disease	<p>The Contractor will have all his workers undergo a regular medical check on their arrival on Site. Site construction camps at least 50 m far away from rivers and as far as possible from local communities.</p> <p>Provide enough water supplies for workers, and ensure sufficient sanitation for the camp: the proper drainage systems, and the proper location for solid waste disposal.</p> <p>Make medical treatment available for workers. Provide workers mosquito nets and malaria-prevention medication. If needed, periodically spray around camp to against mosquitoes.</p>
Depletion of natural resources through demand for building materials, fuel, and food for workers	<p>Do not harvest wood resources within provincial and district protected area.</p> <p>Where local materials must be used, make agreements with local communities about the areas or the volume that can be harvested without significant impact.</p> <p>Support community development by paying an adequate price for any local resources used.</p> <p>All supplies for building camps will be brought from outside the area.</p>
CONSTRUCTION STAGE	
Earthworks and operating of quarries and borrow pits	
Erosion and instability of cut faces and borrow pits	<p>No contour will be permitted in areas with steep slopes.</p> <p>Minimize major earthworks during the rainy season, to the extent feasible.</p> <p>Pile topsoil from digging of borrows pits carefully to one side, where it can be later used for reclamation.</p> <p>During construction, employ erosion prevention measures such as the use of hay bales.</p> <p>At the end of the construction phase, recontour borrow pit walls, replace topsoil, and revegetate.</p> <p>At the end of the construction phase, revegetate cut slopes where feasible.</p>
Destruction of agricultural land through spoil and construction waste disposal	<p>Do not dispose cut spoil and construction waste at agricultural land.</p>
Erosion from disposal of cut spoil	<p>Dispose of spoil only where permitted by Environmentalist and Local Authorities. To the extent feasible, avoid disposal on slopes greater than 30%.</p> <p>Where spoil disposal in vegetated sites cannot be avoided, select areas with scrub, bamboo, or herbaceous growth over areas of healthy forest.</p> <p>No disposal into gullies or watercourses.</p>

Potential Negative Impacts	Mitigation Measures
Earthworks and operating of quarries and borrow pits	
Erosion from disposal of cut spoil	No disposal in or adjacent to cultivated areas (unless such areas lie within the road reserve width, in which case owners will be compensated under the Resettlement Plan. No disposal by direct tipping of spoil down slope. Revegetate spoil dumps to maintain the soil stability.
Loss of riverside vegetation	To the extent possible, avoid clearing riverside vegetation during road construction. Revegetate riverbanks where clearing is unavoidable.
Loss of vegetation from detour construction	In flat areas, leave enough of a roadside edge for vehicles to pass. In mountainous areas, build only half of the road at a time so that traffic can pass on the other half of the roadway. Remove the base soil of any necessary detours and revegetate after road construction. Where realignments are being built, use the existing roadway for traffic to pass. Where detours are unavoidable, as in areas where bridges are being built, limit the length and impact of each detour to the degree possible. Limit the width of any necessary detours to a minimum.
Loss of vegetation and habitat through road widening, realignment of right-of-way, quarries and borrow pits	High cave will be observed when necessary. There will be no new quarries within provincial and district protected areas. Do not cut trees outside of the construction zone. In case of new quarries operation, the quarries will be approved by the environmental monitoring authorities. Where possible, avoid cutting trees along the edge of the construction zone. Quarrying activity will be limited to a minimum of necessary sites, with previously used sites preferred.
Impacts on wildlife through interruption of migratory routes and other habitat disturbances	Strict monitoring in this area will be used to prevent opportunistic “salvage” logging or illegal timber harvest.
Encroachment on water supply systems from road construction activities	Contractors will pay a fee to villagers for damage to water systems, perhaps based on number of days without water until the system is fixed. Fees might be specifically targeted towards women or women’s groups, since they are usually the ones who will have the main burden of carrying water when the system is down.
Encroachment on previously unidentified cultural heritage sites	Alert local authority upon discovery of any objects of possible archaeological significance that may be uncovered during construction. Construction activity affecting the area of the find will stop until qualified site assessment has been made and contractors have been given permission to proceed. Bring in a qualified archaeologist as needed.
Dust/air pollution	Water the road in the settle area when dust seems to be occurred, particularly in the dry season. Maintain all construction vehicles to minimize toxic vehicle emission. Appropriate, scheduled road maintenance will be needed to retain a sealed surface, continuing the improved situation.

Potential Negative Impacts	Mitigation Measures
Creation of stagnant water bodies in borrow pits, quarries	Incorporate adequate drainage and fill in borrow pits and quarries. Maintain borrow pits and quarries by landscaping and revegetation after operation.
Noise and vibration	All road construction vehicles will have working mufflers and be properly maintained. Time blasting activities so as not to disrupt local people. Inform people of possible damage from vibration before using Vibrating Rollers near to settled area.
Accidental risks by traffic disruption during construction	Employ “flag men” to regulate the traffic flow. Where new alignments are being built, allow traffic to continue on old alignments. Where possible, as in flat areas, provide enough edge space for one-way traffic flow. In mountainous areas, build one-half of the roadbed at a time, leaving the other half open for traffic.
Visual impact of road cut, spoil disposal, borrow pits, and quarries	Where feasible, quarries will be sited away from the road. For example, if a new quarry is to be made at the site identified to the northwest of Vieng Phoukha town, blasting and construction of crushing plants will be done on the north side, out of sight of the road. In sites where quarries must be close to the road, trees and other vegetation will be left between the quarry/crushing plant sites and the road.
Setting up and operating a quarry winning rock from river bed	
Changes to river bed ecology from extraction of river sands and gravel	Where possible, limit extraction to the riverbank. Spread extraction out over a broad area at the site Limit extraction of river sands and gravel to as few sites as possible, preferably using sites that are already impacted.
Removal of unused structures and pavement	
Construction waste	Select areas with scrub or bamboo for disposal. Dispose only where permitted by Environmentalist and Local Authorities. To the extent feasible, avoid disposal on slopes greater than 30%. No disposal into gullies or watercourses. No disposal in or adjacent to cultivated and settled area.
Setting up and operating an asphalt plants, bitumen operation area	
Water pollution by oil, grease, and fuel around gas stations and parking areas	Locate storage areas for diesel and bitumen at least 500 m from watercourses. Collect and recycle all lubricants and take precautions to prevent accidental spills. Prohibit road asphaltting activities during rainfall.
Water pollution by oil, grease, and fuel around gas stations and parking areas	Employ safe practices in filling bitumen distributor tanks and in heating bitumen. Do not allow smoking or fire of any kind in the vicinity of bitumen and kerosene blending tanks. Provide a carbon dioxide fire extinguisher at the bitumen tank site for fire-fighting. Develop and implement plans for safe storage of all toxic and potentially toxic materials into construction planning and design.
Operation of construction camps	
Solid waste of construction camps	Provide garbage tanks and sanitary facilities for workers. Waste in the specific tanks should be cleared periodically Garbage will be collected in a tank and be disposed of periodically.

Potential Negative Impacts	Mitigation Measures
	Special attention will be paid to the sanitary condition of camps.
Depletion of natural resources through demand for building materials, fuel, and food for workers	<p>Do not harvest wood resources within provincial and district protected areas.</p> <p>Do not allow construction camps to become permanent settlements. Remove camps prior to Project completion.</p> <p>Use non-wood fuels such as Liquid Propane Gas or kerosene for cooking food and heating bitumen.</p> <p>Where local materials must be used, make agreements with local communities about the areas or the volume that can be harvested without significant impact.</p> <p>Support community development by paying an adequate prices for any local resources used.</p> <p>All supplies for building camps should be brought from outside the area</p> <p>Upon close of construction, consider transferring camp structures to local people for community/government use.</p>
Impact on wildlife by workforce	<p>Carry out awareness-raising campaigns on wildlife value for the workers.</p> <p>Any worker conduct haunting, or buy wildlife from local people, will be dismissed from job.</p>
Creation of a new pathway for disease vectors affecting humans	<p>All workers will have a regular medical screening conducted by “Lao Red Cross”, the Package-4 Consultant, to check for HIV/AIDS, sexually transmitted diseases, Malaria, etc.</p> <p>Keep camps from becoming blight on the local environment.</p> <p>Provide enough water supplies for workers, and ensure sufficient sanitation for the camp: the proper drainage systems, and the proper location for solid waste disposal.</p> <p>Make medical treatment available for workers. Provide workers mosquito nets and malaria-prevention medication. If needed, spray around camp area to against mosquitoes.</p> <p>Plan post-construction clean-up activities to assure no unsanitary or otherwise dangerous debris are left behind at camp sites</p>
Operation Phase	
Increased vehicular traffic	
Accidental risk of toxic materials spills from increased vehicular traffic and commerce	<p>Incorporate plans for safe storage of all toxic and potentially toxic material into traffic planning.</p> <p>Regulate transport of toxic materials.</p> <p>Set and enforce speed limits, especially near schools and heavily polluted areas.</p>
Accidental Risk of Injury or Loss of Life to People and Livestock from Increased Traffic Volume and Speed	<p>Install appropriate signs warning drivers to slow down in settled and livestock areas.</p> <p>Implement community program on road safety</p>
Introduction of new people, transportation, communication, and other forms of development into the road corridor area	

Potential Negative Impacts	Mitigation Measures
Overexploitation of forest resources through illegal and unsustainable harvesting	Strengthen enforcement of forestry law regulating forest resources harvesting, achieved through stronger implementation of the Law Support community forestry initiatives
Impacts of wildlife through increased pressure from illegal trade	Strengthen enforcement of wildlife regulations prohibiting trade in endangered species, achieved through stronger implementation of the regulation.
Loss of cultural resources and tradition	Support well-planned eco-tourism that involves solicitation of continuous feedback from both local residents and travellers. Support the development of village cultural preservation groups, as already occur in several villages along the Project Road

Table E2 General Requirements for Participation and Disclosure (as recommended in ESOM)

PROJECT CATEGORY	PROJECT PHASE	CONSULTATION	DISCLOSURE INFORMATION
<u>Category B</u> MODERATE environmental and social risk	Assessment	<p>Dialogue process (meetings) with beneficiaries, affected people and stakeholders:</p> <ul style="list-style-type: none"> • About project purposes and potential impacts; • Ask for feedback and comments on perceived impacts and possible mitigation measures and requirements; • About project purposes and potential impacts; • About the results of environmental and social studies developed during the project preparation. <p>Where ethnic minority groups are affected, dialogue must be undertaken using methods, procedures and languages (according to the cultural characteristics of any</p>	<p>Advance notice of meetings (newspapers, public notices and loudspeaker/radio announcements);</p> <p>Making publicly available:</p> <ul style="list-style-type: none"> • Basic information of the project; • Proposed schedule of consultations; • Proposed TORs for safeguard documents; and • Schedule of bids to prepare the safeguard documents <p>Public notification of:</p> <ul style="list-style-type: none"> • Environmental and social categorization; • Announcement of further consultations, meetings and interviews with directly affected people; • Initial findings of the environmental and social studies; and • Draft of the environmental and social studies, requesting comments and feedback <p>Public notification (including uploading of approved documents to donor websites):</p> <ul style="list-style-type: none"> • List of enterprises participating in the bid; • Summary and results of the community dialogue and consultations;

		different groups) that guarantee their participation in the overall project process and preparation of the EMDP.	<ul style="list-style-type: none"> • Final (approved) versions of IEE, ISA, LACR and/or EMDP (and any other studies developed during the project preparation)
	Approval		<p>To publish in the web and to announce in local media after the bid:</p> <ul style="list-style-type: none"> • Announcement of winning consultants; • Contract clauses with environmental and social commitments
	Monitoring		<p>Encourage local communities to participate in monitoring;</p> <p>To publicly notify during implementation:</p> <ul style="list-style-type: none"> • Reports of progress and findings of monitoring and evaluation (implementation of safeguard documents, project impacts and benefits, ongoing environmental and social commitments)
<u>Category C</u> LOW environmental and social risk	Assessment	Dialogue process with local actors, including the community, about the project purposes and identification of any items to be included in contract clauses and technical specifications	<p>Advance notice of :</p> <ul style="list-style-type: none"> • Basic information of the project • Schedule of bids to prepare the environmental documents • Level of environmental categorization <p>Publishing in the web before the bid:</p> <ul style="list-style-type: none"> • List of firms participating in bidding; • Summary and results of the consultations; • How to get access to important studies developed during feasibility study
	Approval		<p>Public notification of:</p> <ul style="list-style-type: none"> • Announcement of the winning consultants • Contracts with environmental and social commitments
	Monitoring		<p>Public notification of:</p> <p>Reports of progress and findings of monitoring and evaluation (implementation of safeguard documents, project impacts and benefits, ongoing environmental and social commitments)</p>

7 ANNEX G: GENERIC ECoP

1. This annex presents a generic ECoP to be finalized during the preparation of an Environmental and Social Management Plan (ESMP) of all the maintenance works to be conducted under Component 1 of the Lao Road Sector Project (LRSP2) and the additional financing. The final ECoP is considered part of the ESMP and it will be incorporated into the bidding document and contract document and the implementation cost will be part of the contract cost. The subproject owner will assign the Construction Supervision Consultant (CSC) and/or field engineer to supervise and monitor Contractor's compliance with ECoP on a day-to-day basis while assigning the Environment and Social Unit (ESU/DWPT) to conduct monthly monitor and reporting. The Department of Road (DoR), the Environment and Social Division of the Public Works and Transport Institute (ESD/PTRI), the local authorities (PONRE/DONRE), and local communities may also conduct periodic monitoring of contractor performance, as needed.

2. DPWT (as the subproject owner) will be responsible for preparation of the final ECoP and ensuring its compliance during road maintenance works. This generic ECoP can be modified to suit specific issues/conditions observed/agreed during the preparation of the subproject ESMP and finalization of the ECoP.

3. ***Application of ECoP:*** The ECoP aims to mitigate the typical potential negative impacts of road maintenance works such as increased in air, noise, vibration, waste generation, safety risks, local traffic, etc. which could be mitigate through good environmental management and construction practices. However site-specific measures may be required to address site-specific issues for the subproject that require specific actions to be carried out by contractors and this will be considered during the preparation of ESMP and other safeguard documents (RAP, EGDP). ECoP approach is considered a good practice and acceptable internationally. It is expected that the application of ECoP will become a standard procedure to be mainstreamed into DPWT operations related to other road works under DPWT responsibility. Key actions during the application of ECoP are highlighted as follows:

- During preparation of ESMP, incorporate specific actions and/or results from consultation with local authorities and community into the final ECoP. Based on the initial consultation with local authorities and community specific requirements has been incorporated as the site-specific actions into Part (2) of this generic ECOP. This part could be modified as appropriate.
- After the ESMP is approved by EDPD/PTRI and WB, the DPWT will incorporate the final ECoP into the bidding and contract documents and ensure that the bidders/contractors are committed to this obligation and are aware that the mitigation cost is part of the construction cost.
- Before works begins, DPWT will assign a qualified field engineer or the CSC to be responsible for the day-to-day supervision and monitoring of safeguard performance of Contractor and the results will be included in the construction supervision progress report. DPWT will also assign staff of the Environmental and Social Unit (EDPD/DWPT) and/or mobilize an environmental monitoring consultant (EMC) to conduct periodic monitoring of the Contractor performance and report the results and possible complaints from local authorities, communities, and/or other stakeholders. The DPWT may assign the responsibility for mobilization of the EMC to a designated community organization, mass organization, and/or PONRE/DONRE.

4. **Scope of ECoP:** ECoP requirements are divided into 3 parts: (1) General Provision and Planning, (2) Site-Specific Actions, and (3) Works Management and Monitoring. Part (1) describes roles and responsibility of the subproject owner, the Contractor, and supervisor including the basic requirements of the WB groups and the principles for Contractor to consider during the planning or development of the contractor's standard operation procedures (SOP). Part (2) describes site-specific requirements that require particular attention as a result of specific concerns expressed by local authorities and/or communities, typical issues observed during supervision, and/or site-specific issues. Part (3) describes standard requirements during execution of works to reduce potential impacts on air, noise, vibration, water, etc. including key monitoring indicators that could facilitate effective supervision and monitoring.

5. The following guidelines will be implemented by the Contractor and is considered as part of contract documents of the subproject to be conducted by Contractor.

Part (1): General Provision and Planning

Section (1.1) Contractor responsibility

6. The Contractor is responsible for making best effort to reduce and mitigate the potential negative impacts on local environment and local resident including making payment for all damages that may occur. Performance of the Contractor will be closely supervised and monitored by the Construction Supervision Consultant (CSC) and/or qualified field engineer as well as periodic monitored by a qualified consultant to be assigned by the subproject owner (DPWT) and/or staff from the Environment and Social Unit of DPWT (ESU/DPWT). Results of the ECoP compliance monitoring will be included as part of the subproject progress report. Compliance with ECoP will be required throughout the construction period.

7. For clarity, the term "works" and/or "construction" in this document includes all site preparation, demolition, spoil disposal, materials and waste removal and all related engineering and construction activities.

Section (1.2) Non-compliance reporting procedures

8. The Contractor (and its subcontractors if any) must comply with the final ECoP. To ensure that necessary action has been undertaken and that steps to avoid adverse impacts and/or reoccurrence have been implemented, the CSC, the ESU/DPWT, and/or the Contractors must advise the subproject owner within 24 hours of any serious incidents of non-compliance with the final ECoP that may have serious consequence. In the event of working practices being deemed dangerous either by the subproject owners, the local authorities, or the other concerned agencies, immediate remedial action must be taken by the Contractors. The Contractors must keep records of any incidents and any ameliorative action taken. The records on non-compliance that could be practically addressed (not cause serious impacts) will be reported to the subproject owner on a monthly basis.

9. The Contractor will be responsible for dealing with any reports/grievance forwarded by the project investment owner, Police or other agencies (by following instruction from the project investment owner representative as appropriate) as soon as practicable, preferably within one hour but always within 24 hours of receipt by either the Contractor. The CSC/ESU will monitor and ensure that the Contractor has taken appropriate action. Where appropriate, approval remedial actions may require an agreement from the local authorities and/or other Government agencies. Procedures should be put in place to ensure, as far as is reasonably practical, that necessary actions can be undertaken to avoid recurrence and/or serious damage.

Section (1.3) Liaising with local authorities and the public

10. Prior to the commencement of project investment activities and throughout the construction duration, the Contractor will work closely with the local authorities and other agencies to ensure full compliance with Government regulations and will also provide adequate information on the Project to the General Public, especially those that may cause public safety, nuisance, and sensitive areas and the locations of storage and special handling areas. The Contractor will provide information and reporting telephone “Hot Line” staffed at all times during working hours. Information on this facility shall be prominently displayed on site hoardings.

Section (1.4) Community relations

11. The Contractor will assign one community-relation personnel, who will be focused on engaging with the community to provide appropriate information and to be the first line of response to resolve issues of concern. Contractor will take reasonable steps to engage with residents of ethnic minority backgrounds and residents with disabilities (or other priority groups as appropriate), who may be differentially affected by construction impacts.

12. The Contractor will ensure that local residents nearby the construction sites will be informed in advance of works taking place, including the estimated duration. In the case of work required in response to an emergency, local residents shall be advised as soon as reasonably practicable that emergency work is taking place. Potentially affected residents will also be notified of the ‘Hotline’ number, which will operate during working hours. The “Hotline” will be maintained to handle enquiries regarding construction activities from the general public as well as to act as a first point of contact and information in the case of any emergency. All calls will be logged, together with the responses given and the callers' concerns action and a response provided promptly. The helpline will be widely advertised and displayed on site signboards.

13. The Contractor respond quickly to emergencies, complaints or other contacts made via the ‘Hotline’ or any other recognized means and liaise closely with the emergency services, local authority officers and other agencies (based on established contacts) who may be involved in incidents or emergency situations.

14. The Contractor will manage the work sites, work camps, and workers in a way that is acceptable to local residents and will not create any social impacts due to workers. Any construction workers, office staff, Contractor’s employees, or any other person related to the Project found violating the “prohibitions” activities listed in Section (1.7) below may be subject to disciplinary actions that can range from a simple reprimand to termination of his/her employment depending on the seriousness of the violation.

Section (1.5) Implementation of the Environmental Health and Safety (EHS) guideline

15. In line with WB safeguard policy, the Contractor is required to comply with the Environmental Health and Safety Guidelines (EHSG) established for the project investment with financial support from the WB group (WBG). The EHSG provides general guidance on the pollution prevention and abatement measures and workplace and community health and safety guidelines that are normally acceptable in Bank-supported projects, particularly in cases where the borrowing country does not have standards, or when its standards fall significantly short of international or industry-wide norms. The EHSG are divided in two parts: general guidelines on health and safety and pollution prevention and abatement, including general standards for air and water quality, and a set of sector-specific guidelines for various types of development

projects. For the Project, the Contractor will prepare an EHS Plan with an aim to identify the potential impacts and to develop a mechanism for a better management of the environmental health and safety of project activities during construction. The EHS Plan will be incorporated into the Contractor's own Standard Operating Procedures (SOPs). At a minimum the following EHS rules will be strictly followed:

Site EHS Rules:

- EHS orientation sessions before starting work;
- Wearing of personal protective equipment (gloves, helmets, safety shoes, dungarees, goggles etc);
- Follow the messages and instructions displayed on EHS notice boards installed on site;
- Promptly reporting all accidents to the concerned authority;
- Maintain appropriate barricades as required;
- Vehicles must be driven at a safe speed, observing speed limits of 30 Km/h and designated routes as mentioned in Contractor's Mobility Map;
- Drivers must have a valid driving license for the class of vehicle they are operating;
- Vehicles shall only be parked in designated parking areas; and
- Mine clearance of the project investment area.

Health and Hygiene: The measures should include:

- Provision of adequate medical facilities to the staff;
- Provision of hygienic food to the employees;
- Provision of cooling and heating facilities to the staff; and
- Provision of drainage, sewerage and septic tanks in camp area.

Security: Security measures should include:

- Regular attendance and a controlled time keeping of all employees;
- Restriction of un-authorized persons to the residential and work areas;
- Restriction of carrying weapons and control hunting by employees; and
- Provision of boundary walls/ fences with proper exits to the camp.

Section (1.6) Implementation of "Chance Find" Procedures

16. If the Contractor discovers archeological sites, historical sites, remains and objects, including graveyards and/or individual graves during excavation or construction, the Contractor will carry out the following steps:

- Stop the construction activities in the area of the chance find;
- Delineate the discovered site or area;

- Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be arranged until the responsible local authorities or the National Culture Administration take over;
- Notify the project engineer, supervisor (CSC), and/or the project owner (DPWT) who in turn will notify the responsible local authorities and the provincial Culture Department immediately (within 24 hours or less);
- Responsible local authorities and the provincial Culture Department would be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the archeologists of National Culture Administration. The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage; those include the aesthetic, historic, scientific or research, social and economic values;
- Decisions on how to handle the finding shall be taken by the responsible authorities and the provincial Culture Department. This could include changes in the layout (such as when finding an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage;
- Implementation for the authority decision concerning the management of the finding shall be communicated in writing by relevant local authorities; and
- Construction work could resume only after permission is given from the responsible local authorities or the provincial Culture Department concerning safeguard of the heritage.

Section (1.7) Prohibitions

17. The following activities are prohibited on or near the subproject sites:

- Cutting of trees for any reason outside the approved construction area; Hunting, fishing, wildlife capture, or plant collection; Buying of wild animals for food; Having caged wild animals (especially birds) in camps; Poaching of any description; Explosive and chemical fishing; Disturbance to anything with architectural or historical value;
- Building of fires; Use of unapproved toxic materials, including lead-based paints, asbestos, etc.; Use of firearms (except authorized security guards); Use of alcohol by workers in office hours; Driving in an unsafe manner in local roads; and
- Washing cars or machinery in streams or creeks; Maintenance (change of oils and filters) of cars and equipment outside authorized areas; Creating nuisances and disturbances in or near communities; Disposing garbage in unauthorized places; Indiscriminate disposal of rubbish or construction wastes; Littering the site; Spillage of potential pollutants, such as petroleum products; Collection of firewood; Urinating or defecating outside the designated facilities; and Burning of wastes and/or cleared vegetation.

Part (2) Site-Specific Requirements

18. To be responsive to concerns observed and/or expressed by local authorities and communities, specifically, the Contractor will be responsible to comply with, but not limited to, the followings:

- The Contractor will install the Work Camp on areas far enough from water points, houses and sensitive areas in consultation with the community and the subproject owner. Good quality sanitary equipment should be selected and installed in the Work Camp.
- The Contractor will manage all activities in compliance with laws, rules and other permits related to site construction regulations (what is allowed and not allowed on work sites), and will protect public properties. Degradation and demolition of private properties will be avoided. Paying compensation to damage to the public facilities and/or private property will be required. The Contractor will inform the subproject owner on issue and/or damages that may unexpectedly occur.
- The Contractor is responsible for protection of local environment against dust, air, noise, vibration, exhaust fuels and oils, and other solid residues generated from the work sites. The Contractor will manage waste properly and do not burn them on site and will also provide proper storage for construction materials, organize parking and displacements of machines in the site. Used oil and construction waste materials must be appropriately disposed off and adequate waste disposal and sanitation services will be provided at the construction site next to the generated areas. In order to protect soil, surface and ground water the Contractor will avoid any wastewater discharge, oil spill and discharge of any type of pollutants on soils, in surface or ground waters, in sewers and drainage ditches. Compensation measures may be required.
- The Contractor will be responsible for maintaining good hygiene, safety, and security of the work sites, including protection of and health and safety of staff and workers. The Contractor will prevent standing water in open construction pits, quarries or fill areas to avoid potential contamination of the water table and the development of a habitat for disease-carrying vectors and insects. Safe and sustainable construction materials and construction method should be used.
- The Contractor will use a quarry of materials according to the regulations and compensate by planting of trees in case of deforestation or tree felling. When possible, the Contractor should develop maintenance and reclamation plans, protect soil surfaces during construction and re-vegetate or physically stabilize eligible surfaces, preserve existing fauna and flora and preserve natural habitats along streams, steep slopes, and ecologically sensitive areas.
- During construction, the Contractor will take serious actions to control dust by using water or through other means and the construction site will be cleaned on a daily basis.
- The Contractor will work with local authority and management local traffic effectively and ensure traffic access of road safety of local residents and road users during the works. Speed limit at work sites and community area will be applied to all vehicles and cars. All vehicles and their drivers must be identified and registered and the drivers are properly trained.
- The Contractor will install signaling of works, ensure no blockage of access to households during construction and/or provide alternative access, provide footbridges and access of neighbours and endure construction of proper drainage on the site.
- The Contractor will respect the cultural sites, ensure security and privacy of women and households in close proximity to the camps and safely dispose asbestos.

Part (3) Works Management and Monitoring

Section (3.1) Mitigation measures

19. Table below provides guidelines (as an example) for the mitigation measures to be carried out by Contractor during implementation of works including key monitoring indicators for supervision by CSC/ESU. These requirements should be consistent with the final ESMP.

#	Activities causing impacts	Mitigation measures	Monitoring indicators
1	Establishment and operation of worker camps,	<ul style="list-style-type: none"> • Ensure that the sites for campsite are approved by the Project and local authority; Selection of the camp sites should be made through tripartite consultation including community, Contractor, and the subproject representative. • Ensure that basic camp facilities are provided including security, septic tanks, latrines, safe water supply, mosquito net, blanket, safe paths, fire prevention equipment, etc. • Ensure that (a) washing areas, demarcated and water from washing areas and kitchen is released in sumps, (b) septic tanks of appropriate design have been used for sewage treatment and outlets are released into sumps and must not create a pond of stagnant water, and (c) the latrines, septic tanks, and sumps are built at a safe distance from water body, stream, or dry streambed, and the sump bottom is above the groundwater level. 	<p>Location of the work camp should be shown in the alignment sheet.</p> <p>No complaints from local authorities and local residents due to location and activities of the worker camps.</p> <p>Safe and comfortable living of staff and workers</p>
2	Establishment and operation of construction materials and equipment yards and access roads	<ul style="list-style-type: none"> • Ensure that the locations are far away from residential areas and take actions to mitigate dust, noise, vibration, water pollution, waste, etc. 	Proper management of the site and no complaints from local authorities and residents
3	Disposal of waste generated from the camp	<ul style="list-style-type: none"> • Recycle metallic, glass waste; bury organic waste in impervious pit covered with soil. • Ensure that waste material is properly disposed off in a manner that does not affect the natural drainage. 	No health issue occurred
4	Access tracks/haulage routs	<ul style="list-style-type: none"> • The moving machinery should remain within the subproject boundary. • Ensure that the access tracks, which are prone to dust emissions and disturbance to local resident are managed by water spraying daily and the areas sensitive to noise and vibration are managed through enforcement of speed limit control. • After completion of construction work all the damaged roads / tracks will be restored by the Contractor, as it is Contractor's obligations. Ensure 	No complaints from local residents regarding dust, noise, vibration, road safety, and the usage of the tracks/access roads

		<p>that surface run-off controls are installed and maintained to minimize erosion.</p> <ul style="list-style-type: none"> • Restriction on movement of Contractor's vehicles on designation routes; deploy traffic man at the village to control the traffic as needed. 	
5	Hiring skilled workers from outside of the locality	<ul style="list-style-type: none"> • Hiring of workers from the local communities as much as possible. 	Number of local workers at the worksite.
6	Workers safety and hygienic conditions	<ul style="list-style-type: none"> • Provide protective clothing and equipment for workers especially those handling hazardous materials, (helmets, adequate footwear) for concrete works (long boots, gloves), for welders (protective screen, gloves dungaree), etc. 	Safe working conditions
7	Water for staff and workers consumption and construction	<ul style="list-style-type: none"> • Provide adequate and safe water for consumption at sites and work camp. 	Water tanker and pump by the Contractor
8	Interruption of water supply	<ul style="list-style-type: none"> • Inform residents and provide water supply as needed. 	No complaint from residents
9	Social issues	<ul style="list-style-type: none"> • Ensure that conflicts with local power holders and local communities are avoided. • Ensure that focus group meetings are conducted with both men and women to identify any water related and other issues related to the subproject implementation. 	No social conflicts due to the subproject activities and/or workers.
10	Storage of hazardous material (including waste)	<ul style="list-style-type: none"> • Provide hard compacted, impervious and bounded flooring to hazardous material storage areas; Label each container indicating what is stored within; Train staff in safe handling techniques. 	No health hazard and water contamination occurred.
11	Construction activities; handling of fuels, oil spill and lubricants	<ul style="list-style-type: none"> • Ensure that no contaminated effluent is released in to the environment. • Ensure that fuels, oils, and other hazardous substances handled and stored according to standard safety practices such as secondary containment. • Fuel tanks should be labeled and stored in impervious lining and dykes etc • Ensure that vehicle refueling to be planned on need basis to minimize travel and chance spills. • Ensure that operating vehicles are checked regularly for any fuel, oil, or battery fluid leakage. 	No oil spill observed
12	Cutting of trees in the right of way where required	<ul style="list-style-type: none"> • To get agreement of the local community and community 	No complaints from local authority and/or residents.
13	Excavation of channels	<ul style="list-style-type: none"> • Proper compaction and water sprinkling 	Erosion and dust emission minimized

14	Disposal of excavated material	<ul style="list-style-type: none"> Stockpile the excavated material to non-agriculture and in a minimum area and away from storm water 	Minimum loss of habitat
15	Loss of fertile soil and vegetation; impacts on natural vegetation and embankment erosion along the watercourse.	<ul style="list-style-type: none"> Remove surface soil of the location, stocked in a proper place and once the construction is finished, put the soil back on that place. The left over spoil soil should be collected and kept aside for rehabilitation of the site at later stage of the work; re-vegetate the embankments with indigenous plant species 	River banks stabilized and re-vegetated
16	Dust and smoke emissions	<ul style="list-style-type: none"> All truckloads of loose materials is covered during transportation. Water spraying or any other methods are used by the Contractor to maintain the works areas, adjacent areas, and roads, in a dustless condition, as well the vehicle speed not to be exceeded from 30Km/h. Vehicles will be tuned regularly to minimize the smoke emissions. 	Dust and smoke controlled
17	Noise pollution	<ul style="list-style-type: none"> Vehicles and equipment used to be fitted, as applicable, and with properly maintained silencers. Restriction on loudly playing radio/tape recorders etc. 	Excessive noise generation controlled
18	Excavation of borrow areas	<ul style="list-style-type: none"> Excavate borrow soil up to maximum depth of 0.5m; with slope boundaries 	Borrow area rehabilitated as per specification
19	Rehabilitation of borrow pits	<ul style="list-style-type: none"> Proper rehabilitation of borrow pits; Removal and storage of top 15 cm top soil having organic materials and spreading it back during restoration of borrow area 	Borrow areas rehabilitated
20	Encountering archaeological sites during earth works	<ul style="list-style-type: none"> The subproject field supervisor (CSC or filed engineer) will halt the work at the site and inform to the regional team leader and Archaeological Department immediately. 	The report from the CSC or field supervisor, community, and contractor
21	Aesthetic/ scenic quality	<ul style="list-style-type: none"> Carry out complete restoration of the construction sites. Remove all waste, debris, unused construction material, and spoil from the worksites. 	Cleanliness and tidiness of works sites and work camp

8. ANNEX H: GENERIC CoC ON GBV AND VAC

1. This section provides guidance on sample of requirements to be included in contract to address the issues related to Gender-Based Violence (GBV) and Violence against Children (VAC) which is a new requirement to be applied to all projects with WB financing. These samples are used in road projects in Cambodia (RAMP-II) and Lao PDR (LRSP2 and NR13N) starting 2018. Sections G1, G2, G3, G4, G5, and G6 presents (i) Table of contents, objectives, scope, and definitions; (ii) Samples code of conduct; (iii) Action plan; (iv) GRM; (v) Services providers; (vi) GBV and VAC Focal Point; and (vii) Annex 1 - Potential Procedures for Addressing GBV and VAC.

2. Table of Content, Objective, Scope, and Definitions are as follows:

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1. Background
2. Scope
3. Definitions
4. Sample Codes of Conduct
 - (a) Company Code of Conduct
 - (b) Preventing Gender Based Violence and Violence Against Children
 - (c) Manager's Code of Conduct
 - (d) Preventing Gender Based Violence and Violence Against Children
 - (e) Individual Code of Conduct
 - (f) Preventing Gender Based Violence and Violence Against Children
5. Action Plan
 - (a) The GBV and VAC Compliance Team
 - (b) Making Complaints: GBV and VAC Allegation Procedures
 - (c) Addressing Complaints about GBV or VAC
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8. GBV and VAC Focal Point
 - (a) Accountability Measures
 - (b) Monitoring and Evaluation
 - (c) Awareness-raising Strategy
 - (d) Response Protocol
 - (e) Survivor Support Measures
 - (f) Perpetrator Policy and Response

(g) Administrative Sanctions

Attachment 1 - Potential Procedures for Addressing GBV and VAC

G1. Background

3. The purpose of these *Codes of Conduct and Action Plan to prevent Gender Based Violence (GBV) and Violence against Children (VAC)* is to introduce a set of key definitions, minimum standard sample Codes of Conduct, and guidelines that establish mechanisms for preventing, reporting and addressing GBV and VAC within the work site and in its immediate surrounding communities. The application of the GBV and VAC Codes of Conduct will help prevent and/or mitigate the risks of GBV and VAC on the project.

4. Mutual respect and fair treatment between those working on the project and local communities is critical to a safe, respectful, and productive workplace and operating environment. GBV and VAC can be one of the most serious violations of respect and fair treatment which can harm the local community, and significantly damage trust and cooperation between parties.

5. These Codes of Conduct are to be adopted by those working on the project and are meant to: (i) create common awareness about GBV and VAC; (ii) ensure a shared understanding; and, (iii) create a clear system for identifying, responding to, and sanctioning GBV and VAC incidents.

6. Ensuring that all project staff understand the values of the project, understand expectations for all employees, and acknowledge the consequences for violations of these values, will help to create a smoother, more respectful and productive project implementation thereby helping ensure that the project's objectives will be achieved.

G2. Scope

7. [use what is in draft bidding documents]

G3. Definitions

8. The following definitions apply:

- *Gender-Based Violence (GBV)*: is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.
- *Violence against Children (VAC)*: is defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18) including using for profit, labor, sexual gratification, or some other personal or financial advantage.
- *Accountability Measures*: are the measures put in place to ensure the confidentiality of survivors and to hold contractors, consultants and the client responsible for instituting a fair system of addressing cases of GBV and VAC.

- *Child*: is used interchangeably with the term ‘minor’ and refers to a person under the age of 18.⁹ This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.
- *Child Protection (CP)*: is an activity or initiative designed to protect children from any form of harm, particularly arising from VAC.
- *Consent*: is the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18¹⁰, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.
- *Consultant*: is as any firm, company, organization or other institution that has been awarded a contract to provide consulting services in the context of the RAMP-II, to the project, and has hired managers and/or employees to conduct this work.
- *Contractor*: is any firm, company, organization or other institution that has been awarded a contract to conduct infrastructure development works in the context of the RAMP-II project and has hired managers and/or employees to conduct this work. This also includes sub-contractors hired to undertake activities on behalf of the contractor.
- *Employee*: is as any individual offering labor to the contractor or consultant within country on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.
- *Employer*: Ministry of Public Works and Transport
- *GBV and VAC Allegation Procedure*: is the prescribed procedure to be followed when reporting incidents of GBV or VAC.
- *GBV and VAC Codes of Conduct*: The Codes of Conduct adopted for the project covering the commitment of the company, and the responsibilities of managers and individuals with regards to GBV and VAC.

⁹ The Kingdom of Cambodia is party to this convention. <http://www.pseataforce.org/uploads/tools/1478613357.pdf>

¹⁰ See UN Resolution 62/214. United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel; UN Secretariat (2003) ST/SGB/2003/13 Special measures for protection from sexual exploitation and sexual abuse; IOM (2016) Policy and Procedures for Preventing and Responding to Sexual Exploitation and Abuse.

- *GBV and VAC Compliance Team (GCCT)*: a team established by the project to address GBV and VAC issues.
- *Grievance Redress Mechanism (GRM)*: is the process established by the RAMP-II project to receive and address complaints.
- *Grooming*: are behaviors that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualize that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
- *Manager*: is any individual offering labor to the contractor or consultant, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor's or consultant's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.
- *Online Grooming*: is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender¹¹.
- *Perpetrator*: is the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV or VAC.
- *Response Protocol*: is the mechanisms set in place to respond to cases of GBV and VAC.
- *Survivor/Survivors*: is the person(s) adversely affected by GBV or VAC. Women, men and children can be survivors of GBV; children can be survivors of VAC.
- *Work Site*: is the area in which infrastructure development works are being conducted, as part of the project.
- *Work Site Surroundings*: is the 'Project Area of Influence' which are any area, urban or rural, directly affected by the project, including all human settlements found on it.

G4. Sample Codes of Conduct

9. This section presents three sample Codes of Conduct as the minimum standard for use under civil works contracts for the Project (RAMP-II). These codes will be confirmed and agreed upon prior commencement of works and cleared by the Supervision Consultant.

- *Company Code of Conduct*: Commits the company to addressing GBV and VAC issues;
- *Manager's Code of Conduct*: Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
- *Individual Code of Conduct*: Code of Conduct for everyone working on the project, including managers.

(a) Company Code of Conduct: Preventing Gender Based Violence and Violence Against Children

10. In the context of the Project, the company is committed to creating and maintaining an environment in which gender based violence (GBV) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, associate, or representative of the company. Therefore, in order to ensure that all those engaged in the project are aware of this commitment, and in order to prevent, be aware of, and respond to any allegations of GBV and VAC, the company commits to the following core principles and minimum standards of behavior that will apply to all company employees, associates, and representatives including sub-contractors, without exception:

1. The company—and therefore all employees, associates, and representatives—commit to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
2. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives.
3. Acts of GBV or VAC constitute gross misconduct and are therefore grounds for administrative sanctions, which may include penalties and/or termination of employment. All forms of GBV and VAC, including grooming are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker’s camps or at worker’s homes.
4. In addition to company sanctions, legal prosecution of those who commit acts of GBV or VAC will be pursued if appropriate.
5. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
6. Sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior are prohibited.
7. Unless there is full consent¹² by all parties involved in the sexual act, sexual interactions between the company’s employees (at any level) and members of the communities surrounding the work place are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.

¹²**Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

8. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with GBV and VAC Allegation Procedures.
9. Managers are required to report suspected or actual acts of GBV and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.
10. Comply with all relevant local legislation, including labor laws in relation to child labor.
11. To ensure that the above principles are implemented effectively the company commits to ensuring that:
12. All managers sign the 'Manager's Code of Conduct' detailing their responsibilities for implementing the company's commitments and enforcing the responsibilities in the 'Individual Code of Conduct'.
13. All employees sign the project's 'Individual Code of Conduct' confirming their agreement not to engage in activities resulting in GBV or VAC.
14. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas, health clinics.
15. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
16. An appropriate person is nominated as the company's 'Focal Point' for addressing GBV and VAC issues, including representing the company on the GBV and VAC Compliance Team (GCCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local service provider(s).
17. Ensuring that an effective Action Plan is developed in consultation with the supervision consultant and which includes as a minimum:
 - a. *GBV and VAC Allegation Procedure* to report GBV and VAC issues through the project Grievance Redress Mechanism (GRM);
 - b. *Accountability Measures* to protect confidentiality of all involved; and,
 - c. *Response Protocol* applicable to GBV and VAC survivors and perpetrators.
18. That the company effectively implements the Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
19. All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments and the project's GBV and VAC Codes of Conduct.
20. All employees attend two mandatory training courses per year for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's GBV and VAC Code of Conduct.

Company name: _____

Signature of Company's Representative: _____

Printed Name: _____

Title: _____

Date: _____

(b) Manager's Code of Conduct: Preventing Gender Based Violence and Violence against Children

11. Managers at all levels have particular responsibilities to uphold the company's commitment to preventing and addressing GBV and VAC. This means that managers have an acute responsibility to create and maintain an environment that prevents GBV and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere this Manager's Code of Conduct and also sign the Individual Code of Conduct. This commits them to supporting and developing systems that facilitate the implementation of the Action Plan and maintain a GBV-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

Implementation

1. To ensure maximum effectiveness of the Company and Individual Codes of Conduct:
 - a. Prominently displaying the Company and Individual Codes of Conduct in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas, health clinics.
 - b. Ensuring all posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
2. Verbally and in writing explain the Company and Individual Codes of Conduct to all staff.
3. Ensure that:
 - a. All staff members sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.
 - b. Staff lists and signed copies of the Individual Code of Conduct are provided to the GCCT and the client.
 - c. Participate in training and ensure that staff also participate as outlined below.
 - d. Staff are familiar with the Grievance Redress Mechanism (GRM) and that they can use it to anonymously report concerns of GBV or VAC incidents.

- e. Staff are encouraged to report suspected or actual GBV or VAC through the GRM by raising awareness about GBV and VAC issues, emphasizing the staff's responsibility to the Company and the country hosting their employment, and emphasizing the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed.
5. Ensure that when engaging in partnership, sub-contractor or similar agreements, these agreements:
 - a. Incorporate the GBV and VAC Codes of Conduct as an attachment.
 - b. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
 - c. expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against GBV and VAC, to investigate allegations thereof, or to take corrective actions when GBV or VAC has occurred, shall constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct.
6. Provide resources to the GCCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the Action Plan.
7. Ensure that any GBV or VAC issue warranting police action is reported to the client and the World Bank immediately.

Training

8. All managers are required to attend an induction manager training course prior to commencing work on site to ensure that they are familiar with their roles and responsibilities in upholding the GBV and VAC Codes of Conduct. This training will be separate from the induction training course required of all employees and will provide managers with the necessary understanding and technical support needed to begin to develop the Action Plan for addressing GBV and VAC issues.
9. Ensure that time is provided during work hours and that staff attend the mandatory project facilitated induction training on GBV and VAC required of all employees prior to commencing work on site.
10. Ensure that staff attend the mandatory refresher training course required of all employees. Ensure satisfaction surveys to evaluate training are conducted by the service provider.

Response

11. Managers will be provide input to the GBV and VAC Allegation Procedures and Response Protocol developed by the GCCT, as needed as part of the final cleared Action Plan.
12. Once adopted by the Company, managers will uphold the Accountability Measures set forth in the Action Plan to maintain the confidentiality of all employees who report or (allegedly) perpetrate

incidences of GBV and VAC (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).

13. If a manager develops concerns or suspicions regarding any form of GBV or VAC by an employee, or by an employee working for another contractor on the same work site, s/he is required to report the case.
14. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made.
15. Managers failing to report or comply with such provision can in turn be subject to disciplinary measures, to be determined and enacted by the company's CEO, Managing Director or equivalent highest-ranking manager. Those measures may include:
 - a. Informal warning.
 - b. Formal warning.
 - c. Loss of up to one week's salary.
 - d. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
 - e. Termination of employment.
16. Ultimately, failure to effectively respond to GBV and VAC cases on the work site by the company's managers or CEO may provide grounds for legal actions by authorities.

I do hereby acknowledge that I have read the foregoing Manager's Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Manager's Code of Conduct or failure to take action mandated by this Manager's Code of Conduct may result in disciplinary action.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

(c) Individual Code of Conduct: Preventing Gender Based Violence and Violence against Children

I, _____, acknowledge that preventing gender based violence (GBV) and violence against children (VAC) is important. The company considers that GBV or VAC activities constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. All forms of GBV or VAC are unacceptable be it on the work site, the work

site surroundings, or at worker's camps. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual contact or activity with children—including grooming, or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
- Unless there is the full consent¹³ by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
- Attend and actively partake in training courses related to HIV/AIDS, GBV and VAC as requested by my employer.
- Consider reporting through the grievance redress mechanism or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.

¹³**Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also “Use of children's images for work related purposes” below).
- Refrain from physical punishment or discipline of children.
- Refrain from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

Use of children's images for work related purposes

12. When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

13. I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Report to the police if warranted.

I understand that it is my responsibility to avoid actions or behaviors that could be regarded as GBV or VAC or breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

G3. Action Plan

(a) The GBV and VAC Compliance Team

14. The project shall establish a ‘GBV and VAC Compliance Team’ (GCCT). The GCCT will include, as appropriate to the project, at least four representatives (‘Focal Points’) as follows:

- a. A safeguards specialist from the client;
- b. The occupational health and safety manager from the contractor¹⁴, or someone else tasked with the responsibility for addressing GBV and VAC with the time and seniority to devote to the position;
- c. The supervision consultant; and,
- d. A representative from a local service provider with experience in GBV and VAC (the ‘Service Provider’).

15. It will be the duty of the GCCT with support from the management to inform workers about the activities and responsibilities of the GCCT. To effectively serve on the GCCT, members must undergo training by the local service provider prior to the commencement of their assignment to ensure that they are sensitized on GBV and Child Protection.

16. The GCCT will be required to:

- a. Approve any changes to the GBV and VAC Codes of Conduct contained in this document, with clearances from the Supervision Consultant for any such changes.
- b. Prepare the Action Plan reflecting the Codes of Conduct which includes:
 - i. GBV and VAC Allegation Procedures (See 4.3)
 - ii. Accountability Measures (See 4.4)
 - iii. An Awareness raising Strategy (See 4.5)
 - iv. A Response Protocol (See 4.6)
- c. Obtain approval of the Action Plan by company management;

¹⁴ Where there are multiple contractors working on the project each shall nominate a representative as appropriate.

- d. Obtain client clearances for the Action Plan prior to full mobilization;
- e. Receive and monitor resolutions and sanctions with regard to complaints received related to GBV and VAC associated with the project; and,
- f. Ensure that GBV and VAC statistics in the GRM are up to date and included in the regular project reports.

17. The GCCT shall hold quarterly update meetings to discuss ways to strengthen resources and GBV and VAC support for employees and community members.

18. The Action Plan and Code of Conduct shall be submitted for review to the ISWS Consultant within 90 days from the contract signature date. Works will not commence unless the Engineer is satisfied with measures in place, including plan and codes. Failure to comply with such obligation should provide ground for contract suspension cancellation – this shall be determined at the sole discretion of the contracting entity, whilst intention to cancel the contract shall be notified to the World Bank team within 60 days from the proposed cancellation date.

(b) Making Complaints: GBV and VAC Allegation Procedures

19. All staff, volunteers, consultants and sub-contractors are encouraged to report suspected or actual GBV or VAC cases. Managers are required to report suspected or actual GBV and/or VAC cases as they have responsibilities to uphold company commitments and they hold their direct reports accountable for complying with the Individual Code of Conduct.

20. The project will provide information to employees and the community on how to report cases of GBV and VAC Code of Conduct breaches through the Grievance Redress Mechanism (GRM). The GCCT will follow up on cases of GBV, VAC and Code of Conduct breaches reported through the GRM.

(c) Addressing Complaints about GBV or VAC

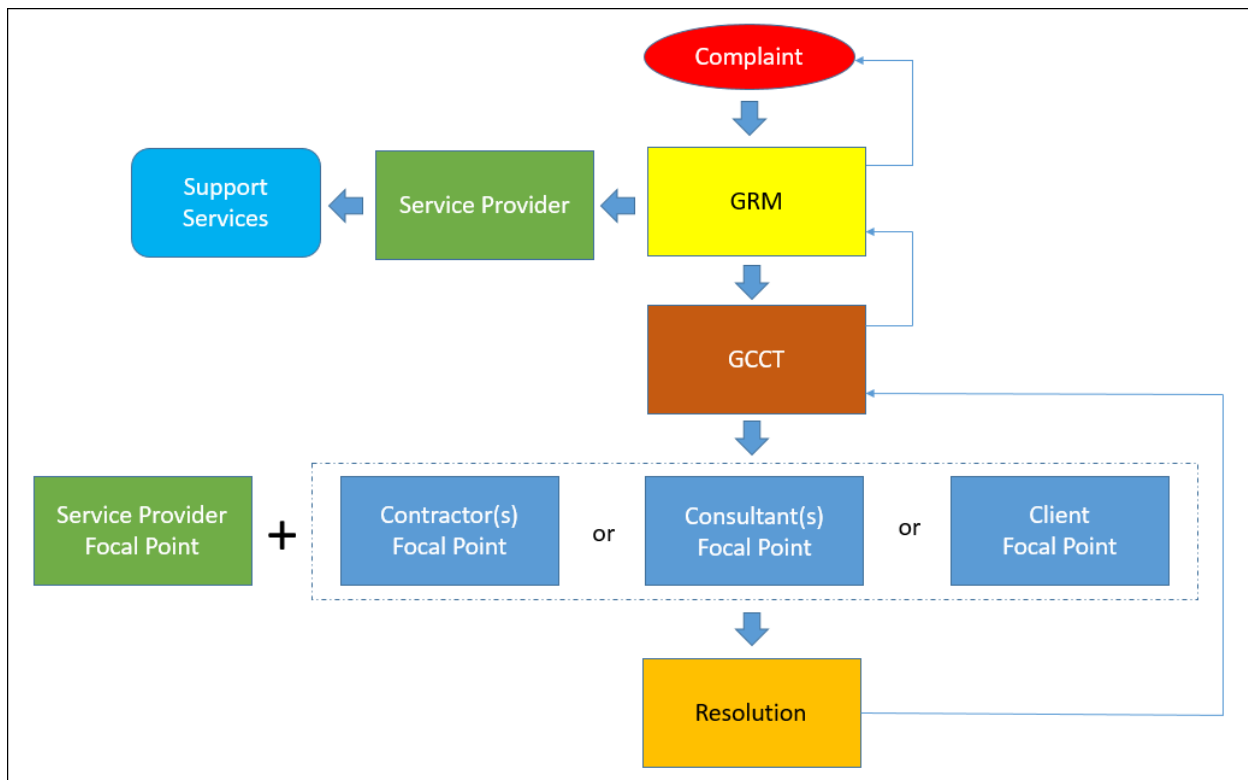
21. The figure below shows the process for addressing complaints.

G4. GRM

22. The project operates a grievance redress mechanism (GRM). Reports of GBV or VAC, other complaints, or other concerns may be submitted online, via telephone or mail, or in person.

23. The GRM operator will refer complaints related to GBV or VAC to the GCCT to resolve them. In accordance with the Action Plan, the GCCT through the Service Provider and Focal Point(s) will investigate the complaint and ultimately provide the GRM operator with a resolution to the complaint, or the police if necessary. The GRM operator will, upon resolution, advise the complainant of the outcome, unless it was made anonymously. Complaints made to managers or the Service Provider will be referred by them to the GRM for processing.

24. If the complaint to the GRM is made by a survivor or on behalf of a survivor, the complainant will be directly referred to the service provider to receive support services while the GCCT investigates the complaint in parallel.



G5 Service Provider

25. The Service Provider is a local organization (possibly an NGO) which has the technical experience and ability to provide training to staff and to support survivors of GBV or VAC. The contractor(s) will contract the services of a Service Provider, so that GBV and VAC cases can safely be referred to them. The Service Provider will also provide support and guidance to the GBV and VAC Focal Points as necessary. The Service Provider will have a representative on the GCCT and be involved in resolving complaints related to GBV or VAC. The service provider will develop and conduct the mandatory training to employees on GBV and VAC.

G6. GBV and VAC Focal Point

26. The GCCT will refer the complaint to the appropriate Focal Points for resolution (i.e. issues with contractor's staff will be for the contractor to resolve; consultant's staff the consultant; and client staff the client) and will advise the GCCT on potential resolutions, including referral to the police if necessary. They will be assisted by the Service Provider as appropriate.

27. All the Focal Points on the GCCT must be trained and empowered to resolve GBV and VAC issues. It is essential that all staff of the GRM and GCCT understand the guiding principles and ethical requirement of dealing with survivors of GBV and VAC. All reports should be kept confidential and referred immediately to the Service Provider represented on the GCCT¹⁵. In GBV and VAC cases warranting police action, the Focal Points must appropriately refer the complaint to: (i) the authorities; (ii) the Service

¹⁵Survivors of GBV and VAC may need access to police, justice, health, psychosocial, safe shelter and livelihood services to begin on a path of healing from their experience of violence.

Provider; and, (iii) management for further action. The Employer and the World Bank are to be immediately notified.

(a) Accountability Measures

28. All reports of GBV or VAC shall be handled in a confidential manner in order to protect the rights of all involved. To ensure that survivors feel confident to disclose their experience of GBV or VAC, the client, contractor and consultant must maintain the confidentiality of employees who notify any acts or threats of violence, and of any employees accused of engaging in any acts or threats of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law). The contractor and consultant must prohibit discrimination or adverse action against an employee on the basis of survivor's disclosure, experience or perceived experience of GBV or VAC (see Annex 1 for examples of actions to maintain accountability).

(b) Monitoring and Evaluation

29. The GCCT must monitor the follow up of cases that have been reported and maintain all reported cases in a confidential and secure location. Monitoring must collect the number of cases that have been reported and the share of them that are being managed by police, NGOs etc.

30. These statistics shall be reported to the GRM and the Supervision Engineer for inclusion in their reporting.

31. In GBV and VAC cases warranting police action, the client and the World Bank are to be immediately notified.

(c) Awareness-raising Strategy

32. It is important to create an Awareness-raising Strategy with activities aimed to sensitize employees on GBV and VAC on the work site and its related risks, provisions of the GBV and VAC Codes of Conduct, GBV and VAC Allegation Procedures, Accountability Measures and Response Protocol. The strategy will be accompanied by a timeline, indicating the various sensitization activities through which the strategy will be implemented and also the related (expected) delivery dates. Awareness-raising activities may be linked with trainings provided by Service Provider.

(d) Response Protocol

33. The GCCT will be responsible for developing a written response¹⁶ protocol to meet the project requirements, in accordance to national laws and protocols. The response protocol must include mechanisms to notify and respond to perpetrators in the workplace (See 4.8 for Perpetrator Policy and Response). The response protocol will include the GRM process to ensure competent and confidential response to disclosures of GBV and VAC. An employee who discloses a case of GBV or VAC in the workplace shall be referred to the GRM for further action.

(e) Survivor Support Measures

34. Appropriately respond to the survivor's complaint by respecting the survivor's choices to minimize the potential for re-traumatization and further violence against the survivor. Refer the survivor to the Service

¹⁶ Develop appropriate protocol for written recording of GBV issues and VAC raised in case the notes are subpoenaed. Develop processes for record keeping including activities undertaken by the GCCT.

Provider to obtain appropriate support services in the community—including medical and psychosocial support, emergency accommodation, security including police protection and livelihood support—by facilitating contact and coordination with these services. The contractor may, where feasible, provide financial and other supports to survivors of GBV or VAC for these services (see Annex 1 for examples of financial support).

35. If the survivor is an employee, in order to ensure the safety of the survivor and the workplace in general, the contractor, in consultation with the survivor, will assess the risk of ongoing abuse, to the survivor and to the workplace, and make reasonable adjustments to the work schedule and work environment as deemed necessary (see Annex 1 for examples of safety measures). The contractor will provide adequate leave to survivors seeking services after experiencing violence (see Annex 1 for details).

(f) Perpetrator Policy and Response

36. Encourage and accept notification through the GRM from employees and community members about perpetrators in the workplace. Through the GCCT and/or the Service Provider, oversee the investigation of these grievances, ensuring procedural fairness for the accused, and within the local laws. If an employee has breached the Code of Conduct, the contractor will take action which could include:

- a. Undertake disciplinary action up in accordance with sanctions in the GBV and VAC Codes of Conduct;
- b. Report the perpetrator to the Police as per local legal paradigms; and/or
- c. If feasible, provide or facilitate counselling for the perpetrator.

(g) Administrative Sanctions

37. In accordance with the Code of Conduct, any employee identified as a potential GBV or VAC perpetrator shall be considered for disciplinary measures in line with sanctions and practices as agreed in the Individual Code of Conduct (see Annex 1 for examples of sanctions). It is important to note that, for each case, disciplinary sanctions are intended to be part of a process that is entirely internal to the employer, is placed under the full control and responsibility of its managers, and is conducted in accordance with the applicable national labor legislation.

30. Such process is expected to be fully independent from any official investigation that competent authorities (e.g. Police) may decide to conduct in relationship to the same case, and in accordance with the applicable national law. Similarly, internal disciplinary measures that the employer's managers may decide to enact are meant to be separate from any charges or sanctions that the official investigation may result into (e.g. monetary fines, detention etc.).

G7. Attachment 1 - Potential Procedures for Addressing GBV and VAC

Accountability Measures to maintain confidentiality can be achieved through the following actions:

1. Inform all employees that confidentiality of GBV/VAC survivors' personal information is of utmost importance.
2. Provide the GCCT with training on empathetic and non-judgmental listening.

3. Take disciplinary action, including and up to dismissal, against those who breach survivor's confidentiality (this is unless a breach of confidentiality is necessary to protect the survivor or another person from serious harm, or where required by law).

GBV and VAC Allegation Procedures should specify:

1. Who survivors can seek information and assistance from.
2. The process for community members and employees to lodge a complaint through the GRM should there be alleged GBV or VAC.
3. The mechanism for how community members and employees can escalate a request for support or notification of violence if the process for reporting is ineffective due to unavailability or non-responsiveness, or if the employee's concern is not resolved.

Financial and Other Supports to survivors can include:

1. No/low interest loans.
2. Salary advances.
3. Direct payment of medical costs.
4. Upfront payments for medical costs to be recouped from the employee's health insurance.
5. Providing or facilitating access to childcare.
6. Providing security upgrades to the employee's home.
7. Providing safe transportation to access support services or to and from accommodation.

Survivor Support measures to ensure the safety of the survivor can include:

1. Changing the employee's span of hours or pattern of hours and/or shift patterns.
2. Redesigning or changing the employee's duties.
3. Changing the employee's telephone number or email address to avoid harassing contact.
4. Relocating the employee to another work site/ alternative premises.
5. Providing safe transportation to and from work for a specified period.
6. Supporting the employee to apply for an Interim Protection Order or referring them to appropriate support.
7. Taking any other appropriate measures including those available under existing provisions for family friendly and flexible work arrangements.

Leave options for survivors that are employees can include:

1. An employee experiencing GBV should be able to request paid special leave to attend medical or psychosocial appointments, legal proceedings, relocation to safe accommodation and other activities related to GBV.
2. An employee who supports a person experiencing GBV or VAC may take carer's leave, including but not limited to accompanying them to court or hospital, or to take care of children.

3. Employees who are employed in a casual capacity may request unpaid special leave or unpaid carer's leave to undertake the activities described above.
4. The amount of leave provided will be determined by the individual's situation through consultations with the employee, the management and the GCCT where appropriate.

Potential Sanctions to employees who are perpetrators of GBV and VAC include:

- Informal warning
- Formal warning
- Additional Training
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Referral to the Police or other authorities as warranted.

9. ANNEX I: INTERIM GUIDELINES ON THE APPLICATION OF SAFEGUARD POLICIES TO TECHNICAL ASSISTANCE (TA) ACTIVITIES IN BANK-FINANCED PROJECTS AND TRUST FUNDS ADMINISTERED BY THE BANK

Operations Policy and Country Services: Operational Risk Management (OPSOR)	Interim Guidelines on the Application of Safeguard Policies to Technical Assistance (TA) Activities in Bank-Financed Projects and Trust Funds Administered by the Bank¹⁷ <i>(This note is for guidance only and is not a complete treatment for the subject, for which please refer to the relevant OP/BPs.)</i>	Environmental and International Law Unit (LEGEN)
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Background

1. The purpose of this note is to provide guidance to Bank staff on applying safeguard policies to TA in Bank-financed projects. All TA activities in Bank assisted projects, irrespective of their sources of financing and whether they are stand-alone or as part of an investment operation, should be reviewed for their potential environmental and social implications, risk and impacts and therefore, subject to Bank safeguard policies when applicable. Hence, the Bank is responsible for the screening; environmental categorization and the selection of safeguard instruments of each proposed TA activity. These decisions are not always straightforward and involve professional judgment on a case-by-case basis. This note is intended to help in making this professional judgment.

Typology of TA Activities

2. TA activities come in a wide range of forms. The screening and environmental categorization of TA therefore requires a thorough understanding of the type of TA that is proposed. For purposes of this guidance note TA activities are grouped into following four major types¹⁸:

Type 1: Strengthening client capacity

Type 2: Assisting in formulation of policies, programs, plans, strategies or legal frameworks etc.

Type 3: Land use planning or natural resources management (NRM)

Type 4: Preparing feasibility studies, technical designs or other activities directly in support of the preparation of a future investment project (whether or not funded by the Bank).

Environmental and Social Implications of TA Activities

¹⁷This note builds on “2007 Guidelines for Environmental Screening and Classification” and “2010 Interim Guidance Note on Land Use Planning”. To address potential environmental and social implications of development policy lending, please refer to OP/BP 8.60 on “Development Policy Lending”. The information provided in this document should also be used by Bank Staff to help guide them in preparing and conducting Reimbursable Advisory Services.

¹⁸ For projects that are funded by Forest Carbon Partnership Facility (FCPF), teams should also be aware that their preparation processes have to conform to Guidelines for Processing FCPF Readiness Operations in Regions.

3. Most TA activities themselves do not have direct adverse environmental or social impacts. Nevertheless, the outcomes of TA support may have significant environmental and social implications going forward, entailing risks and potentially inducing adverse impacts. The following three questions can be used to facilitate the understanding of these implications and guide the initial screening of proposed TA activities:

Question 1: Will the TA lead to the completion of technical or engineering designs, or other outputs in preparation for the construction of physical infrastructure or for the implementation of other activities with potentially significant physical impacts¹⁹?

Question 2: Will the TA support the drafting of policies, strategies, laws and/or regulations, which are likely to have environmental and social impacts when implemented through future programs or projects?

Question 3: Will the TA establish, or support the formulation of resource or land use plans that may have potential social and environmental impacts?

Question 4: Will the TA involve the design and/or provision of capacity building to support institutions in carrying out activities that have potentially significant social and environmental impacts?

4. In all four cases, the potential environmental and social implications of Bank-supported TA may be significant, but may differ in terms of directness, specificity and timing. For TA activities described by Question 1, environmental and social concerns are mostly associated with specific subsequent physical investments. TA activities falling under Questions 2, 3 and 4 may have more diffuse and induced impacts, often playing out over a longer term. These variations suggest the importance of carefully tailoring the safeguards response to the circumstances of each TA situation, as discussed below.

Environmental Category

5. Each TA component must be evaluated on its own merits to determine its environmental category and triggering of safeguard policies. TA components should not automatically be classified as C, and should instead be classified as category A, B or C using the same criteria applied to any other investment operations.
6. The EA category of the entire proposed project shall be determined by the project component (including the TA component, if any) with the most serious adverse impacts, risks or implications. The Task Team (TT) needs to make decisions on this matter with the concurrence of the Regional Safeguard Advisor (RSA) based on the environmental and social screening of proposed project activities, including TA components. If required LEG, through LEGEN is available to assist.

A Set of Guiding Principles to Define Safeguards Requirements

7. The application of a certain safeguard policy in connection with Bank TA support does not necessarily mean that the exact instrument and the scope set out in such policy will be required. It is necessary to

¹⁹ Examples might include installation of new equipment without physical infrastructure, or removal of old environmentally sensitive equipment.

adapt such requirements to the specific circumstances and adjust the scope and contents in proportion to the magnitude and significance of potential impacts. In many TA situations, for example, the nature of potential environmental and social impacts will only come into focus as the TA itself is carried out. In such cases, a thorough analysis of environmental and social impacts and an appropriately detailed approach for mitigating those impacts may be considered an *output* of the project, rather than a *pre-requisite*. Hence, it will be neither possible nor appropriate to prepare conventional instruments (EA, RAP, IPP etc.) prior to appraisal. Rather, by appraisal, there should be an agreement with the client on the need and process to address environmental or social issues associated with the results of the TA. While existing safeguards instruments may be found appropriate depending on the circumstance, such an agreement might take the form of an agreed TOR for future analytical work to be carried out during implementation or an environmental and social management framework (ESMF) or some other appropriate approach.

8. Recognizing that there are a variety of TA activities with varying degrees of environmental and social implications, it is essential to follow a consistent approach to application of safeguard policies. In this context and depending on the nature of the TA activity, the following guiding principles or concepts which are already embedded within our safeguard policies, become relevant:
 - (a) *Integrate environmental and social objectives into the TA process.* One of the most significant challenges facing standalone TA activities is that they are essentially *process-oriented projects* involving planning, objective setting, alternatives analysis, cost benefits assessments, technical designs, consensus building, etc. These activities often provide a significant opportunity to integrate environmental and social objectives as an integral part of the planning process.
 - (b) *Promote transparency through stakeholder participation and public information disclosure.* Since many TA projects promote improved planning, this provides an excellent opportunity to promote broad stakeholder engagement and participation. As appropriate, strategic planning initiatives could include focus groups, citizen consultations, expert panels, public hearings, etc. at all critical phases of the TA;
 - (c) *Promote use of innovative environmental and social assessments such as SEA.* TA studies supporting policies, plans and programs are ideally suited to apply new and innovative techniques of strategic environmental and social analysis. The Bank has an emerging body of case experience and has supported numerous training activities and many of our clients now have legislative requirements for conducting SEA on plans, policies and programs;
 - (d) *Promote systematic and comprehensive analysis of alternatives.* Where TA supports the development of specific investment plans, such as for large scale infrastructure, TA studies should be used to meaningfully explore alternatives at various levels, including assessing the relative impacts of those alternatives. Such alternatives analysis could be explicit in an SEA or could be carried out as part of other master planning or strategic studies or as part of the policy specific instruments such as EA and or RAP; and
 - (e) *Promote environmental and social capacity building and institutional strengthening.* TA projects can provide an opportunity to build counterpart capacity for integrating environmental and social concerns into their work. This could be done through support (in the form of policy strengthening, training, and support for operations, technical standards setting, monitoring and reporting etc.) to

line ministries or to PMU and other government/non-government agencies with strong interest in environmental and social analysis.

Safeguards Requirements Prior to Appraisal

9. Many TA activities support a process of planning, objective setting, alternatives analysis, technical feasibility analysis, preparation of policies and programs etc. It may not always be feasible or appropriate, therefore, to prepare typical safeguard instruments (e.g., EA, RAP, IPP, Policy Frameworks etc.) prior to appraisal. Depending on the nature of the activity, detailed analytical instruments may need to be deferred until the implementation period itself.
10. Nevertheless, in virtually all cases it will be possible to prepare some level of analysis of potential environmental and social issues related to the proposed TA. Such an analysis or brief should be based on an issues scoping exercise involving stakeholder participation of a type appropriate to the nature and scale of the proposed TA. In most cases it would also be possible to develop detailed TOR for studies or components of studies which would be used to evaluate various environmental or social issues of importance.
11. Since TA projects can take many forms, there are a range of safeguards instruments which could be appropriate to document the range of issues and actions agreed with the client to manage those issues. For example, in Type 4 TA, in the case of *detailed technical design*, it may be an intended output of the TA to prepare a suite of Bank policy-compliant safeguard instruments for the eventual investment (whether or not funded by the Bank). In such cases, an Environmental and Social Management Framework (ESMF) by appraisal would be appropriate, describing the process and timing of preparing relevant safeguard instruments during project implementation, specifying the requirements for consultation and disclosure of these instruments, and setting forth the institutional arrangements. If applicable, ToRs for environmental and social studies, communication strategies, and safeguard specialists can be attached to the ESMF. By contrast, in the case of TA in support of *feasibility studies*, it may be premature to prepare a full suite of safeguard instruments. Instead, it may be appropriate to ensure that TORs for the studies are agreed with the client to ensure that relevant environmental and social issues are taken into account in conducting the studies in a manner that reflects the principles of Bank safeguards.
12. In other TA contexts, possible pre-appraisal instruments could include any one or more of the following:
 - a. Safeguards issues brief / Discussion note / Scoping paper as an Annex in the PAD
 - b. A draft TOR to incorporate environmental and social objectives into the proposed studies or policy or program formulation
 - c. Draft TOR for Strategic Environmental and Social Assessments (SESA)
 - d. Draft TOR for safeguards instruments to be prepared during project implementation
 - e. Stakeholder consultation and strategic communications plan
 - f. Counterpart Institutional or Capacity Assessments (including reviews of country systems)
 - g. Relevant safeguards instruments prescribed in applicable policies, when appropriate

13. In summary, during project preparation and appraisal of TA projects it should be possible to: develop an understanding of the likely environmental and social issues which will need to be addressed by the proposed project; review available literature and strategic publications prepared by the counterpart agency or agencies involved; consult with concerned stakeholders; document stakeholder participation and the agreed scope of work or actions to be undertaken during implementation; and publicly disclose such information in accordance with the Bank guidelines.

Supervision and Additional Comments

14. The Bank does not hold responsibility after the closure of the TA if the counterpart decides to obtain financing from sources other than the Bank, apply national standards and/or other donors' policies to the projects that were prepared under the TA financed by the Bank, or projects that arise from the program/plan prepared with Bank TA. However, there may still be reputational risks concerning the implementation of these safeguard instruments, which need to be presented in project documents (e.g., ISDS, PAD) and Board paper, along with proposed risk mitigation measures such as continued opportunities for consultations, communication strategies, supporting transparent decision making processes etc.
15. Finally any closely related activities carried out during the execution of the TA will also need to be scrutinized through a safeguards lens. In some cases, for example, the client may decide to carry out some preparatory investment activities such as site clearance or construction of access roads or office buildings or housing etc., during the implementation of the Bank assisted TA. In such cases, the Task Team is responsible to ensure that these preparatory activities are also in compliance with applicable Bank safeguards policies. It will need to conduct an initial screening based on site visits and determine the kind and scope of applicable safeguard instruments that are needed to address its potential impacts.

Legal Documents

16. While the Bank expects the borrower to commit to implementing the recommendations of the studies carried out under the TA²⁰, the obligation to implement such recommendations are only binding if implementation is part of the project description or specific obligations are included to that effect. Nonetheless, the quality of the safeguards instruments or other safeguard-relevant documentation prepared during the implementation of the TA must be satisfactory to the Bank.
17. If the project includes TA but *not* the implementation of its recommendations, it is critical that the PAD and the corresponding legal documentation make such circumstances clear. In some cases it is recommended not only to define in these documents the activities to be financed by the Bank but also clarify which activities are *not* financed by the Bank.

²⁰See paragraph 8(c) of OP 8.40 of Technical Assistance.

Table H1 Indicative Safeguard Approaches to the Four Types of TA Activities²¹

Typology of TA	Examples	Potential Environmental and Social Implications	Indicative EA Category	Safeguard Policies that May be Triggered	Indicative list of Instruments to be Prepared Prior to Appraisal or During Implementation (as appropriate for the specific project)
<i>Type 1: Building client capacity</i>	Straight forward capacity building activities: staff training, study tours; recruitment and payment of salaries; supply of office equipment etc.	These activities usually do not have potential adverse environmental and social implications or risks. Depending on the mandate of the institutional recipient of capacity building, there may be reputational risks if the Bank is perceived as assisting indirectly in the implementation of a national policy framework that is not attuned with Bank safeguard principles.	C	None	None
<i>Type 2: Assisting in preparation of policies or programs or plans or legal frameworks etc.</i>	Examples may included: <ul style="list-style-type: none"> • Water resources management/ planning studies; • River basin management studies; • National or regional emission studies; • Biodiversity conservation studies; • Defining emission or discharge standards etc. • Developing forestry regulations; • Supporting the drafting of land laws and land acquisition laws; • Drafting a strategy for private sector to finance transport infrastructure. 	These types of activities may have significant downstream impacts. For example, forestry regulations may affect access to forest resources. If regulations lead to future conservation areas, involuntary resettlement and seasonal access to forest resources may be involved. IP communities living close to forest areas that are likely to be affected by the new regulation, and land issues might be involved. Some forest areas can be important natural habitats, include water resources or home to endangered species, For instance, the new regulation may consider expanding buffer zones to rehabilitate the connectivity between natural habitats. Similar analysis could be applied to the other examples cited.	B or C	Any or all of OP 4.01; OP 4.04; OP 4.36 ; OP 4.11; OP 4.12; and OP 4.10.	Analysis of potential environmental and social issues and how they will be addressed; Draft TOR for the proposed studies or SESA if relevant. IPPF if policies, programs or plans will potentially have significant implications for indigenous peoples.
<i>Type 3: Land use planning or natural resources management (NRM)</i>	Coastal Zone Management, Urban Planning, Zoning, Agricultural and Rural Development Planning etc. Please see the 2010 Interim Guidance Note on Land Use Planning for more details.	Coastal resources management plans may affect local and IP communities; access restriction to forest and marine resources; Plans may lead to future land acquisition and resettlement for strengthening or establishing new protected areas; Concerns on sensitive sites within or in the periphery of the urban area, e.g., historical sites, natural habitats. Future urban planning may cause induced impacts on use of resources in urban	B or C	Any or all of OP 4.01; OP 4.04; OP 4.36 ; OP 4.11 ; OP 4.12 IR; ²² and OP 4.10 IP.	Any or all of the following instruments: Draft TOR for SESA; Draft Frameworks - ESMF; IPPF; RPF; Process Framework.

²¹The above, including the indicative EA category and indicative list of instruments to be prepared prior to appraisal or project implementation, are provided solely for the purpose of illustration. The actual approach used in a given project will depend upon the specifics of project design and the outcome of discussions with regional safeguards advisors, OPCS and LEG, as appropriate.

²²For land use planning activities see the “Interim Guidance on Land Use Planning” available on the OPCS Safeguards Webpage.

		periphery. Relocation of people, including illegal dwellers on public lands, will have substantial social implications.			
Type 4: Preparing feasibility studies or technical designs	Activities such as feasibility studies; technical, engineering design studies; preparation of bid documents etc. that would facilitate construction of physical infrastructure which may or may not be financed by the Bank.	Each of the proposed infrastructure investments must be screened (like in any Bank financed investment lending operations) for its potential social and environmental impacts to identify/define: (a) safeguards policies triggered; (b) EA category; (c) safeguards instruments to be prepared during preparation of engineering designs; and (d) consultation and disclosure requirements. ²³	A or B	Any or all of the ten policies.	ESMF or TOR for safeguards instruments

²³In the case of TA in support of *feasibility studies*, it may be premature to prepare a full suite of safeguard instruments by appraisal or even during implementation of the TA project. Instead, it may be appropriate to ensure that TORs for the studies are agreed with the client to ensure that relevant environmental and social issues are taken into account in conducting the studies in a manner that reflects the principles of Bank safeguards.