

Environmental and Social Management Framework (ESMF)

RMI Pacific Resilience Project (PREP) Phase 2 **(Incorporating the Resettlement Policy Framework)**

Prepared for World Bank and the Government of the Republic of Marshall Islands by the Secretariat for the Pacific Community (SPC)

January 2017

Acronyms and Abbreviations

ADB	Asian Development Bank
AP	Affected Persons
CERC	Contingency Emergency Response Component
CESMP	Contractors Environmental and Social Management Plan
CMAC	Coastal Management and Advisory Committee
CPS	Country Partnership Strategy
CVA	Coastal Vulnerability Assessment
DIDA	Division of International Development Assistance
DRFI	Disaster Risk Financing and Insurance
DRM	Disaster Risk Management
DUD	Delap-Uliga-Djarrit
EA	Environmental Assessment
EPA	Environmental Protection Agency
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
EU	European Union
FDRP	Framework for Climate and Disaster Resilient Development in the Pacific
FM	Financial Management
GCF	Green Climate Fund
GRM	Grievance Redress Mechanism
IDA	International Development Association
JICA	Japan International Cooperation Agency
JNAP	Joint National Action Plan
KADA	Kwajalein Atoll Development Authority
KALGOV	Kwajalein Atoll Local Government
M&E	Monitoring and Evaluation
MoF/DIDA	Ministry of Finance/Division for International Development Assistance
MPW	Ministry of Public Works
NC3	National Climate Change Committee
NDC	National Disaster Committee
NDMO	National Disaster Management Office
NEOC	National Emergency Operations Centre
NEPA	National Environmental Management Authority
NOAA	National Oceanic and Atmospheric Administration
NSC	National Steering Committee
OCHA	Office for the Coordination of Humanitarian Affairs
OEPPC	Office of Environmental Planning and Policy Coordination
PAD	Project Appraisal Document
PCR	Physical Cultural Resources

PCRAFI	Pacific Catastrophe Risk Assessment and Financing Initiative
PIC	Pacific Island Countries
PIFS	Pacific Islands Forum Secretariat
PIU	Project Implementation Unit
PMU	Project Management Unit
POM	Project Operations Manual
PPA	Project Preparation Agreement
PPSD	Project Procurement Strategy for Development
PREP	Pacific Resilience Program
PSU	Program Support Unit
PTWC	Pacific Tsunami Warning Center
RC	Regional Coordinator
RCU	Regional Coordination Unit
RMI	Republic of the Marshall Islands
RPF	Resettlement Policy Framework
RSC	Regional Steering Committee
RTEC	Regional Technical Committee
SIDS	Small Island Developing States
SISRI	Small Island States Initiative
SPC	The Pacific Community
SPREP	Pacific Regional Environment Program
STEP	Systematic Tracking of Exchanges in Procurement
TA	Technical Assistance
TT	Task Team
UN	United Nations
USAID	United States Agency for International Development
WB	World Bank
WMO	World Meteorological Organization

Table of Contents

No.	Section	Page No.
A	Introduction	12
B	Project Description	12
C	Project Development Objectives and Results	15
D	Policy, Legal and Administration Framework	18
E	Significant Potential Environmental and Social Impacts and Mitigation Measures	30
F	Environmental and Social Management Process	37
G	Consultations	40
H	Grievance Redress Mechanism	42
I	Institutional Arrangements	48
J	Disclosure	50
K	Monitoring and Reporting	51
L	Capacity Building	52
M	Budget	53
Annex 1	Potential subprojects for Component 2	55
Annex 2	TOR for Project Safeguards Consultants	56
Annex 3	Environment and SIA Guidelines	60
Annex 4	Environment and Social Management Plan Template	60
Annex 6	Possible Remedial Measures and Best Practices for Construction and Earthworks	65
Annex 7	Code of Practice: Cultural Heritage	69
Annex 8	PCR Chance Find Procedures	71
Annex 9	TOR for Technical Advisory Projects	72
Annex 10	Consultation Record/Report for ESMF consultations, 5 – 9 Nov, 2016	73
Annex 11	Resettlement Policy Framework	80

List of Tables

Table 1	National and Regionally Implemented Activities	14
Table 2	WB Triggered Safeguards Policies for PREP Phase 2 RMI	24
Table 3	Gap Analysis of WB Safeguards Policies and RMI Safeguards Laws and Policies	26
Table 4	Mitigation Measures for Selected Negative Impacts	33
Table 5	Potential subprojects	39
Table 6	Grievance Redress Mechanism – Project Level	45
Table 7	Template for Monitoring Plan	51

Table 8	Indicative Budget for ESMF and RPF	53
---------	------------------------------------	----

List of Figures

Fig 1	Subproject Screening and Categorization Process	37
Fig 2	Flow Diagram of Grievance Redress Mechanism	47

How to Use this Document

This Environment and Social Management Framework (ESMF) is for the Pacific Resilience Program (PREP). It was prepared by an independent consultant (PSES Consult) under the supervision and coordination of SPC. .

It is developed as part of the preparatory documentation for RMI PREP Phase II to provide guidance for RMI Implementing Agencies (MOF and Ministry of Works) and Project Management Units (PMUs) on environmental and social safeguard aspects of the Program. The ESMF sets out how the safeguards aspects of the RMI PREP Phase 2 will be applied during the identification and where necessary, screening of all subproject activities, and in their subsequent design and implementation. The ESMF will also inform the development of the Project Operations Manuals (POM) and the preparation of the required safeguard tools and instruments for selected priority subprojects to be funded under PREP Phase 2.

Overall, the ESMF's applies to Components 1, 2 and 3, For components 1 and 3, the requirements for stakeholder consultation and the potential impacts associated with the installation of telecommunication facilities and the NDMO centre upgrade are relevant activities. For Component 2: Coastal Resilience, investments in coastal protection structures have significant safeguards requirements.

EXECUTIVE SUMMARY

This Environmental and Social Management Framework, (ESMF), provides the tools for the integration of environmental and social stewardship into the project as required by RMI's relevant laws and regulations and the Environmental and Social Safeguards Policies of the World Bank (WB). It incorporates a Resettlement Policy Framework (RPF) that sets out how impacts associated with involuntary and voluntary acquisition of lands are addressed and managed. The ESMF is a necessary instrument for RMI's preparation for PREP Phase 2 because the specific subprojects/activities for implementation are not yet known. The ESMF thus sets out how detailed planning using specific subproject safeguards instruments such as ESIA, EMPs, and resettlement action plans are to be prepared.

Project Development Objectives (PDO) and components -

The PREP Phase 2's Project Development Objective (PDO) is to strengthen early warning systems, climate resilient investments in shoreline protection, and financial protection against natural hazards in RMI. This PDO is pursued through the implementation of activities organized under the following four components -

Component 1 – Institutional Strengthening, early warning and preparedness;

Component 2 – Strengthening Coastal Resilience;

Component 3 – Contingency Emergency Response, and

Component 4 – Project and Program Management

The nationally implemented activities under each component are given in Table 1 below –

Table 1: National and Regionally Implemented Activities

Nationally Implemented Activities	Technical Assistance Implemented by SPC
Component 1: Institutional Strengthening, early warning and preparedness	
<ul style="list-style-type: none"> - Institutional strengthening - Strengthening of early warning communication systems for outer islands - Development of roadmap and priority investments for modernization of NDMO facilities 	Technical assistance support for – <ul style="list-style-type: none"> - Impact forecasting - Strengthening preparedness and response capacity of NDMO - Post disaster needs assessments
Component 2: Strengthening Coastal Resilience	
<ul style="list-style-type: none"> - Priority coastal protection works investments, including design and supervision; 	Technical assistance support for: <ul style="list-style-type: none"> - Development of a coastal risk information system and long term coastal security strategy - Preliminary studies for the establishment of a sustainable source of aggregates.
Component 3: Contingency Emergency Response	
<ul style="list-style-type: none"> - Contingency Emergency Response Component (CERC) 	NA
Component 4: Project and Program Management	

<ul style="list-style-type: none"> - Project management for all nationally implemented activities 	<ul style="list-style-type: none"> - Support for regional PREP - Program Support Unit (housed in SPC) to provide operational TA, M&E, procurement, and financial management support. - Regional Coordination Unit (PIFS) to provide high level strategic vision and support.
--	---

Legal Framework and WB Safeguards Policies

PREP Phase 2 is envisaged to generate environmental and social impacts that will trigger the following four Safeguards Policies of the WB - OP/BP 4.01 Environmental Assessment, OP/BP 4.36 Natural Habitats, OP/BP 4.11 Physical Cultural Resources and OP/BP 4.12 Involuntary Resettlement. Corresponding laws, regulations and policies of the RMI, particularly the Environmental Protection Act 1984, the EIA Regulation 1984 and the Earthmoving Regulation 1984 - also come into play.

The Master Lease between the Traditional Landowners of Ebeye and the Kwajalein Atoll Development Authority (KADA) is an important part of this legal framework, especially in the unique context of landownership and development planning in Ebeye where traditional landowners’ involvement is integral.

Consequently, the management of social and environmental impacts within these components will comply with the requirements of the above RMI laws and regulations, the Master Lease, as well as the four triggered WB Safeguards Policies.

Anticipated Environment and Social Impacts

The PREP Phase 2 is expected to generate the following environmental impacts – minimal disturbance to terrestrial habitats from activities in Component 1 and 3. For Component 2; the construction of coastal protection structures in Ebeye will result in sedimentation and increased coastal erosion, smothering of lagoon habitats and corals, and the loss of coastal strand vegetation. Overall the coastal environment will be further degraded if appropriate measures for mitigation are not put in place and implemented.

Social impacts are the voluntary taking of land for the telecommunication structures and similar facilities under Components 1 and 3. Component 2 will involve the permanent occupation of coastal area from the shoreline to the reef flats. These lands are designated easements dedicated to public utilities and civil infrastructure including coastal protection structures. A small area of land will be temporarily occupied as staging area for contractor(s), and some front and or back yards may be affected temporarily to provide access to working sites for machinery and vehicles and the transfer of materials.

Overall the environmental and social impacts are expected to be minimal, in most cases site specific and with measures available to ensure their effective mitigation and or reversal.

Environmental and Social Screening and Safeguards instruments

The anticipated environmental and social impacts will require detailed planning during implementation that will prescribe detailed remedial measures. Detailed planning will be in the form of the following safeguards instruments – Environmental and Social Impacts Assessments (ESIA), Environmental and Social Management Plans (ESMP), and Resettlement Action Plans (RAP), or Abbreviated Resettlement Action Plans (A/RAP). All planned activities of PREP Phase 2 will go through a process of screening for environmental and social impacts that will identify the appropriate safeguards instruments to be prepared, and following their preparation, the review process will kick-in to determine if they are adequate, before approvals and permits are issued, and activities are allowed to proceed to implementation.

Essential Safeguards Processes

The ESMF thus sets out the following key processes –

- Environmental Screening of subprojects – all proposals for activities will be screened by NEPA with the assistance of Project funded Safeguards Specialists in MOF/DIDA and MPW, in key stages;
- Review and approval of safeguards instruments – ESIA, ESMPs and RAP or A/RAP prepared will be reviewed by NEPA and assisted by WB to ensure compliance with Bank safeguards policies and other requirements. NEPA will ensure key institutions and agencies are consulted including KADA and NTA, NDMO and MPW.
- Consultations - NEPA will also ensure adequate consultations are held and affected people especially are involved in discussing how they are affected and the range of measures for reducing identified impacts. For RAP/A-RAP, the review will check if affected people have been involved in choosing appropriate options for their resettlement if relevant, and measures for restoring lost livelihoods, and compensation.
- Grievance Redress Mechanism – a mechanism for receiving and addressing all grievances and complaints related to the Project is set out in the ESMF. It seeks to resolve all complaints as quickly as possible and to the satisfaction of the aggrieved party.
- Disclosure – all safeguards instruments will be discussed with affected people while in draft and when finalized. Adequate copies of all finalized and approved instruments will be available in a publicly accessible location for anyone to read and to comment on. Similarly all approved Safeguards instruments will be disclosed by the WB in its website.

ESMF Institutional Management –

A National Steering Committee (NSC) will have overarching oversight for PREP Phase 2 implementation. For safeguards implementation, if a grievance is not resolved satisfactorily at the site level or by the two implementing agencies, the matter will be referred to the NSC for a decision. The NSC comprises member organizations of the National Disaster Committee.

The agencies with important responsibilities for ESMF implementation are NEPA, MOF/DIDA, and MPW. Details of the roles assigned to NEPA is summarised –

NEPA –

- Responsible for the screening of proposed activities for PREP funding to ensure compliance with RMI laws and regulations, as required for a permit under the Earthmoving Regulation 1984.
- Review safeguards instruments including ESIA's and ESMPs, as necessary
- Conduct due diligence on imported aggregate sources to ensure they comply with source country safeguards and good practice.
- Issue approvals and permits on acceptance of safeguards instruments.
- Collaborate with MOF/DIDA and MPW in the monitoring of relevant safeguards instruments including ESMPs, as necessary.
- Ensure the adequacy of stakeholder consultations undertaken in the preparation of safeguards instruments;
- Issue approvals and permits for all earthmoving activities once all NEPA requirements are satisfied.

MOF/DIDA and MPW -

MOF/DIDA houses the Project Implementation Unit (PIU) which will have a Safeguards Advisor on its staff. MOF/DIDA is responsible (through its PIU) for overall coordination and oversight for the implementation of the Project's ESMF and RPF.

MPW's Project Management Unit (PMU) is responsible for ensuring the day-to-day implementation of all safeguards requirements for Components 1, 2 and 3 in accordance with the ESMF and RPF. The MPW – PMU's capacity to perform this role will be strengthened by the procurement of a Safeguards Consultant firm under the Project. An External Monitoring Agency will also be engaged by MPW to monitor and report on the implementation of the RFP and other social safeguards instruments required for different subprojects.

The detailed terms of reference for both the Safeguards Advisor in MOF/DIDA and the Safeguards Consultant firm in MPW are in Annex 2. The draft TOR for the EMA is in RFP Annex 7.

Safeguards Financing –

An estimated budget for safeguards is \$1,205,000 for Components 1, 2 and 3. MOF/DIDA will ensure this budget is approved and available to support safeguards implementation. This budget covers the cost of consultants, stakeholder engagement, preparation of required safeguards instruments, short term training and workshops, payment of entitlements and compensation under the RPF, disclosure, monitoring and reporting costs.

A. Introduction

A.1 Purpose and Scope of the ESMF

1. The World Bank is supporting RMI to deliver the RMI Pacific Resilience Project (PREP) Phase 2. This Environmental and Social Management Framework, (ESMF), which incorporates a Resettlement Policy Framework, provides the tools for the integration of environmental and social stewardship into the project as required by RMI's relevant laws and regulations and the Environmental and Social Safeguards Policies of the Bank.

2. The rationale for a framework document is because the specific subprojects/activities for implementation are not yet known. Detailed safeguards screening and assessments begin once technical design work and financial estimation of costs and analyses for viability as per WB criteria are completed, and potential subprojects/activities are known. It is intended however, that the main targeted activities are the coastal protection investments under Component 2. Any technical assistance (TA) and physical infrastructure works to be implemented under other components, such as the possible retrofitting of the NDMO under Component 1, will likewise be subjected to the ESMF's requirements.

3. The ESMF sets out the following -

- Brief details on the project description and subproject typologies.
- Screening process for each investment or project – to determine the type of environmental assessment required to satisfy the RMI laws and World Bank safeguard policies.
- Processes for implementation of safeguards during project implementation.
- The integration of policy into the project screening and implementation.
- Description of the implementation arrangements, including the roles and responsibilities of the Project Management Unit, Implementing Agencies and Project consultants
- Stakeholder engagement plan outline and the grievance redress mechanism (GRM).
- Indicative budget for key safeguards activities.
- A Resettlement Policy Framework detailing the requirements of Safeguard Policy 4.12 Involuntary Resettlement for activities with resettlement impact,.

B. Project Description

B.1. Background and Rationale

4. The Republic of the Marshall Islands (RMI) is highly vulnerable to the impacts of climate change and natural disaster events. These events include typhoons/tropical cyclones, floods, tidal surges, droughts, earthquakes and tsunamis, some of which are now established as being intensified by climate change. They can and often result in disasters that affect the country's entire economic, human, and physical environment in the immediate and as well, long term.

5. Climate change projections (IPCC) suggest that RMI, will face an even greater intensity of weather and climate-related hazard events in the coming years,

making her among the most physically vulnerable nations in the world. The expected social and economic losses as a result of extreme events, paired with overcrowding in the urban areas of Majuro and Ebeye, are likely to contribute to more people being affected by disasters and climate change. Hence, there is widespread acceptance of the need to strengthen disaster early warning and preparedness, and to mainstream disaster risk and climate change into development planning and financing.

6. The World Bank ('Bank') is responding to this need of the RMI and other PICs, by funding the Pacific Resilience Program (PREP) – a regional project that provides International Development Association (IDA) financing as well as technical assistance to support disaster risk reduction and resilience against natural disaster events.

7. The PREP is a Series of Projects valued at \$US40.1million that will be phased in over approximately seven years. The Projects in this series are interdependent and overlapping, targeting multiple beneficiaries, who are facing a common set of development issues and share common development goals. Each of the country Projects is self-standing and will finance a different group of eligible beneficiaries, and each is expected to last approximately five years. Implementation for Phase I is for five years, commenced in Q4 2015 and is schedule to end in Q2 2021. Phase II is scheduled to commence in 2017 which is Year Three of the Program.

8. As a WB member country¹, RMI is eligible alongside 11 PICs to participate in the PREP. RMI participated in Phase 1 which began implementation in 2015, but limited to one subcomponent which relates to the payment of disaster financing insurance premiums. In PREP Phase 2, RMI participates in all four project components¹.

B.2. Higher Level Objectives to which the Project Contributes

9. Phases I and II of the PREP aim to improve the resilient and sustainable economic and social development of the participating countries and of the region as a whole. The Program is aligned with the strategic direction and frameworks that identify needs and priorities to respond to the effects of climate change and natural hazards identified by the participating country Governments, the World Bank, and regional bodies.

10. The PREP is in line with regional strategies and frameworks including the Sendai Framework for Disaster Risk Reduction, the Framework for Climate and Disaster Resilient Development in the Pacific² (FRDP), as well as key priorities of the Pacific Islands Meteorological Strategy 2012–2021 on '*Improved end-to-end Multi-Hazard Early Warning Systems*'. Pacific leaders, recognizing the importance of early warning and preparedness, developed a Regional Early Warning Strategy in 2007, to which the PREP will also contribute.

¹ Other components are : Component 1: Institutional strengthening, early warning and preparedness; Component 3: Contingency Emergency Response and Component 4: Project and Program

² Action 2.10.7: '*Strengthened capacity to anticipate, resist, plan and prepare for, respond to and recover from the consequences of disasters and climate change*'.

11. PREP Phase II aims to create a system of resilience in RMI with investment in early warning and preparedness, risk reduction and disaster risk financing, and is consistent with the RMI JNAP and the Country Partnership Strategy (CPS). The CPS highlighted that the World Bank would: (i) play a greater role in addressing the threats that RMI faces from natural hazards, including the effects of climate change and sea level rise; (ii) look for opportunities to strengthen the disaster risk management capacity of RMI; and (iii) help to build resilience to external shocks, including natural and other disasters. Strengthening the physical resilience of atoll islands using, for instance, coastal defense structures and ecosystem-based approaches, is also a recognized priority in the recently published Systematic Country Diagnostic³ of Eight PICs, including RMI and will be included in the PIC 9 Regional Partnership Framework which is currently under preparation.

12. The project is in line with World Bank's planning and policy documents, including: the "Pacific Possible: Report on Climate and Disaster Resilience" (July 2016); the Engagement Note for "Disaster and Climate Resilient Development Programming in the Pacific Islands Region" (April 2014); and the Policy and Practice Note "Acting Today for Tomorrow" (2012). The project will be a practical means to fulfill these plans and policies, developed in close collaboration with donors and regional organizations, which have been well received. The PREP is also an integral part of the Small Island States Resilience Initiative (SISRI) which was launched during the SIDS conference in Samoa in September 2014 and forms part of the Bank's engagement in climate and disaster resilient development in small island states in the Caribbean, Indian Ocean, West Africa, and the Pacific.

13. The PREP directly contributes to fulfilling the World Bank's twin goals of reducing the share of population living in extreme poverty, and boosting shared prosperity. While disasters impact whole societies, the poor and vulnerable (including women, children, and the elderly) are hit the hardest. Natural disasters and climate shocks also induce and worsen poverty. Further, the adverse impact of disasters as a proportion of Gross Domestic Product (GDP) is 20 times higher in developing countries than in industrialized nations.⁴ RMI expects, on average, estimated annual losses equal to 1.7% of the GDP.⁵ Reducing the risk of natural disasters will be crucial to improving living conditions in RMI, which is an important, non-monetary dimension of poverty reduction and shared prosperity.

14. Women are more likely than men to be negatively impacted by climate change and natural disaster events (World Development Report, 2012). Studies have shown that disaster fatality rates are higher for women than for men, primarily due to gendered differences in capacity to cope with such events and insufficient access to information and early warnings. The PREP aims to strengthen the ability of women to make informed decisions about what to do to protect themselves and their families from hazards. The PREP will make concerted efforts not only to ensure women's representation in decision making committees, but also to

³ World Bank, Systematic Country Diagnostic for Eight Small Pacific Island Countries: Kiribati, RMI, Federated States of Micronesia, Palau, Tonga, Tuvalu, and Vanuatu. *Report 102803-EAP*, January 20, 2016.

⁴ *Natural Hazards, UnNatural Disasters: The Economics of Effective Prevention*, by the United Nations and the World Bank, 2010.

⁵ Pacific Catastrophe Risk Assessment and Financing Initiative, World Bank, 2011

ensure that community facilitators are trained to effectively engage women in all processes related to the project.

C. Project Development Objective (PDO) and Results -

15. The PDO is to strengthen early warning systems, climate resilient investments in shoreline protection, and financial protection against natural hazards in RMI.

16. The proposed success indicators for monitoring this PDO are:

- a) Direct project beneficiaries (gender disaggregated) including: (i) number of people who are able to receive timely and actionable hazard forecast and warning messages, and (ii) number of people with reduced risks to coastal hazards and the effects of climate change.
- b) Increased coverage of hazard forecast and warning messages to population at risk.
- c) Time taken to commit funds from the contingency emergency component requested by Government for an eligible emergency.

C.1. Components -

17. The Project comprises a combination of nationally implemented activities and technical assistance implemented regionally by SPC, as described in the matrix below.

Table 1: National and Regionally Implemented Activities

	Nationally Implemented Activities	Technical Assistance Implemented by SPC
Component 1: Institutional strengthening, early warning and preparedness	<ul style="list-style-type: none"> - Institutional strengthening - Strengthening of early warning communication system for outer islands - Development of Roadmap and priority investments for modernization of NDMO facilities 	Technical Assistance Support for: <ul style="list-style-type: none"> - Impact forecasting - Strengthening preparedness and response capacity of NDMO - Post Disaster Needs Assessments
Component 2: Strengthening coastal resilience	<ul style="list-style-type: none"> - Priority coastal protection works investments, including design and supervision 	Technical Assistance support for: <ul style="list-style-type: none"> - Development of a coastal risk information system and long term coastal security strategy - Preliminary activities for the establishment of a sustainable source of aggregates

Component 3: Contingency Emergency Response	- Contingency Emergency Response Component (CERC)	NA
Component 4: Project and Program management	- Project management for all nationally implemented activities	Support from regional PREP: - Program Support Unit (housed in SPC) to provide operational TA, M&E, procurement, and financial management support - Regional Coordination Unit (PIFS) to provide high level strategic vision and support

Component 1: Institutional strengthening, early warning and preparedness

18. This component will strengthen the effectiveness of the RMI institutions responsible for climate and disaster resilience, and disaster early warning and preparedness, and will support the implementation of the JNAP. Component 1 has two sub-components: (i) institutional strengthening, early warning, and modernization of the NDMO's facilities (which will be implemented by RMI); and (ii) impact forecasting, NDMO capacity building, and post disaster needs assessment (which will be implemented by the Pacific Community). The government-led activities will include: (a) supporting the government to integrate climate change adaptation with disaster risk management, as planned under the JNAP, and to operationalize working groups at central and local government levels; (b) support better multi-hazard early warning, prepare a systems and technology roadmap for outer island communications, and upgrade communications systems in remote locations and train people to use them; and (c) develop a roadmap and implement priority improvements to modernize the NDMO's facilities. The Pacific Community-led activities will include: (a) improving impact forecasting and disaster response; (b) institutional strengthening of the NDMO and its preparedness for response to disasters; and (c) provision for post disaster need assessment.

Component 2: Strengthening coastal resilience

19. This component will strengthen coastal planning, increase understanding of current and future risks, help the government to prioritize future investments, and deliver targeted coastal protection investments. Component 2 is divided into two sub-components: (i) coastal protection investments (which will be implemented by RMI); and (ii) strengthen integrated coastal risk management (which will be implemented by SPC).

20. Coastal protection works will strengthen resilience in Ebeye and, potentially, "hot-spots" in Majuro subject to further analysis and available funding. A constructability and

aggregate source review for priority coastal works, and environmental and social safeguard risk screening and scoping, will be carried out as part of the preparation activities. Final project selection and detailed design will be carried out for the coastal protection works during project implementation. As there are no current sustainable or environmentally acceptable aggregate sources in the Kwajalein atoll, it has been assumed that all aggregates will be imported. However, sustainable sources of aggregates in the Majuro and Kwajalein atolls, as well as methods of extraction, and commercial distribution to wholesale and retail markets, will be investigated. Also under this component, the coastal vulnerability assessment (CVA), started by Deltares as a preparation activity, will be improved and expanded to include Majuro. The expanded CVA will support long-term planning for coastal resilience within RMI using risk-based flooding and impact maps that may be used for future land use, infrastructure, and disaster preparedness planning. This work will support existing government plans, strategies, and frameworks such as the National Infrastructure Plan and the Coastal Management Framework.

Component 3: Contingency Emergency Response

21. This component will strengthen the emergency preparedness and immediate response capacity of RMI for low- and medium-scale disasters. The Contingency Emergency Response Component (CERC) would be triggered following the declaration of a national disaster and will complement the PCRAFI disaster insurance mechanism financed under PREP Phase I.

22. The CERC will be funded under the project budget. Following triggering of pre-agreed disbursement conditions (e.g. the declaration of a national disaster), the CERC would be implemented in accordance with the rapid response procedures governed by the World Bank OP/BP 8.0 *Rapid Response to Crises and Emergencies*. The disbursement condition will define the circumstances under which the CERC would become available. The specific details of the proposed implementation arrangements and procedures governing the use of the CERC funds will be detailed in a standalone CERC annex within the Project Operations Manual (POM). Further CERC funds might be reassigned from another component of the project if necessary after an event. If the CERC is not triggered, the funds may be deployed elsewhere in the project.

Component 4: Project management

23. This component will strengthen the Government's capacity for project management, coordination, monitoring, evaluation, and reporting. It will provide support for procurement, financial management, contract and project management, and oversight of social and environmental safeguards. It will also provide fiduciary and implementation support from the regional Program Support Unit (PSU) which was established under PREP Phase I. The PSU is housed in SPC.

24. For safeguards implementation under Component 2, MPW as the implementing agency will be supported by a Safeguards Consultant firm.

D. Policy, Legal and Administration Framework

D.1. Marshall Islands National and Local Legal Framework

25. The National Environmental Protection Authority (NEPA), established under the National Environmental Protection Act (NEPA) 1984, is the governing body for environmental protection in the RMI. The primary purpose of the Authority is to preserve and improve the quality of the environment of the RMI, and to that end, have the following objectives:

- (a) to study the impact of human activity including redistribution, cultural change, exploitation of resources and technological advances on the environment;
- (b) to restore and maintain the quality of the environment;
- (c) to use all practicable means including financial and technical assistance to foster and promote the general welfare of the people by creating conditions under which mankind and nature can co-exist in productive harmony;
- (d) to improve and coordinate consistently with other essential considerations of National policy, governmental plans, functions, and programs and resources to as to prevent, as far as practicable, any degradation or impairment of the environment;
- (e) to regulate individual and collective human activity in such manner as will ensure to the people safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (f) to attain the widest possible range of beneficial uses of the environment without degradation or impairment thereof and other undesirable consequences to the health and safety of the people; and
- (g) to preserve important historical, cultural and natural aspects of the nation's culture and heritage, maintaining at the same time an environment which support the multiplicity and variety of individual choice.[P. L. 1984-3 1,s 19.]

26. The NEPA 1984 is supported and further elaborated in a set of 8 regulations for protection of surface and marine waters, and air quality, and managing of potential impacts from earth works, sanitation systems, waste and new infrastructure development. The Act, and these regulations along with the Coast Conservation Act 2008, provides the framework for the protection of resources and environmentally sustainable development in RMI. The eight (8) regulations are –

- i. Earthmoving Regulation 1988 (with amendments in 1994 and 1998);
- ii. Solid Waste Regulations 1989
- iii. Toilet Facilities and Sewage Disposal Regulation 1990
- iv. Marine Water Quality Regulation 1992
- v. Public Water Supply Regulation 1994
- vi. Environmental Impact Assessment Regulation 1994
- vii. Ozone Layer Protection Regulation 2004 Pesticides and Persistent Organic Pollutants Regulation 2004.

viii. Sustainable Development Regulation – this is currently in draft and will replace the Earthmoving Regulation once it comes into force.

27. The two regulation of specific relevance to PREP Phase 2 are the EIA Regulation 1994 and the Earthmoving Regulation 1984. These are discussed below.

D.1.1. Environmental Impact Assessment Regulation

28. The Environmental Impact Assessment (EIA) Regulation (Section 21, NEPA) is the central environmental planning legislation. Its aim is to ensure that environmental concerns are given appropriate consideration in decision making for all new infrastructure projects. The EIA regulation requires a preliminary proposal for every development activity, and applies a two-step assessment process to determine the level of assessment required. Step 1 is an initial evaluation to determine if the activity has the potential for significant effect on the environment; the preliminary proposal is an initial evaluation to determine whether an activity or action has significant environmental effect. Step 2 is an EIA for proposals assessed to have potential significant impact which will be reviewed and form the basis of an approved or not approved decision. The EIA process requires extensive and inclusive consultations with all stakeholders. In preparing the EIA, the proponent shall follow the format and content, as detailed in Part IV of the regulation, unless otherwise directed by the Authority. The proponent shall remain subject to regulatory and permitting requirements pursuant to NEPA, Coast Conservation Act, and the Historic Preservation Act and Tourism Act 1991.

D.1.2. Earthmoving Regulation 1984

29. This regulation stipulates that all earthmoving activities in the RMI require an earthmoving permit. Permitted persons engage in earthmoving activities shall design, implement, and maintain erosion and sedimentation controls which prevent accelerated erosion and sedimentation. Earthmoving activities may also remain subject to permit requirements pursuant to NEPA, Coast Conservation Act, and the Historic Preservation Act and Tourism Act 1991.

30. The filing of an Earthmoving Application requires the preparation and submission of the required documentation including an initial environmental assessment report. On receipt of an Earthmoving Application, the NEPA review and approval process explained under Section D.1.1 above is triggered. All activities envisaged for Component 2 will require earthmoving permits, requiring the preparation and submission of applications with accompanying documentation as set out under the Regulation.

D.1.3. International conventions and treaties

31. RMI is a signatory to the following conventions: (i) United Nations (UN) 64th General Assembly Resolution on the Human Right to Water and Sanitation; (ii) UN Framework Convention on Climate Change; (iii) UN Convention on Biological Diversity; (iv) UN Barbados Program of Action and Mauritius Strategy; (v) UN Convention to Combat Desertification; (vi) The Micronesian Challenge.

D.2. Legal Framework for Land Acquisition, Resettlement and Compensation

32. The framework for land acquisition and resettlement is based on the laws and regulations of the Republic of the Marshall Islands Government and the World Bank's Safeguards Policies

33. The principal Marshall Islands laws governing land acquisition, resettlement and compensation presently include (i) RMI Constitution (ii) Land Acquisition Act 1986 and (iii) Coast Conservation Act 1988.. The *Kwajalein Master Lease by and between Landowners and the Kwajalein Development Authority* (effective Date October 1, 2016) is legally binding and has significance and relevance to the issue of access and use of Ebeye land for project activities. These are elaborated on below.

D.2.1. Constitution of the RMI

34. The Constitution of the Republic of the Marshall Islands came into effect in 1979 and amendments were made in 1995. The Constitution sets forth the legitimate legal framework for the governance of the Republic.

35. The Marshall Islands has a bicameral legislature consisting of the lower house or Nitijela (legislative power) and the upper house or Council of Iroij (customary power). The legal system comprises legislature, municipal, common and customary laws.

The Judiciary of the RMI

36. Regarding the Judiciary, according to the Constitution, the judicial power of the RMI "...shall be independent of the legislative and executive powers and shall be vested in a Supreme Court, a High Court, a Traditional Rights Court, and such District Courts, Community Courts and other subordinate courts as are created by law, each of these courts possessing such jurisdiction and powers and proceeding under such rules as may be prescribed by law consistent with the provisions of this Article."

In relations to resettlement, the Constitution states as follows:

"The jurisdiction of the Traditional Rights Court shall be limited to the determination of questions relating to titles or to land rights or to other legal interests depending wholly or partly on customary law and traditional practice in the Republic of the Marshall Islands."

Traditional Rights

37. The Constitution preserves the traditional rights of land tenure, indicating in 'Article X Traditional Rights' that:

Nothing in Article II shall be construed to invalidate the customary law or any traditional practice concerning land tenure or any related matter in any part of the Republic of the Marshall Islands, including, where applicable, the rights and obligations of the Iroijlaplap, Iroijedrik, Alap and Dri Jerbal.

Without prejudice to the continued application of the customary law pursuant to Section 1 of Article XIII, and subject to the customary law or to any traditional practice in any part of the Republic, it shall not be lawful or competent for any person having any right in any land in the Republic, under the customary law or any traditional

practice to make any alienation or disposition of that land, whether by way of sale, mortgage, lease, license or otherwise, without the approval of the Iroijlaplap, Iroijedrik where necessary, Alap and the Senior Dri Jerbal of such land, who shall be deemed to represent all persons having an interest in that land.

D.2.2. Land Acquisition Act 1968

38. The RMI Land Acquisition Act 1986 makes provision for the acquisition of lands and servitudes for public use for payment of just compensation in terms of Article II, Section 5 of the Constitution of the Marshall Islands and to provide for matters connected therewith and incidental thereto.

39. The Act defines “land” to include “things attached to the earth”. It also defines “persons interested”, with reference to land, to not include a monthly tenant. The act covers the general provisions, preliminary investigation and declaration of intended acquisition, proceedings in court, payment of compensation, possession and disposal, divesting of land and general items pertaining to such land acquisition. The following summary is given of the Parts of the Act:

- The Preliminary Investigation and Declaration of Intended Acquisition details the process for investigations for selecting land, compensation for any damage done during investigations and issuing notices of intended acquisition.
- Where the Minister decides that particular land or a servitude in any area should be acquired under this Chapter [Proceedings in Court], he shall direct the Attorney-General to file an application in the High Court praying for a declaration by the High Court, that such taking of land for public use is lawful. The Proceedings in Court details the process for determination by the High Court, the procedure before the High Court, the assessment of compensation.
- The Payment of Compensation details tender and payment, compensation which cannot be paid, renunciation of right to compensation, interest on compensation, exchange, finality as to payment of compensation and exchange with other landowners.
- Possession and Disposal details the vesting order for taking possession of land and acquiring servitudes, effect of vesting order, possession, immediate possession on urgency and immediate possession after proceedings commenced.
- Divesting of Lands details the divesting orders.
- General details the compulsory acquisitions authorized by any other written law, abandonment of acquisition proceedings, serving of notices, application of constitutional provisions and payment. Of particular note in this Part is that:
 - *Where any other written law authorizes the acquisition of land under this Chapter and the Minister decides that any land is reasonably required under such other written law by any authority, person or body of persons, the purpose for which that land is required shall be deemed to be a public use and the provisions of this Chapter shall apply accordingly to the acquisition of that land for that authority, person or body of persons.*

D.2.3. Coast Conservation Act 1988

40. This Act makes provision for a survey of the coastal zone and the preparation of a coastal zone management plan; to regulate and control development activities within the coastal zone; to make provisions for the formulation and execution of schemes for coast conservation; and to provide for matters connected therewith or incidental thereto;

41. Part IV sets out a Permit procedure for obtaining permission to engage in any development activity within the coastal zone. It requires the proposed activity to

(a) be consistent with the Coastal Zone Management Plan and any regulations made to give effect to such Plan,

(b) not otherwise have any adverse effect on the stability, productivity and environmental quality of the Coastal Zone.

(c) Furnish an environmental impact assessment report;

42. Part V 319 empowers the Director or any officer authorized by him in writing, to issue permits subject to such conditions as he may impose having regard to the Plan, for the occupation, for any period not exceeding three (3) years, of any part of the foreshore or bed of the sea lying within the Coastal Zone.

D.2.4. Master Lease 2016

43. The *Master Lease by and between the Landowners and Kwajalein Atoll Development Authority (KADA)* is a negotiated agreement between the three Iroijis of Ebeye on one hand, and KADA on the other, as the lessee and occupant, representing the Government. The Master Lease vests in KADA access and use rights for designated Ebeye lands, with conditions and parameters for its use "... in furtherance of its efforts to promote the redevelopment of Kwajalein Atoll ...and allow essential public infrastructure projects to go forward to the better welfare and health of its people...". The Master Lease was signed in 1966, and its 50-year term expired in October 2016. An extension for a further fifty years has been negotiated and has been signed by all landowners and or their representatives except one – a foreign domiciled landowner whose signature is expected. The Master Lease covers existing land and ...any other new reclaimed land to KADA.

44. Under the Master Lease, KADA pays an annual 'ground lease rent' of US\$300,000 exclusive of taxes and administration fees. Of particular interest, in the Master Lease (Part V (A): Roads and Utility Corridors), the Lessor dedicates in perpetuity, all existing and presently designated future easements for public use, "...at no additional consideration."

45. The Master Lease thus provides for the voluntary taking of Ebeye land for development purposes. Part of this land are easements previously dedicated in perpetuity for public utilities such as water, sewer, electrical and drainage lines. KADA can authorize developments within the existing easements and can also define and set aside new easements as necessary, following a process set out in the Master Lease, which requires the prior consent of the landowners.

46. The following sections are of particular relevance to PREP Phase 2:

1. *Premise*

The Lessor, in consideration of the rents payable under this Lease and of the covenants of Lessee under this Lease, does hereby demise and lease unto the Lessee the following, which are collectively referred to as the "Premises": (1) those portions of the Island of Ebeye, Kwajalein Atoll RMI comprising a total of approximately 68.98 acres, as more fully shown on the map attached hereto as Exhibit "A" and incorporated herein by reference (the "Land"), (2) all "Existing Landfill" created by Lessee from the Effective Date to the date hereof, comprising an area of approximately 9.94 acres as more fully shown on Exhibit "A", together with all lands thereafter created during the term of this Lease by Lessee or its designees by dredging or any other means in the zones designated as "Proposed Landfill" on Exhibit "F" or in other areas approved in accordance with this Lease (collectively referred to as "Landfill"); and (3) all rents, issues and profits of the Land and the Landfill, together with all buildings, improvements, rights, easements, privileges and appurtenances thereto.

Section VII: Dedication of Roadways, Utility Easement Corridors and Government Facilities to Public Use

A. Roadways and Utility Corridors.

In consideration of the execution of this Lease by Lessee, Lessor hereby dedicates for public use in perpetuity, for no additional consideration, the following areas: all of Lojjelon, Bunkur, Ebwaj, Gugeegue, and Ñeñe all existing and presently designated future roadways ("Roadways"); and (ii) all existing and presently designated future utility easement corridors containing water lines, sewer lines, electrical and drainage lines, and other utility lines and incorporated herein by reference ("Utility Corridors") (the Roadways and Utility Corridors are collectively called the "Dedicated Areas"). The dedication of the Dedicated Areas shall at all times be subject only to the condition that such facilities continue to be used for public purposes. Lessor reaffirms their conveyance of these rights in Ebeye Island in the prior Ebeye Master Lease of 1986.

47. Relevant to the issue of compensation for lost or affected assets is Section VII – Relocation of existing occupants, as below:

VII. Relocation of Existing Occupants

With regards to any existing occupants living or doing business on the Premises as of the date of execution of this Lease ("Occupants"), the Lessor agrees to use and exercise all of their rights and powers as landowners under traditional Marshallese Customary Law and Traditional Practice to assist Lessee in its efforts to relocate these Occupants as necessary from their existing residences or business premises in order to permit the Lessee to complete its redevelopment of the Premises pursuant to Article V above in a timely manner. Lessor shall be solely responsible for paying any amounts claimed by such Occupants as a result of the termination of any occupancy agreements that such Occupants may have entered into with Lessor prior to the date of execution of this Lease; provided, however, that in those cases where the relocation involves the taking of a privately owned residence or business premises, then Lessee shall pay the

owner of such residence or business premises just compensation for the value of such residence or business premises. The amount of the compensation to be paid by Lessee to such owner for such residence or business premises shall be determined by mutual agreement between the Lessee and such owner or, failing that, through condemnation proceedings. Lessee agrees that it will not attempt to relocate any Occupants until such time as it has located a comparable replacement residence and/or a replacement business premise, as appropriate, for such Occupant.

48. The Master Lease is in effect the legal instrument used for the voluntary acquisition of Ebeye lands for public purposes the taking of which is allowed under the Land Acquisition Act 1968. It satisfies the requirement of the Constitution that “ No land right or other private property may be taken unless a law authorizes such taking; and any such taking must be by the Government of the Republic of the Marshall Islands, for public use, and in accord with all safeguards provided by law”.

49. Part of the background context to the Master Lease is the reality that in the Marshall Islands, the traditional landowners or Iroij, are held in extremely high esteem by not only their constituencies, but also the Government. It’s an acquired status but one deeply rooted in history, and entrenched in Marshallese culture by the hereditary nature by which the Iroij title is passed down through generations of blood heirs. The Irojjs are Marshall Islands’ royalty. In modern day Marshall Islands, this status is in a way preserved if not further enhanced by the substantial powers vested in them by the Constitution as members of the Council of Irojjs. The Council is advisory and consultative in its role but the high public regard with which Irojjs are held means they yield enormous influence in the law-making process, on matters of national importance, and especially on issues of customs, traditional practices, lands and related matters. It follows therefore that where lands owned by Irojjs are of interest to the Government for public purposes, the process of acquisition is a negotiation between equal parties – Government and Irojjs – if not one slanted in the Irojjs’ favour. Both parties are endowed with resources to engage competent legal counsels to ensure their best interests are preserved as was the case with the renewed document. With this power relationship, any concerns about landowners being disadvantaged in such negotiations are unfounded. The Master Lease itself preserves the supremacy of the landowners, by among other conditions, requiring as a pre-condition the prior consent of landowners for any development including the creation of new easements. This fact is well understood and accepted by locals and government officials consulted who unanimously observed that nothing happens in Ebeye without the Irojjs prior approval.

D.3. World Bank Safeguard Policies

50. Initial World Bank screening advises that the following Social Safeguard Policies will be triggered as a result of the Project, requiring the Borrower to prepare the safeguards instruments to guide detailed planning once sub-projects are identified firmly at a later stage of Project planning. The triggered policies are –

Table 2: WB Triggered Safeguards Policies in PREP Phase 2

Safeguard Policies Triggered	Yes	No
Environmental Assessment (OP/BP 4.01)	X	
Natural Habitats (OP/BP 4.04)	X	
Forests (OP/BP/4.36)		X
Pest Management (OP 4.09)		X
Physical Cultural Resources (OP/BP 4.11)	X	
Indigenous Peoples (OP/BP 4.10)		X
Involuntary Resettlement (OP/BP 4.12)	X	
Safety of Dams (OP/BP 4.37)		X
Projects on International Waterways (OP/BP 7.50)		X
Projects in Disputed Areas (OP/BP 7.60)		X

51. The triggered policies are indicative of the varied range of hard engineering solutions that are to be considered for implementation. The preparation of detailed plans to address impacts under the respective policies will be the responsibility of MPW later in the project planning process, once eligible activities/sub-projects for funding are identified.

52. Initial screening based on field investigations, stakeholder consultations and a review of potential options for implementation indicates an assessment of Category B for the Project. It finds that potential impacts are less significant, site specific, mostly reversible and that a range of potential measures for mitigation can be readily designed in the majority of cases.

53. For OP/BP 4.12 Involuntary Resettlement, a Resettlement Policy Framework is appended to this ESMF (Annex 11) to guide the preparation of detailed resettlement plans later.

D.3.1. OP/BP4.01 Environmental Assessment

54. The purpose of Environmental Assessment is to help ensure the environmental and social soundness and sustainability of investment projects, and to support the integration of environmental and social aspects of projects into the decision making process. The policy defines procedures to screen and assess potential impacts and mitigation, prepare safeguard instruments, ensure public consultation and transparency and that there are implementation and supervision of commitments relating to findings and recommendations of the environmental assessment.

55. This ESMF is an integral part of compliance with this policy. All activities proposed for funding and implementation under the Components 1, 2 and 3 will go through a screening process that will categorize them depending on the assessed significance and nature of its impacts. The assigned category for each subproject will determine the relevant safeguards documentation to be prepared. Activities assessed as Category A will be declined. Category B will require an ESIA and ESMP. Category C activities will be eligible for funding without any further information. The process for screening and assessment is set out in Figure 1.

D.3.2. OP/BP 4.04 Natural Habitats

56. The conservation of natural habitats is essential for long-term sustainable development. The Bank therefore supports the protection, maintenance, and rehabilitation of

natural habitats and their functions. The Bank does not support projects involving the significant conversion of natural habitats unless there are no feasible alternatives for the project and its siting, and comprehensive analysis demonstrates that overall benefits from the project substantially outweigh the environmental costs.

57. The small land areas require for siting of telecommunication poles and similar facilities under Component 1 will be selected to avoid adverse impact on sensitive natural habitats. Coastal protection measures envisaged under Component 2 of PREP Phase 2 will concentrate along the coastline where typical natural habitats include coastal strands vegetation, littoral vegetation and lagoon and inshore habitats and ecosystems. These habitats and ecosystems will be threatened by construction activities. There are no known endemic species of high conservation value in these areas, and detailed surveys and assessments for ESAs during the detailed planning phase will identify any and their location, and prescribe appropriate conservation measures to avoid losses or minimize losses where avoidance is not possible.

D.3.3. OP/BP 4.11 Physical Cultural Resources

58. Physical cultural resources (PCR) are movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, religious, aesthetics or other cultural significance. The Bank assists countries to avoid or mitigate adverse impacts on physical cultural resources from development projects that it finances. When it is considered triggered, the borrower identifies appropriate measures for avoiding or mitigating these impacts as part of the environmental assessment process. These measures may range from full site protection to selective mitigation, including salvage and documentation, in cases where a portion or all of the physical cultural resources may be lost.

59. The cultural and historic sites of importance in RMI have been identified and listed by the Historic and Preservation Office. In Ebeye, no sites of historical or cultural significance are listed and consultations with government officials on Ebeye Atoll for this report confirmed this. However, several public cemeteries are located close to the coastline and will be at risk of disturbance during the construction of coastal protection measures. Under OP/BP 4.11, the proponent will address any impacts on such sites as an integral part of the EA process, including provisions for managing chance finds, and a monitoring system to track the progress of these activities.

D.3.4. OP/BP4.12 Involuntary Resettlement

60. Involuntary resettlement refers to management of adverse impacts of loss of, or damage to, land, assets or livelihoods, where the affected person has no choice. In the Bank's experience, involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost.

61. The Resettlement Policy Framework (Annex 11) sets out arrangements for the voluntary access and use of land for project purposes and the management of all involuntary resettlement impacts that will be generated. Involuntary resettlement impacts include relocation or damage to shelter, loss of assets or access to assets, and or loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displace persons.

D.3.5 Gap Analysis of RMI laws and regulations and WB Safeguards Policies

Table 3: Gap Analysis of WB Safeguards Policies and RMI Laws and Regulations

Bank Safeguards Policies OP/BP 4.01 Requirement	RMI Equivalent	Equivalence
Environmental Screening. Projects categorised as A, B or C.	Environmental screening is central to NEPA's Earthmoving Permit application process. Proposals that generate environmental impacts are categorized into 2 groups – those with significant impacts requiring an ESIA and others with no significant impacts that will not require the same.	RMI NEPA and WB policies are generally equivalent.
Cat B projects require the preparation of either an ESIA if the sub-projects are not known or an ESMP if the sub-projects impacts are similar and not likely to involve serious impacts.	Proposals assessed to generate significant impacts are required to undertake a detailed ESIA.	Equivalent.
An ESMP that includes mitigation measures, allocation of responsibilities, costs and reporting requirements.	NEPA process also requires an ESMP identifying mitigation measures, responsible parties, costs and reporting requirements.	Equivalent.
Monitoring is required that includes a monitoring framework that allocates location, frequency, costs and responsibilities.	The legislation is silent on this matter.	The ESMF requires ESMP to include monitoring as per OP4.01.
Public consultation required for Category A and B projects	Public consultation is required for both categories if there are any responses to public notifications.	The ESMF follows OP4.01.
Disclosure is required	Disclosure is required.	Equivalent
Institutional capacity and training requirements are assessed.	The legislation is silent on this matter.	The ESMF requires ESMP to include capacity building as per

OP4.01.

Involuntary Resettlement Requirements

World Bank Safeguard Policies	RMI Policies	Gap-Filling Measures
OP 4.12 requires that Resettlement Plans must be prepared based on consultations with Affected People, and that poorer and vulnerable people are also consulted and informed of their entitlements and resettlement options.	No specific requirement for the preparation of RPs. The Master Lease requires prior consultations with landowners but there is no explicit requirement for similar consultations with other AP's. But consultations with other AP's are implicit in the requirement to delay relocation of APs until alternative locations found and prepared to receive them.	Where RAP/ARAPs are necessary, they will be prepared in consultation with Affected People, including vulnerable groups, and properly disclosed by the implementing agency.
It is necessary to improve or at least restore livelihoods of Displaced Persons by a range of strategies targeted at Affected People. Nobody is to be worse off as a result of the development project.	Fair compensation is explicit in the Master Lease in relations to damaged residences and business premises, but not generally to include other sources of livelihoods, other assets and or lost access to shared resources.	There is partial equivalence. WB policy will apply to ensure all losses are covered and compensated for. Where losses are temporary and minor, these will be addressed as part of the ESMP.
Requires that Displaced Persons are compensated for all losses, including non-land assets, at full replacement cost.	The principle of 'just compensation' is stipulated in the Master Plan for estimating the losses accrued to affected people as a result of the Project. The concept of 'comparable alternatives' is also stipulated for replacing residences and business premises which bears equivalence to the WB principle of replacement cost.	There is agreement on the need for just compensation although RMI policies are not specific as to the method for calculating compensation. WB's principle of 'replacement cost' using current market values for compensation of affected assets will apply, where applicable.
OP 4.12 requires that resettlement outcomes be monitored and assessed.	No specific requirement for the monitoring and assessment of resettlement outcomes.	Where applicable, WB policy applies. RAP/ARAPs will include indicators and baseline data to monitor impacts on living standards of Affected People. The monitoring reports will also be disclosed including to Affected People.

<p>OP/BP 4.11 Physical and Cultural Resources – PCR includes resources of archaeological, paleontological, historical, architectural, religious (incl. graveyards and burial sites), aesthetic, or other cultural significance.</p>	<p>RMI's Historic Preservation Act 1991 promotes the preservation of the historic and cultural heritage of the Republic of the Marshall Islands. Section 206 (b) provides for the issuing or denial of permits, after review by the Council, for use, access, and development of land containing cultural and historic properties...</p>	<p>Equivalent.</p>
<p>OP4.04 Natural Habitats Bank supports the protection, maintenance, and rehabilitation of natural habitats and their functions; expects borrower to apply a precautionary approach to natural resource management to ensure opportunities for environmentally sustainable development.</p>	<p>The RMI National Environment Protection Act 1984 provides for –</p> <ul style="list-style-type: none"> • the protection and management of the environment, and for matters connected therewith or incidental thereto. • to preserve important historical, cultural and natural aspects of the nation's culture and heritage, maintaining at the same time an environment which supports multiplicity and variety of individual choice 	<p>Equivalent</p>
<p>Bank promotes and supports natural habitat conservation and improved land use, and rehabilitation of natural habitats.</p>	<p>EIA Regulation 1994 provides for the protection of rare or endangered species, or their critical habitats; as part of the EIA process.</p>	<p>Equivalent</p>
<p>Bank does not support projects that, in its opinion, involve significant conversion or degradation of critical natural habitats.</p>	<p>The same principle is implied in the NEPA 1991 and EIA Regulation 1994.</p>	<p>Equivalent.</p>
<p>Bank expects the borrower to take into account the views, roles, and rights of groups including NGOs and local communities affected by the Bank financed project...in the planning, designing, implementing, monitoring and evaluating of such projects.</p>	<p>Part V of the EIA Regulation 1994 provides for public disclosure of EIA and for public hearings to allow the public to comment etc..</p>	<p>Equivalent.</p>

E. Significant Potential Environmental and Social Impacts and Mitigation Measures

E.1. Potential Activities/Subprojects under different Components

62. The Project will generate potentially adverse environmental and social impacts in the activities under Components 1, 2 and 3.

Component 1

63. Under Component 1, the installation of telecommunication poles, communication facilities and similar communication related infrastructure and the possible upgrading/refurbishment of the NDMO center are activities that will be screened and assessed for safeguards impacts under this Framework.

Component 2

64. Coastal protection works under Component 2 will strengthen climate resilience in Ebeye and, potentially, “hot-spots” in Majuro in subsequent phases subject to further analysis and available funding. A number of hard engineering solutions and soft eco-friendly solutions are being examined. Initial findings from studies conducted indicate that the priority for coastal protection will be on the risk-averse ocean-side of Ebeye (Deltares, 2016). Revetments are the recommended protection method. How these will be delivered remains to be sorted out. . It is possible that for cost effectiveness, implementation may involve the design and implementation of one activity, engaging one contractor.

65. For Components 1, 2 and 3, the requirement for stakeholder engagement is essential to inform and raise awareness, build capacity and promote empowerment as part of emergency response and disaster preparedness. For detailed planning of eligible activities/subprojects, engaging project affected people for their views and needs is essential.

E.2. Potential adverse environmental impacts

E.2.1. Material sourcing

66. There are limited, if any, local options for the sustainable sourcing of large aggregates needed for the kind of hard engineering solutions envisage for coastal protection works for Ebeye or other parts of RMI. The option of reef mining is problematic given the perceived potential adverse impacts on the health of the inshore area, marine biodiversity and the long term structural integrity of the reef plate itself. But there is limited published scientific studies and evidence for and or against the environmental impacts of reef quarrying thus a degree of uncertainty exists for which more scientific information is needed. The extent of fragmentation of the lagoon and reef ecosystem caused by extensive reef blasting in the early seventies is quite visible, with pits of various sizes and depths the most prominent feature of Ebeye lagoon’s bathymetry. A constructability and aggregate source review will be undertaken as part of the Project to better inform future decision making and planning. Meanwhile, all aggregates required for coastal protection activities for PREP Phase 2 will be imported.

67. The following process applies in assessing imported aggregates for PREP Phase 2 –

- Where aggregates are sourced from a Part 1 Country⁶, no further assessment and documentation is required;
- Where aggregates are sourced from a Part 2 Country⁷,
 - the proponent is required to provide relevant documentation and other evidences to show aggregates are sourced from a licensed quarry(ies) and that proper regulations of the source country are fully complied with.
 - EPA will conduct due diligence to validate the documentation and information submitted by the proponent.

E.2.2. Construction impacts

68. The construction of 'hard' protection options such as revetments and sea walls for coastal protection will generate noise, dust, pollution and vibrations where heavy machinery shifting and moving large amounts of aggregate materials are involved. Increased sedimentation into the lagoon or ocean and increased coastal erosion are likely impacts. There may be further fragmentation of coral communities. The full list of potential impacts and mitigation measures are given in Annex 6: Potential Remedial Measures and Best Practices for Construction and Earthworks (including maintenance works).

E.2.3. Aquatic marine issues

69. There is limited available quantitative data of Ebeye's lagoon and reef species and ecosystem. More widely reported is the degraded and polluted condition of Ebeye's marine environment from years of raw sewage disposal, and other hazardous substances and contaminants including PCB. This is the baseline for assessing the potential adverse impacts from coastal protection activities of the Project.

70. The longer term impact on the marine environment of increased sedimentation during construction is increased marine habitat degradation, when corals do not receive adequate sunlight for coral algae photosynthesis, thereby smothering them. This will compound an existing situation of high levels of contamination from land based pollutants with dire consequences on the dependent inshore fishery. These issues will be explored in depth in ESIs with measures for their mitigation set out in corresponding ESMPs.

E.3. Potential Adverse Social impacts

E.3.1. Land limitations in Ebeye

71. Ebeye's limited land area is a major contributor to the overcrowding issue discussed previously. But there are other relevant implications to this Project. The lack of land space, in the context of continuing coastal erosion, and other hazards associated with climate change and climate variability, effectively eliminates the option of retreat and relocation as a strategy for climate resilience for threatened coastal populations.

72. During the construction phase, the demand for available land for the temporary use of the Project contractors, and for the possible relocation of affected people either temporarily or

⁶ Part 1 Countries are Developed Countries as per WB listing.

⁷ Part 2 Countries are Developing Countries as per WB listing.

permanently, is an issue. These issues will be addressed in the Resettlement Policy Framework.

E.3.2. Land Access

73. Access to and use of land for project activities will be addressed in the Resettlement Policy Framework. (Annex 2).

E.3.3. Physical cultural resources (PCR)

74. The RMI listing of sites and places of historical and cultural significance indicate no such sites on Ebeye. The Bank's OP 4.11 stipulates the preservation of PCR and to avoid their destruction or damage. PCR includes movable or immovable objects, sites, structures, group of structures, natural features and landscapes that have archaeological, paleontological, historical, architectural, religious (including graveyards and burial sites), aesthetic or other cultural significance.

75. Several public cemeteries and burial grounds along Ebeye's coastline may be impacted adversely by the project. Measures to avoid and reduce these impacts, and to mitigate where impacts are unavoidable will be taken into consideration in ESIA's and ESMPs. A PCR Management Plan will be prepared as part of the Environmental Assessment and will include the following –

- Measures for avoiding or mitigating adverse impacts
- Chance Find Procedures
- Capacity Building, and
- Monitoring and reporting requirements.

Code of practice for cultural heritage, and PCR Chance Find Procedures are in Annex 7 and 8 respectively to assist the preparation of these plans as required.

E.3.4. Pressure on existing civil infrastructure

76. For Component 2, Ebeye is experiencing a boom in infrastructure development not before seen on the atoll. In addition to PREP Phase 2, three other development projects are at various stages of planning and or implementation⁸. Each project will likely be implemented by outside contractors accompanied by hired expatriate workers. More frequent or regular visits of donor representatives, consultants and Majuro-based government and aid agencies representatives can also be reasonably expected.

77. There is insufficient information to make possible a meaningful estimate of a likely population of expatriate workers. However, combining the various planned projects, this additional population and the accompanying project activities will put significant stress on Ebeye's limited services, resources and physical infrastructure. Ebeye is already severely overcrowded and existing civil infrastructural capacity for water, electricity, sewage and solid waste is badly deteriorated and or struggling to sustain its current population (USAKA, 2010)⁹.

⁸ An ADB Waste and Sanitation Project commenced implementation in March 2016; Compact funded Ebeye Mid-Corridor Housing Project; a separate Schools Project are in the advanced planning stages. JICA is also known to be in the early planning stages of a renewable energy (solar) project.

⁹ US Army Corps of Engineers. June 2010. *Ebeye Infrastructure Survey Report*. USAKA pp. 85.

There is one 15-room hotel, a few small eating places and limited other facilities to support the additional population.

78. The expected influx may provide opportunities for and incentives for entrepreneurial individuals especially in the services sector. At the same time, there are potential adverse impacts to be considered including those associated with workers camps.

E.3.5. Labour

79. Employment opportunities directly generated during project implementation is an important benefit for local Ebeyeans, but will not be fully realized if the locals are not given priority for hiring by Project contractors. Community resentment can lead to social conflict if locals feel they are being overlooked for jobs they are capable of performing, and given not only to foreigners but worse still, to Marshallese from other atolls.

E.3.6. Social vices

80. RMI's population age structure is heavily skewed (40%) to people 14 years and younger. In Ebeye in particular, seeing young people on the streets in late hours of the night is a regular observation made during the site visit for this report. This observation gives credence to reports of people sleeping in shifts¹⁰ and of young people being encouraged "... to stay 'out' at night so the elders can sleep"¹¹. Not only do these observations underscore the seriousness of the overcrowding issue, but more importantly, they point to the existence of conditions that will expose vulnerable young people to underage sex, HIV AIDS, drugs, smoking and other undesirable habits. .

81. ESIA consultations need to highlight these concerns. Proper awareness and education of young people is necessary.

E.3.7. Adverse impacts on household income sources

82. A possible long term impact of coastal degradation that may be accelerated by sedimentation caused by project activities under Component 2 is the loss of household incomes for families dependent on the making and selling of handicrafts using seashells. Community consultations in Ebeye found a number of women and households rely on handicraft using a range of mollusks shells to subsidise family incomes. These are collected on the reef flats on the ocean side.

E.3.8. Gender related impacts

83. Improved community resilience as a result of the Project will benefit all Ebeyeans irrespective of gender. But direct benefits in terms of local employment are likely to favour men over women, possibly due to the physical nature of non-skilled work that may be available for local people. Where the expected influx of expatriate construction workers is assumed to be male dominated, given the types of skills likely required (heavy machine operators, mechanics, etc.) then the risk of young local females getting exposed to prostitution, sexual harassment and possibly other social vices, is heightened.

¹⁰ Beca International. 2015. Op cit.

¹¹ Yumi Crisostomo, personal communications, 7 Nov., 2016.

The issue of lost incomes described above is largely women-related, as collectors of shellfish and makers of weaved handicrafts adorned with an assorted mix of shells.

E.3.9. Unexploded Ordinances (UXO)

84. The risk of unexploded ordinances (UXO) from World War II in the Marshall Islands remains with an unknown amount of explosive devices remaining uncleared from many atolls. Kwajalein and surrounding atolls were heavily fortified by the Japanese forces during the early years of World War II until the US forces captured the atoll in February 1944¹². Locals recall stories of Japanese dumping munition, and armaments including warplanes in the Ebeye lagoon before surrendering. A 2013 US funded ‘hazard reduction’ project targeting the northern atolls of Taroa and Mili also recommended a survey of UXO for Ebeye and other atolls as a requisite to hazard reduction¹³. To date this survey has not been implemented.

E.3.10. Other issues

85. Issues including Occupational Safety, Community Relations, Environmental Emergency and relevant procedures, are dealt within in Annex 4: Compilation of Possible Remedial Measures and Best Practices for Construction and Earthworks.

86. Some of these and their measures for mitigation are presented in Table 4 below.

Table 4: Mitigation Measures for Identified Negative Impacts

Activity	Potential Significant Negative Impacts	Key mitigation measures
Civil works – hard engineering solutions	<p>Hazardous substances and waste management</p> <p>Source of aggregates for construction (sand and gravel).</p> <p>Solid waste accumulation</p> <p>Removal of vegetation / disturbances to terrestrial natural habitats</p>	<p>Early and on-going stakeholder engagement.</p> <p>Safe storage of hazardous materials, and training of all personnel.</p> <p>Large aggregate material – all imported. If imported from Part 1 countries, no further due diligence required; If from Part 2 countries¹⁴, conduct due diligence on sources to ensure compliance with source government laws and regulations.</p> <p>Removal and export of all solid and hazardous waste to permitted landfills.</p> <p>Minimise the cutting down or damage to large trees near the coastline.</p>

¹² Wikipedia: Pacific War World War II – Gilbert and Marshall Islands Campaigns. Downloaded 20Jan2017.

¹³ Article: “Clearance Operations in the Pacific Islands” by Len Austin, Golden West Humanitarian Foundation; Published in: *The Journal for ERW and Mine Action*. Issue 18.3; Fall 2014. <http://www.jmu.edu/cisr/journal>

¹⁴ Part II Countries – Developing Countries including potential source PICs such as Palau, Nauru, Solomon Is., Fji, Kiribati etc..

Activity	Potential Significant Negative Impacts	Key mitigation measures
	<p>Noise and dust, and disruption to building occupiers / road users / neighbours</p> <p>Imported workers causing disruption to traditional lifestyles</p>	<p>Constrain working hours and provide adequate warning of works to affected people.</p> <p>Mandatory and repeated worker training in HIV / AIDs, cultural awareness and about refraining from unacceptable conduct behaviour towards local community members.</p> <p>Minimize number of imported workers by employing locals wherever possible.</p> <p>Conduct community youth awareness activities.</p> <p>Introduce a Worker Code of Conduct as part of employment contracts</p> <p>Where workers camps are used, requirements and measures for the sound and safe management of associated impacts will be incorporated into the Contractors ESMP.</p> <p>Preparation of ESIA and ESMP will also draw on the Bank’s Note on “Managing the Risks of Adverse Impacts on Communities from Temporary Project Induced Labour Influx” . .</p>
	<p>Impacts on PCR - disruption / damage to graves and physical cultural resources</p>	<p>Avoid graves and physical cultural resources in design where possible, otherwise prepare a PCR Management Plan that is informed by the affected communities in the safe, dignified and culturally appropriate methods of relocation and reinternment.</p> <p>Implement Chance Find Procedures.</p>
	<p>Occupational injuries or loss of life.</p>	<p>Contractors are required to prepare and implement Contractors ESMP, which includes a Safety Manual.</p> <p>All staff must be adequately trained and resourced for the job.</p> <p>Provide barriers to exclude the public from work sites.</p>

Activity	Potential Significant Negative Impacts	Key mitigation measures
	<p>Unexploded ordnances (UXO) cause actual or potential harm to workers, bystanders or property.</p>	<p>UXO risks will be assessed early in project design.</p> <p>Trained explosives experts will survey sites likely to contain UXO and clear any UXO for offsite disposal/destruction.</p>
	<p>Involuntary resettlement or loss of assets or loss of access to resources leading to a loss of income or other impacts on livelihoods.</p> <p>Disputes between households</p> <p>Disputes between Contractor and local affected households</p> <p>Conflicts between land owners and Govt.</p>	<p>Early and on-going engagement with all land owners and other affected people (tenants, squatters, resource users).</p> <p>Identify land requirements early.</p> <p>Involve KADA and community leaders in dispute resolution.</p> <p>Provide entitlements and assistance as per the RPF</p> <p>Inform traditional landowners using proper cultural protocol early before project implementation. Seek agreement through amendments to the Master Lease for works on Ebeye.</p>
<p>Construction impacts - long term environmental impacts</p>	<p>Degradation and or loss of shellfish stocks</p>	<p>Develop and implement strategies for minimizing sedimentation, including containment and diversion before works begin.</p>

E.4. Positive and beneficial impacts

87. Strengthened climate resilience and improved protection from coastal hazards are the long term benefits of PREP Phase 2. Coastal communities including those in the outer islands of RMI, are the targeted beneficiaries from improved information flow and communication for emergency preparedness and response. In Ebeye, infrastructure and homes in the identified 'hot spots' where the risk of flooding and inundation is highest, will be better protected. Likewise are all other infrastructure, public facilities and homes immediately fronting the planned structures will be better protected. Landowners will benefit from increased values of land and their continued habitability.

88. During construction of coastal structures, the Project will generate economic benefit for the Ebeye community through increased employment opportunities. The increased demand for local services will create investment and business opportunities. The immediate beneficiaries are local service providers in accommodation, supermarkets, food vendors/retailers, transportation, entertainment and others.

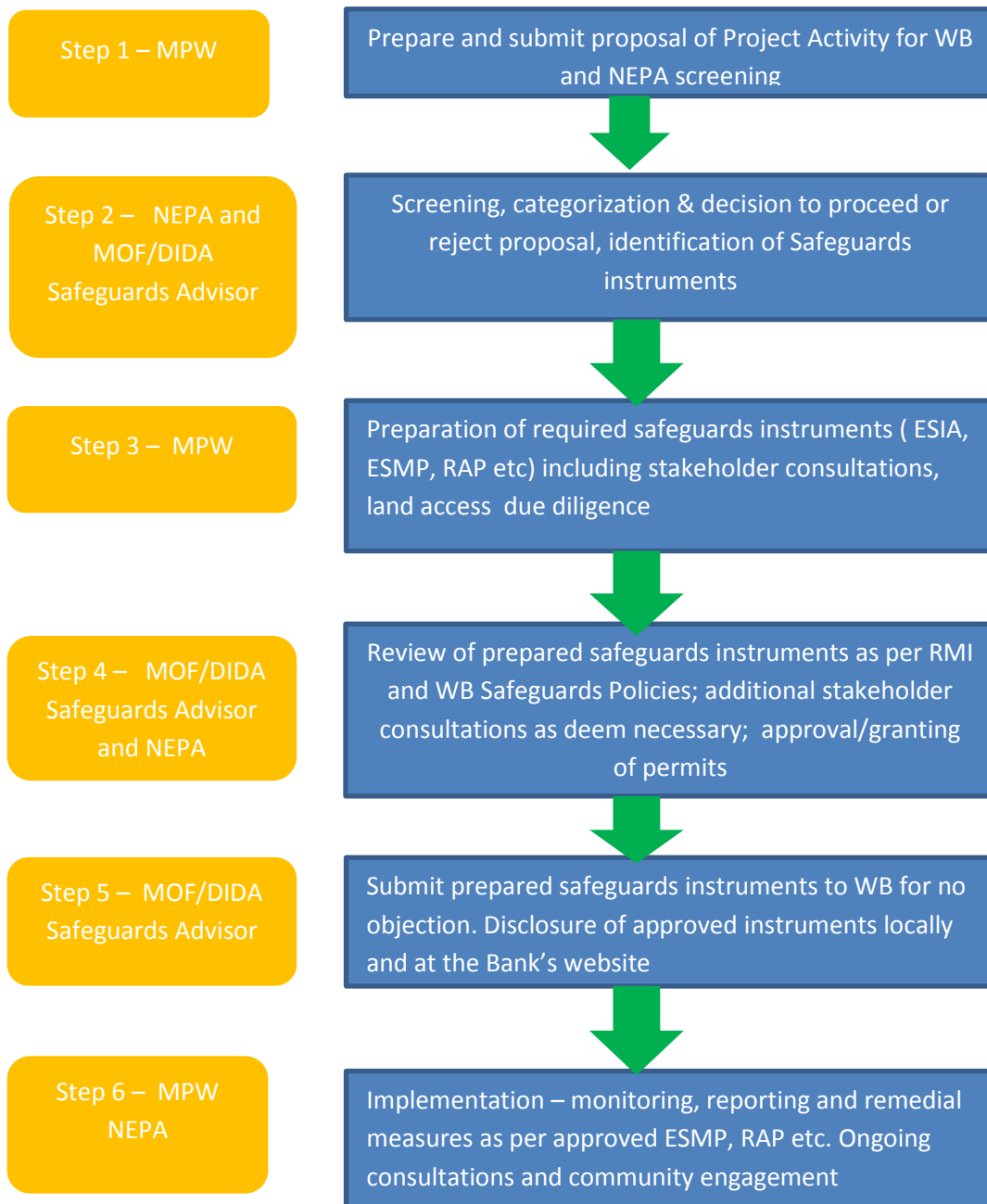
F. Environmental and Social Management Process

89. The Environment and Social Management Process takes into account the relevant laws and policies of RMI and the World Bank Safeguards Policies.

F.1. Sub-project Screening & Safeguards Implementation Process

90. Every activity proposed for funding under Component 1, 2 and 3 of PREP Phase 2 go through the safeguards screening and assessment process shown in Figure 1 below, and described in the subsequent sections.

Figure 1 Sub-project Screening and Safeguard Implementation Process



F.1.1. Step 1: Preparation and submission of proposed Project Activity

91. Eligible activities for project funding under Component 1 and 2 will require permits under the NEPA Earthmoving Regulation. MPW will complete and submit an NEPA Earthmoving Permit application for each of these activities, with the necessary supporting documentation. NEPA will review the submission to ensure compliance with RMI laws and regulations.. The NEPA Earthmoving Application template is provided in Annex 12.

F.1.2. Step 2: Screening Review and Determination of Safeguard Instruments

92. The NEPA will screen each proposed activity to determine the types and severity of potential impacts, and thus the type of EA required. They will be assisted by the Safeguards Advisor embedded in MOF/DIDA.. Each proposed activity will be categorized into one of the three EA categories, depending on the type, location, sensitivity and scale of the activity and the nature and magnitude of its potential environmental impacts. The WB Task Team will check NEPA's screening to ensure compliance with WB policies.

- a. Category A: A proposed project is classified as Category A if it is likely to have significant adverse environmental impacts that are sensitive, diverse or unprecedented. These impacts may affected an area broader than the sites or facilities subject to physical works.
- b. Category B: A proposed activity or project is classified as Category B if its potential adverse, environmental impacts on human populations or environmentally important areas – including wetlands, forests grasslands, and other natural habitats – are less adverse than those of Category A project. These impacts are site specific, few if any of them are irreversible; and in most cases mitigatory measures can be designed more readily than Category A projects or activities.
- c. Category C: A proposed project is classified as Category C if it is likely to have minimal or no adverse environmental impacts. Beyond screening, no further EA action is required for a Category C project.

93. PREP Phase 2 is a Category B for environment, thus all proposals categorized as Category A are not eligible. Only proposals categorized as B or C will be considered further. Category B proposals for coastal protection works will require the preparation of ESIA and ESMP. More simple subprojects, such as Component 1 activities, will only require the preparation of an ESMP.

F.1.3. Step 3: Preparation of safeguards instruments and stakeholder consultations

94. The Safeguards Consultant Firm attached to MPW will prepare - or otherwise engage independent ESIA specialists to prepare - ESIA and ESMPs required. Where independent ESIA specialists are engaged, the Safeguards Consultant Firm attached to MPW will prepare TORs, facilitate TA procurement and supervise the engagement of the TA's to deliver fully on the requirements of the TOR.

95. On receipt of the ESIA, the Safeguards Consultant Firm will review it and in consultation with the Safeguards Advisor in MOF/DIDA, determine if a resettlement plan is needed. If required, the Safeguards Consultant Firm as part of the MPW PMU, will mobilize the procuring of a resettlement specialist and will supervise the preparation of the

resettlement action plan in accordance with the RPF and its subsequent implementation. A sample TOR for a resettlement specialist is annexed to the attached RPF.

The following table indicates the relevant instrument(s) for potential subprojects –

Table 5: Potential subprojects & Possible Safeguards Instruments

<i>Component</i>	<i>Potential subproject</i>	<i>Possible safeguards instrument(s)</i>
1	Installation of transmission poles and similar telecommunication facilities	ESMP
	Refurbishment of NDMO centre	ESMP
	Demolition and construction of new NDMO center on existing footprint	ESIA and ESMP
	New outer island radio station	None
2	Revetment construction	ESIA, ESMP, CEMP; A/RAP.
	Ecosystem-based rehabilitation options	ESMP/none
3	Stakeholder consultations	SEP

96. Category B projects/activities requires the proponent to consult project-affected groups and local non-governmental organizations (NGOs) about the project's environmental aspects and takes their views into account. A Project Stakeholder Engagement Plan (SEP) prepared by MOF/DIDA will provide guidance on the requirements for stakeholder consultations required that complies with RMI requirement for stakeholder consultations for ESIA preparation as well as WB policies..

F.1.4. Step 4: Review of prepared safeguards instruments as per WB Safeguards Policies

97. The Safeguards Advisor in MOF/DIDA will review all prepared safeguards instruments to determine their adequacy vis-à-vis the Bank's safeguards policies. NEPA will also likewise be reviewing the ESIA to ensure compliance with RMI laws and regulations. The Safeguards Advisor's review will ensure that the ESIA, ESMP and RAP are consistent with the TORs agreed to with the MPW and NEPA. The review also gives special attention to, among other things, the nature of the consultations with affected groups and local NGOs and the extent to which the views of such groups were considered, the proposed measures for mitigating and monitoring environmental impacts and, as appropriate, strengthening institutional capacity.

F.1.5. Step 5: Submit prepared safeguards instruments to WB for no objection and Disclosure.

98. The Safeguards Advisor MOF/DIDA will submit the prepared instruments to the WB once reviewed and finalized, for a WB no objections letter (NOL) . On receipt of the 'NOL', the Safeguards Advisor MOF/DIDA will advise as follows:

- MPW to proceed with disclosing the instruments locally. Disclosure is intended to support the decision making by RMI and the Bank by allowing the public access to information on the environment and social aspects of projects.

- MPW to liaise with NEPA, to expedite approval and the issuing of appropriate permits.
- Where an RAP is involved, MPW will withhold executing a Notice to Proceed to the works contractor, until after the RAP is fully implemented and a separate NOL is received from the WB signalling its approval.

The Bank will also disclose the same safeguards instruments on its website.

F.1.6. Step 6: Implementation and Monitoring

99. During project implementation, MPW reports on (a) compliance with measures agreed with the Bank on the basis of the findings and results of the EA, including implementation of any ESMP, as set out in the project documents; (b) the status of mitigation measures, and (c) the findings of monitoring programs. The Bank bases supervision of the Project's environmental aspects on the findings and recommendations of the EA, including measures set out in the legal agreement, any ESMP, and other project documents. It is important that MPW's monitoring tracks progress of measures addressing these recommendations. The full arrangements for implementation, monitoring and reporting are presented and discussed under Section K.

F.2. Land Acquisition and Resettlement

100. The RPF in Annex 11 discusses in detail the arrangements for land acquisition and the management of resettlement impacts.

F.3. Technical Assistance – Aggregates Study and Coastal Vulnerability Assessment

101. World Bank safeguards policies also apply to technical assistance delivered under the project. The two key pieces of work funded by the project are under Component 2:

- Sustainable Aggregates Study
- Coastal Vulnerability Assessment and mapping

Each Terms of Reference will include relevant scope of work to ensure that environmental and social safeguards are *integrated* into the methodology and outputs of each technical assistance contract. The Terms of Reference will indicate the specific safeguards expertise required in the team and the level of effort required by the specialist(s). Standard clauses are provided for reference in Annex 9.

G. Consultations

102. Consultation is mandated by the following six (6) policies of the Bank: OP/BP 4.01; Environment Assessment, Involuntary Resettlement (OP/BP 4.12), Indigenous Peoples (OP/BP 4.13); PCR (OP/BP4.11); Natural Habitats (OP/BP 4.04) and Forests (OP/BP 4.36) Policies. Except the Indigenous Peoples (OP/BP 4.13) and Forest Policy (OP/BP 4.36), the remaining four policies are triggered in PREP Phase 2 for RMI. Consultation required for all six policies is a two-way process in which beneficiaries provide advice and input on the design of proposed projects that affect their lives and environment.

G.1. Stakeholder Engagement

103. Engaging stakeholders early in the design process is essential to the effective implementation of Components 1, 2 and 3. Component 1 targets RMI institutions responsible for climate and disaster resilience (e.g. implementing the JNAP), as well as disaster early warning and preparedness. Responsible institutions need to agree to ways and processes for collaboration and coordination in the promotion of multi-hazard warning systems and for preparing a clear system and roadmap for communicating with outer islands. It means agreeing on roles and responsibilities and the processes and systems for coordinating and communicating during implementation.

104. Consultations with local communities and key community leaders is vital to raising awareness and understanding of national and local level systems for two-way communication of early warning of hazards, and for identifying local needs for improved communications including training needs for the use of new technologies and systems.

105. For Component 2, stakeholder engagement is mandatory for all four safeguards policies triggered in PREP Phase 2. Project affected people need to be consulted and to input to subproject design by identifying their issues and needs, and in the design of measures for their mitigation. It needs to happen early in the planning and design phase of eligible subprojects. At the community level, the engagement of women and vulnerable groups, often the worst affected by natural disasters, is of paramount importance. The meaningful engagement of project affected people is a cornerstone requirement for the preparation of subprojects safeguards instruments. MPW and NEPA are key agencies for making sure meaningful consultation is achieved.

106. Component 3, which aim is to strengthen the emergency preparedness and immediate response capacity of RMI for low and medium scale disasters, aims to establish systems of communication for the mobilization of the country in the event of national emergencies, among other outputs. This is a shared responsibility involving several agencies and institutions, and requiring a clear understanding of roles and responsibilities to ensure effective coordination when faced with a national emergency. Protocols for communicating and informing the public in the event of an imminent event need to be understood at all levels. The need for a well thought-out stakeholder engagement plan, developed collectively by all stakeholders groups and organizations, cannot be overemphasized.

G.2. Stakeholder Engagement Plan

107. A Stakeholder Engagement Plan will be prepared by MOF/DIDA early in project implementation that will:

- Identify institutional, Governmental, non-governmental, commercial and community stakeholders at the National, Provincial and urban levels. Stakeholders include beneficiaries and negatively affected parties.
- Identify the ways to engage the stakeholders in the key outputs of the project:
 - Coastal Vulnerability Assessment and Management Plan
 - ESIA, EMP, RAP/ARAP
 - Future prioritisation, selection and implementation of subproject investments

- Identify the roles and responsibilities for stakeholder engagement for MOF, MPW, other relevant agencies, Consultants and other activities' or subproject proponents.
- Principles for engagement and consultation. These should be based on principles for meaningful engagement and encourage participation, not just communication. Such as:
 - Allowing people / communities to openly express their preferences or concerns without intimidation or trepidation;
 - Consulting with people on 'their terms' (language, time, location, methods, etc.)
 - Engaging women and vulnerable community members who may not be able to engage through the usual methods of communications with villager and land owners.
 - In a timely manner – allowing enough time for stakeholders to prepare and participate, and their contributions can be integrated into project design and other outputs.
- Keeping accurate records of attendance and information shared. (Date, location, list of participant (including gender, role/title), summary of issues discussed and outcomes agreed).
- How stakeholder contributions will be integrated into plans and designs.
- Budget for staff/ consultants, venue hire and catering, materials etc.
- Programme for implementation.

G.3. Stakeholder Engagement and Consultation at the activity/subproject level

108. For any activity/subprojects that will be developed during the project implementation phase, consultation will be specific to the activity/subproject design, safeguards issues and the community(ies) where the project will be located. A subproject specific consultation plan will be prepared and implemented.

109. The mode of consultation will vary according to the subproject and the participants, but in all cases will promote participation by ensuring that the venue is accessible, the timing convenient and the manner of conduct of the consultation socially and culturally appropriate. Consultations will be announced to give sufficient notice for participants to prepare and provide input to project design.

110. Consultations will be tailored to the needs of the participants, gender sensitivities with regards to consultations, be in the local language, and will avoid technical and bureaucratic jargon. All sectors of the public should be invited and encouraged to contribute, including representatives of vulnerable groups. To get maximum input from women, consider having their meetings held separately from men's meetings. Facilitators of meetings should engage with these participants at the conclusion of public meetings to ensure that their opinions on discussions and decisions are recorded if they have not spoken up out of respect for custom and seniority.

111. For Component 2, MPW will work closely with local governments and NEPA, as well as local organizations and NGOs, to conduct consultations. Following consultation, the following will be documented and disclosed with the safeguard instrument:

- Manner in which notification of the consultation was announced: media(s) used, date(s), description or copy of the announcement

- Date(s) consultation(s) was (were) held
- Location(s) consultation(s) was (were) held
- Measures taken to ensure participation of vulnerable groups/women
- Materials presented at consultations, e.g. information bulletins, maps, plans, photographs
- Who was invited and who attended: Name, gender, Organization or Occupation, Telephone/ e-mail /address (home and/or office)
- Meeting Program/Schedule
- Summary Meeting Minutes (Comments by gender, Questions by gender and Response by Presenters by gender)
- List of decisions reached, and any actions agreed upon with schedules and deadlines and responsibilities.
- How the project design, ESMP or other documentation was amended to take into account the issues raised during the consultation.

H. Grievance Redress Mechanism

H.1. Grievance Redress Process

112. A grievance redress mechanism (GRM) is presented below to uphold the project's social and environmental safeguards performance. The purpose of the GRM is to record and address any complaints that may arise during the implementation phase of the project and/or any future operational issues that have the potential to be designed out during implementation phase. The GRM is designed to address concerns and complaints promptly and transparently with no impacts (cost, discrimination) for any reports made by project affected people (APs). The GRM works within existing legal and cultural frameworks, providing an additional opportunity to resolve grievances at the local, project level.

113. The key objectives of the GRM are:

- ⌘ Record, categorize and prioritize the grievances;
- ⌘ Settle the grievances via consultation with all stakeholders (and inform those stakeholders of the solutions);
- ⌘ Forward any unresolved cases to the relevant authority.

As the GRM works within existing legal and cultural frameworks, it is recognized that the GRM will comprise community level, project level and RMI judiciary level redress mechanisms. The details of each of those components are described as follows.

H.2. Community Level Grievance Redress Mechanism

11.4 Local communities in RMI have existing traditional and cultural grievance redress mechanisms. It is expected that some disputes at the community level may be resolved using these mechanism, without the involvement of the contractor(s), and or Government representatives at local and national level. Such types of disputes include differences between households over land, or boundaries, even on issues triggered indirectly by the Project such as employment, behaviour of imported workers etc..

115. These mechanisms will involve the landowners, which under Marshall Island's law mean principally the *Iroj*, *Alap*, and *Senior Dri Jerbal*. For Ebeye, in particular, it is expected that for any land dispute issues pertaining to the Project, issues would be resolved at this level given the nature of land ownership and the significant power and influence yield by the traditional landowners.

116. Where issues caused by the project are raised and resolved through these existing community level grievance redress mechanisms, it is important that a mechanism for reporting them to the MPW is established, so MPW records all complaints/outcomes, and or provide assistance, as required for their resolution. The option of using existing community mechanisms for resolving and reporting project related grievance is recommended particularly for Ebeye given the larger scale of activities and their potential impacts.

H.3. Project Level Grievance Redress Mechanism

117. Many project related grievances are minor and site-specific. Often they revolve around nuisances generated during construction such as noise, dust, vibration, workers disputes etc.. Often they can be resolved easily on site. Other grievances are more difficult especially when it's about land boundaries, or misunderstandings between affected households and the Contractor regarding access arrangements. Most of these cannot be resolved immediately and on site.

118. For Component 1 and 3, which activities are expected to be in Majuro and other outer islands. a Contact Person (DCP) will be designated within the MPW PMU, to receive, review, record and address project related complaints. For Component 2, a similar Contact Person will be appointed by MPW from amongst its Ebeye based staff.

119. In practice - and this is particularly more relevant to Component 2 because of the expected larger scale of its activities - many complaints are likely to be associated with construction impacts. Most are received directly on site by the Contractor's Site Supervisor (CSS) who will endeavour to resolve them satisfactorily on site. The CSE will inform the MPW Contact Person (CP) in Ebeye of these complaints and their outcomes, and of others not satisfactorily resolved that the Contact Person should take over. The Ebeye CP will log these in the Complaints Register.

120. For all three components, the two CPs will, on receipt of each complaint, note the date, time, name and contact details of the complainant, and the nature of the complaint in the Complaints Register. The CP will inform the complainant of when to expect a response. He/She will then endeavour to address it to the best of his/her abilities, as soon as possible. Should the CP not able to resolved the complaint to the satisfaction of the affected persons, h e / s h e will then refer the complaint directly to the MPW PMU Project Manager (PM).

121. Complaints referred to the MPW PM will require him/her to take earnest action to resolve them at the earliest time possible. It would be desirable that the aggrieved party is consulted and be informed of the course of action being taken, and when a result may be expected. Reporting back to the complainant will be undertaken within a period of two

weeks from the date that the complaint was received. In the case of Component 2, if it's a land related issue, the MPW PM will inform the MPW Secretary who will consult KADA on how best to resolve it.

122. If the complainant is not resolved to the satisfaction of the aggrieved party, the complaint will then be referred by the MPW Secretary to the National Steering Committee (NSC). The NSC will be required to address the concern within 1 month.

123. Should measures taken by the National Steering Committee fail to satisfy the complainant, the aggrieved party is free to take his/her grievance to the RMI Court, and the Court's decision will be final. It is possible that for land issues, it would be advisable for the complainant to take his/her issue to the traditional landowners for a decision. The landowners decision on the matter will be final.

124. It is vital that appropriate signage are erected at the sites of all works providing the public with updated project information and summarizing the GRM process, including contact details of the relevant Contact Person. Anyone shall be able to lodge a complaint and the methods (forms, in person, telephone, forms written in Marshallese) should not inhibit the lodgement of any complaint.

125. The Complaints Register will be maintained by the respective CPs, who will log the: i) details and nature of the complaint ii) the complainant name and their contact details iii) date iv) corrective actions taken in response to the complaint. This information will be included in MPW's progress reports to the Bank.

126. The project level process can only act within its appropriate level of authority and where appropriate, complaints will be referred on to the relevant authority such as those indicated involving traditional landowners and community leaders.

H.4. RMI Judiciary Level Grievance Redress Mechanism

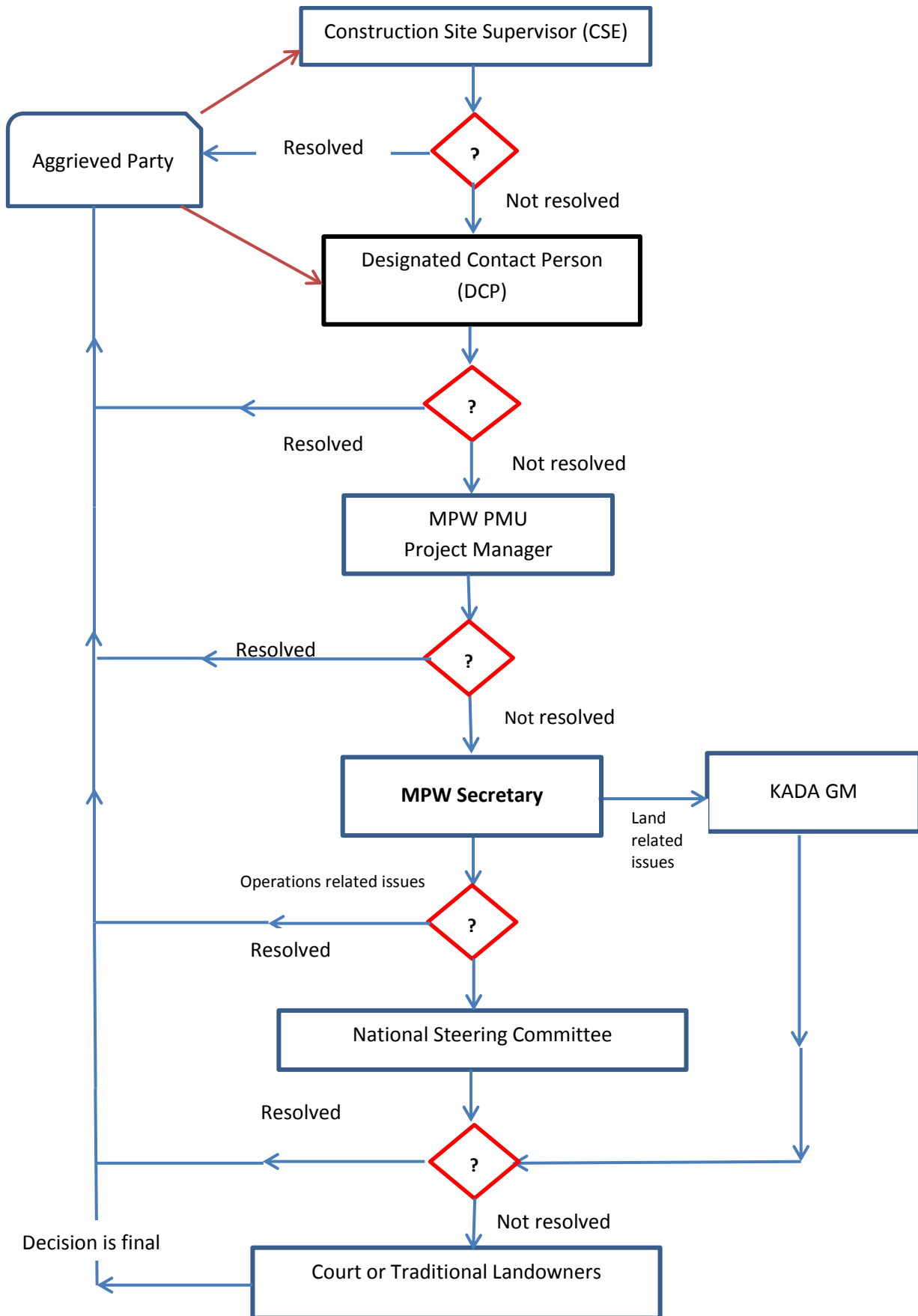
127. The project level process will not impede affected persons access to the RMI legal system. At any time, the complainant may take the matter to the appropriate legal or judicial authority as per the laws of the Republic of the Marshall Islands.

Table 6: Grievance Redress Process – Project level

Stage	Process	Duration
1	The Aggrieved Party (AP) will take his/her grievance to Construction Site Supervisor (CSS) who will endeavour to resolve it immediately. Where AP is not satisfied, the CSS will refer the AP to the Project's Designated Contact Person (DCP). For complaints that were satisfactorily resolved by the CSS, he/she will inform the DCP and the DCP will log the grievance and the actions that were taken.	Any time.

2	On receipt of the complaint, the Project DCP will endeavour to resolve it immediately. If unsuccessful, he/she then notify MPW PMU Project Manager	Immediately after logging of grievance.
3	The MPW PMU Project Manager will endeavour to address and resolve the complaint and inform the aggrieved party. If it's a land issue, MPW Project Manager will advice the MPW Secretary and the latter will consult KADA on the matter, for a solution. The PM will also refer to the MPW Secretary other unresolved grievances for his/her action.	2 weeks.
If the matter remains unresolved, or complainant is not satisfied with the outcome at the project level		
4	The MPW Secretary, will then refer to matter to the National Steering Committee for a resolution.	1 month.
5	If it remains unresolved or the complainant is dissatisfied with the outcome proposed by the NSC, he/she is free to refer the matter to the appropriate legal or judicial authority. A decision of the Court will be final.	Anytime.
6	For Component 2, if it's a land related issue, KADA may seek the assistance of the Traditional Land owners, and their decision will be final.	Immediately after Stage 3.

Figure 2: Flow Diagram showing Project level Grievance Redress Mechanism



I. Institutional Arrangements for Safeguards Implementation

128. The National arrangements for project implementation are reiterated here from the Project Appraisal Document (PAD) to provide context for the arrangements for safeguards implementation.

I.1. National Arrangements for Project Implementation

National Steering Committee

129. RMI will be responsible for implementing activities under each component of the Project. The institutional framework will include a National Steering Committee (NSC) which will provide Project oversight and guidance at the national level. A key component of the PREP Phase II institutional arrangements is to use the existing National Disaster Committee chaired by the Chief Secretary Office as the NSC for the PREP, eventually adding any new stakeholders (for instance, the Kwajalein Local Government and/or Kwajalein Atoll Development Authority (KADA)) that may be identified during project preparation. The NSC will oversee and guide project implementation.

Implementation Agencies

130. The Chief Secretary Office will have the overall internal coordination responsibility for the Project, and will act as the secretariat to the NSC. MOF/DIDA will implement Components 1 and 3, and MPW Component 2. Except for safeguards implementation, where in the interest of efficient use of available capacity and resources, and to avoid duplication and overlapping responsibilities, MPW will be responsible for safeguards implementation on a day-to-day basis with MOF/DIDA to have overall safeguards coordination and oversight.

Project Management

131. The Project Implementation Unit (PIU) within MOF/DIDA will comprise of a Project Manager, Safeguards Advisor and a Project Accountant. The Project Manager will manage the day-to-day implementation of the PREP activities for RMI, including procurement activities for Component 1, 3, and 4, with support from the Regional Program Support Unit (PSU) in SPC.

132. A separate Project Management Unit (PMU) within MPW will be responsible for the implementation of Component 2. It will be strengthened with the appropriate technical experts for this role. As mentioned above, it will also have responsibility for implementing the day-to-day safeguards requirements of all activities under Components 1, 2 and 3. A Safeguards Consultant firm, recruited by the MOF/DIDA under this Component and embedded in the PMU, will be responsible for planning, capacity building, design, environmental and social impact assessment, land access due diligence and documentation, procurement, contract management and supervision of coastal protection measures and investments (including the implementation of the Environmental and Social Management Plan).

I.3. Safeguards Implementation Arrangements

133. MOF/DIDA's PIU will have overall coordination of ESMF and RPF implementation. MPW will have responsibility for the day-to-day implementation of all safeguards requirements

134. For MOF/DIDA, a Safeguards Advisor will be attached to the Project Implementation Unit (PIU) and will ensure the effective implementation of the Project ESMF and RPF. A detailed TOR for the Safeguards Advisor is in Annex 2.. Its functions include the supervision of MPW's safeguards activities, implementation of the Stakeholder Engagement Plan, and for the overall record keeping and reporting of safeguards for the project.

134. MPW's Safeguards Consultant(s) functions include, among others, planning, capacity building, environmental and social impact assessment, land access due diligence and documentation, contract management and supervision of activities with safeguards requirements. The respective responsibilities of the agencies involved in Safeguards implementation are set out below.

135. MPW (and the Safeguards Consultant(s)) -

- Prepare and submit the activities proposals for Components 1. 2 and 3 for NEPA's screening and categorization;
- Prepare ESIA's and ESMP required or otherwise procure independent ESIA specialists to prepare these safeguards instruments. Where independent specialists are engaged, the Safeguards Consultants will prepare TORs in consultation with NEPA, and supervise the contracted specialists in the preparation of required ESIA, ESMP and RAPs.
- Engage External Monitoring Agency (EMA) to monitor and report on the implementation of RAPs and RFP implementation generally.
- Work closely with NEPA to review prepared safeguards instruments to ensure WB requirements are satisfied.
- Disclose safeguards instruments locally, and submit approved instruments for disclosure on the Bank's website.
- Submit request for an NOL to the Bank, and on receipt of the Bank's NOL, mobilize works contractor(s).
- Procure contractors for activities implementation including the preparation of all required documentation.
- Work closely with KADA and as required, the contractor to ensure unhindered access to working sites, including informing traditional landowners.
- Monitor ESMPs, review safeguards compliance, prepare and submit monitoring reports
- Strengthen MPW internal capacity in WB safeguards policies and their requirements through appropriate mentoring and counter-parting arrangements with Project consultants, and other methods of knowledge transfer.
- Resolve complaints received or otherwise ensure that unresolved issues are referred to the National Steering Committee for resolution as per Grievance Redress Mechanism.

136. NEPA will –

- Contribute to the screening of proposed activities for PREP funding to ensure compliance with RMI laws and regulations
- Contribute to the review of safeguards instruments including ESIA's and ESMPs, as necessary

- Conduct due diligence on imported aggregate sources to ensure they comply with source country safeguards and good practice.
- Issue approvals and permits on acceptance of safeguards instruments.
- Collaborate with MPW in the monitoring of relevant safeguards instruments including ESMPs, as necessary.
- Collaborate with MPW in stakeholder consultations, as required.

137. MOF/DIDA will

- Procure Safeguards Advisor within the PIU.
- Assist and advise NEPA on the Bank's environmental categorization and their corresponding safeguards instruments to ensure compliance with the Bank's policies. Bank's Safeguards Policies.
- Ensure that prepared safeguards instruments are properly reviewed taking into account the approved TORs.
- Together with MPW's Safeguards Consultant(s), determine if resettlement plans are required based on ESIA findings, and ensure all prepared RAPs follow and are in compliance with the Resettlement Policy Framework.
- Ensure the approved safeguards instruments are sent to the Bank for disclosure on its website. .
- Ensure full implementation of RAP/A-RAP including the payment of all entitlements to approved beneficiaries.
- Prepare and submit request for an NOL to the Bank, once and on receipt of the Bank's NOL, mobilize works contractor(s).
- Procure works contractor including the preparation of all required procurement documentation.
- Monitor ESMPs, review safeguards compliance, prepare and submit monitoring reports
- Strengthen MPW internal capacity in WB safeguards policies and their requirements through appropriate mentoring and counter-parting arrangements with Project consultants, and other methods of knowledge transfer.
- Resolve complaints received or otherwise ensure that unresolved issues are referred to the National Steering Committee for resolution as per Grievance Redress Mechanism.

J. Disclosure

138. Requirement for disclosure is mandated by the Environmental Assessment, Involuntary Resettlement and Natural Habitats policies. For OP/BP4.11 (Physical Cultural Resources), the Task Team (TT) consults with RMI and others with relevant expertise on whether disclosure of the findings of the physical cultural resources components of the ESIA would jeopardize the safety or integrity of any of the physical cultural resources involved. In addition, the TT consults with the relevant RMI implementing agency to determine if such disclosure could endanger the source of information regarding the physical cultural resources. In such cases, sensitive information relating to these particular aspects, such as the precise location or value of a physical cultural resource, may be omitted from the EA report.

139. Responsibilities for local disclosure where applicable lies with MPW for Components 1, 2 and 3.

140. MOF/DIDA will ensure the Project ESMF is translated into Marshallese before disclosure. Likewise, MOF/DIDA will ensure that several copies of the ESIA and ESMP, and A/RAP if one is prepared, are available locally at a public location easily accessible to affected groups and local NGOs. Requirements for the disclosure of A/RAP are set out in the attached RPF.

K. Monitoring Evaluation and Reporting

141. MPW is responsible for the internal monitoring, evaluation and reporting of all safeguards implementation. MPW will collect and report data against the results framework. The results framework forms the basis for tracking the progress of activities and their outcomes towards meeting the PREP objectives. An example of a monitoring plan for the framework documents is as follows:

Table 7: Template for Monitoring Plan

Compliance Issue	Key Performance Indicator and Target <i>parameter is to be monitored</i>	How <i>is the parameter to be monitored/ type of monitoring equipment</i>	When <i>is the parameter to be monitored- frequency of measurement or continuous</i>
Compliance with Screening Steps 1 for subprojects	Percentage of subprojects accurately screened by project using the screening checklist Targets: 100% of subprojects screened, 100% of issues are accurately screened	Check screening records against subproject records.	Annually
Compliance with Screening Step 2	Percentage of sub-projects are screened using the screening checklist Targets: 100% of subprojects screened, 100% of issues accurately screened	Check screening records against subproject records.	Annually
Grievance Redress	Percentage of complaints that are resolved within the time period Target: 100% of complaints are resolved within the time period	Review GRM records	Annually
Capacity Building	Percentage of capacity building Target: 100% completed on time	Check capacity building records against capacity building plan	Annually

142. For each activity there will be a monitoring plan that will be implemented by MPW as part of its activities supervision. An RAP is not expected for PREP Phase 2 based on the initial assessment of the severity of involuntary resettlement impacts. If there is an A/RAP, MPW will engage an external monitoring agency (EMA) to perform the monitoring and reporting in accordance with a set of monitoring indicators provided in the RPF.

143. MPW will prepare monthly reports on safeguards implementation progress for their respective components. It will submit to the World Bank semi-annual reports that would provide an overview of the safeguards progress, and highlight issues that need attention.

L. Capacity Building

144. Capacity gaps will be filled by recruiting experienced safeguards specialists for key roles in the project. A Safeguards Advisor will be recruited and attach to the MOF/DIDA Project implementation Unit Similarly, a Safeguards Consultant (firm) will be procured under Component 2 to perform the roles and responsibilities assigned in this ESMF to MPW, for the full duration of the project. Other short term consultants may be engaged from time to time to perform specific tasks including, as necessary, the preparation of safeguards instruments for subprojects, monitoring and evaluation, external monitoring of RAP implementation.

145. The Safeguards Advisor and Safeguards Consultants under MOF/DIDA and MPW respectively, will train and mentor local counter-part staff and others. They will also contribute to capacity building of NEPA through the technical support and advisory role delivered during the screening of proposals, the review of safeguards instruments, and in ESMP monitoring and reporting.

146. Areas recommended for MOF/DIDA, MPW and NEPA training include the following –

- World Bank’s Safeguards Policies, in particular those triggered and relevant to the Project;
- Roles and responsibilities of different key agencies in safeguards implementation.
- How to effectively review WB safeguards instruments and to implement the ESMF and RPF¹⁵
- Detailed measurement surveys of losses for RAP preparation and entitlement calculation;
- Training on how to prepare TORs, review consultants proposals, and manage consultant’s outputs.

Training in the above areas is recommended to be held within three (3) months of project effectiveness.

147. On-going support will be provided by the World Bank Task Team for the duration of the project including for the initial activities environmental screening, categorization and review of prepared safeguards instruments.

M. Budget

148. The following is an indicative budget only, based on best estimates with assumptions of the kind of coastal protection method likely to be use under Component 2 and its potential environmental and social impacts, and of the extent of stakeholder engagement required for Components 1,2 and 3. More detailed budgets will be developed for each subproject safeguard instrument.

¹⁵ Resettlement Policy Framework

Table 8: Indicative Budget for ESMF and RPF Implementation

Budget Item	Detail	Cost Estimate (USD)
Component 1		
Stakeholder Engagement	Catering, venue hire, media, materials, travel and accommodation , translation and interpretation services, etc.	60,000
Resettlement entitlements	Compensation for lost assets and other forms of assistance	100,000
Component 2: Strengthening Coastal Resilience		
MPW Safeguards Consultants (Firm)	Fees to scope and prepare safeguards instruments (ESIA, ESMP, RAP) and supervise Contractor ESMP implementation, operating costs, office support and maintenance, communication etc	450,000
Stakeholder Engagement	Catering, venue hire, media, materials, travel and accommodation in Ebeye, translation and interpretation services, etc.	30,000
Training	Venue, stationery, refreshments, training materials.	10,000
Disclosure of safeguards instruments	Translation, report production, distribution	5,000
Monitoring and reporting	Travel and accommodation costs in Ebeye; report production costs; external monitoring agency.	60,000
GRM related costs	Personnel, communication, transportation, office support costs	30,000
Resettlement entitlements	Compensation for lost/damage assets, other development assistance.	100,000
Component 3: Contingency Emergency Response		
Stakeholder engagement	Contingency: Catering, venue hire, media, materials, travel and accommodation , translation and interpretation services, etc.	60,000
MAF/DIDA Safeguards Specialist	Consultant fees, operating costs, office support and maintenance, communication etc.	250,000
Resettlement entitlements (Component 1 and 3)	Compensation for lost assets and other forms of assistance	50,000
TOTAL		1,205,000

Annex 1 – Potential Subprojects for Component 2

Preliminary assessment of coastal vulnerability by Deltares (2016) shows a preference for hard engineering solutions as opposed to soft ecosystem-based options for Ebeye. Similar work has not yet been completed for Majuro, but the options are likely to be similar. Common hard protection options identified and defined by Murray Ford et al (2013)¹⁶ for atolls are –

1. Seawalls – these are self-supporting structures that are built parallel to the shoreline. A properly built seawall will protect the land and property behind it. Seawalls require on-going maintenance.
2. Revetments – these are sloping structures that are supported by sand and gravel and built parallel to the shore. Revetments are generally constructed by piling large rocks or gabion baskets to form sloping armor on the shoreline. A properly built revetment will stop wave energy, but not necessarily inundation. Revetments require on-going maintenance.
3. Groynes – Groynes extend seaward from the shore and trap sediments that is being transported along the shore. A properly built groyne or series of groynes will trap sediments to increase beach volume, forming an effective buffer against wave energy. Groynes are best suited to sandy shorelines where one alongshore drift direction dominates.
4. Breakwaters – These are offshore structures designed to dissipate or prevent wave energy from reaching the shoreline. When built in the right location, a breakwater can form a bulge in the shoreline. Shoreline protection is given by dissipating wave energy offshore and increasing beach volume. Breakwaters may change nearshore processes and cause erosion elsewhere.

¹⁶ Ford, M and Coastal Consultants NZ Ltd. 2013. A Landowners' Guide to Coastal Protection. Univ Hawaii Sea Grant College Program.

Annex 2: Draft Terms of Reference for the PIU Safeguards Advisor and PMU Safeguards Consultant

Background –

The Republic of the Marshall Islands is among the most vulnerable nations in the world. It is highly exposed to adverse effects from climate change and natural hazards (including floods, droughts, tropical cyclones, earthquakes, volcanic eruptions, and tsunamis), which can result in disasters that affect its entire economic, human, and physical environment and impact its long-term development agenda.

Disasters, climate variability or extreme weather and future changes in climate, are increasingly recognized as a core development challenge as they adversely impact social and economic development. Poor populations tend to live in higher-risk areas, making them more likely to be affected by adverse natural events. More importantly, the vulnerability of the poor to natural disasters and the effects of climate change are expected to increase due to increased population pressure, pushing the poor to live in more marginal areas. Hence, there is widespread acceptance of the need for mainstreaming disaster risk and climate change in development planning and financing.

The objective of the Republic of Marshall Islands Resilience Project (RMI PREP) is to strengthen disaster resilience, early warning and preparedness, and improve post-disaster response capacity of participating countries. The project development objective is: to strengthen early warning systems, climate resilient investments in shoreline protection, and financial protection of RMI.

Project components –

PREP Phase 2 has four main components –

Component 1 – Strengthening Early Warning systems and Disaster Preparedness;

Component 2 – Strengthening coastal resilience;

Component 3 – CERC Cyclone Emergency Response C and

Component 4 – Project and Program Management

Safeguards Requirements

The planned activities of PREP Phase 2 for Marshall Islands triggers the following World Bank Safeguards Policies (i) OP/BP 4.01 Environmental Assessment; (ii) OP/BP4.04 Natural Habitats; (iii) OP/BP 4.11 Physical Cultural Resources and (iv) OP/BP 4.12 Involuntary Resettlement. The overall Environmental Assessment category assigned is category B.

To guide safeguards planning during the detailed planning phase when eligible subprojects are identified, an Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) was prepared by SPC.

Capacity Strengthening for Safeguards Management

PREP Phase II is implemented by two separate government agencies. MOF/DIDA will implement Components 1 and 3, and MPW Component 2. However, for

safeguards planning and implementation, MPW will be responsible for the day-to-day implementation of all requirements of the ESMF and RPF for all three components, and MOF/DIDA will be responsible for overall safeguards coordination and oversight. Both agencies have capacity limitations and need strengthening and technical assistance to be able to perform their assigned functions. This will take the form of a Safeguards Advisor for MOF/DIDA, and a Safeguards Consultant firm to support MPW.

The following Terms of Reference sets out the roles and responsibilities of (i) Safeguards Advisor for MOF/DIDA and (ii) the Safeguards Consultant(s) for MPW.

(i) TOR for MOF/DIDA's Safeguards Advisor

General Responsibility:

The Safeguards Advisor will provide technical assistance to MOF-DIDA, as the implementing agency with overall coordination for safeguards requirements of PREP Phase 2 as set out in the ESMF and RPF.

Specific tasks and responsibilities:

The Safeguards Consultant shall perform the following functions –

- Prepare and maintain the safeguards procedures in the Project Implementation Manual.
- Develop and maintain an annual work plan for safeguards implementation, including timelines and budgets.
- Oversee the performance of the MPW's Safeguards Consultant firm to ensure timely and quality delivery of all safeguards outputs.
- Ensure the adequacy of screening and categorization of proposed activities as per WB's safeguards policies;
- As necessary, assist MPW to procure, engage and supervise competent consultants to perform specific tasks, including the preparation of required environmental and social safeguards instruments for eligible subprojects;
- Ensure the integration of environmental and social safeguards into technical advisory work packages such as the Aggregates Study and the Coastal Vulnerability Assessment by reviewing the TOR, and reviewing the consultant's draft outputs. Prepare ESMP for simple subprojects with limited environmental and social impacts.
- Prepare applications for environmental permits with NEPA, and ensure all permits and licenses are obtained prior to works starting.
- As necessary, assist in reviewing prepared safeguards instruments such as ESIA, ESMP and RAPs;
- Develop a capacity building plan for environment and social safeguards.
- Ensure the effective implementation of priority actions of the Capacity Building Plan for safeguards.
- Maximise the transfer of knowledge and expertise in environmental and social safeguards management to counterpart staff through mentoring and other forms of knowledge transfer.

- Advise MOF-DIDA/MPW of any major environmental and social safeguards issues for which urgent measures are needed.
- Ensure the timely monitoring and reporting on progress in the implementation for safeguards instruments such as ESIA, ESMP, RAP and A/RAP for specific subprojects.
- Monitor the Engineering Consultant's Team supervision of the Contractor's ESMP during construction and support the Team's safeguards person to manage non-compliances and incidences.
- Monitor and report on the overall progress in the implementation of the ESMF and RPF
- Provide input of progress in safeguards implementation into Project progress and annual reports, drawing on progress reports of the MPW Safeguards Consultant as necessary.
- Conduct due diligence on land ownership issues involved with eligible subprojects, as required.
- Prepare and implement a Stakeholder Engagement Plan for the RMI PREP, coordinating all stakeholder and public consultations around the coastal protection works and other significant project outputs.
- Ensure the timely disclosure of all safeguards instruments and other relevant information locally.
- Maintain the GRM database and coordinate the resolution of complaints and grievances.
- Update and redisclose the ESMF and RPF if required, following significant changes to the project.
- Other related project duties as required by MOF-DIDA PIU and MPW's PMU.

Key deliverables –

1. Sixth monthly Safeguards Monitoring Progress reports
2. Reports of all training conducted;
3. Input into Project Progress reports
4. Stakeholder Engagement Plan

Expertise

The Safeguards Advisor shall have a graduate degree in environmental and social impact assessment, environmental science, environmental engineering, planning or similar relevant discipline, and at least 10 years relevant experience in the management of impacts from infrastructure projects in small island states or in similar landscapes. At least two year's demonstrable experience with the World Bank safeguards policies or equivalent development partner policy implementation is required. Effective project management skills are necessary. An understanding of the Marshallese culture is an advantage.

Commitment

The position will be located in Majuro, with regular travel to Ebeye. The position will be full time for the first year and will be reviewed annually.

(ii) TOR for MPW's Safeguards Consultant

General Responsibility:

The Safeguards Consultant firm will provide technical assistance to MPW's Project Management Unit, to ensure the effective and timely implementation of the day-to-day requirements of PREP Phase 2 as set out in the ESMF and RPF.

Specific tasks and responsibilities:

The Safeguards Consultant firm shall perform the following functions –

- Assist PIU, as required, in the development of annual work plans for safeguards implementation.
- Implement the approved annual work plan for safeguards.
- Assist PIU, as required, to ensure the adequacy of screening and categorization of proposed activities as per WB's safeguards policies;
- Prepare applications for environmental permits with NEPA, and ensure all permits and licenses are obtained prior to works starting.
- Procure, engage and supervise competent consultants to perform specific safeguards tasks, including the preparation of required safeguards instruments for eligible activities and subprojects;
- Prepare ESMP for simple subprojects with limited environmental and social impacts.
- Provide input in the review of technical advisory work packages such as the Aggregates Study and the Coastal Vulnerability Assessment as may be required by PIU.
- As necessary, assist in reviewing prepared safeguards instruments such as ESIA, ESMP and RAPs;
- Implement assigned actions of the Capacity Building Plan for safeguards.
- Maximise the transfer of knowledge and expertise in safeguards management to counterpart staff through mentoring and other forms of knowledge transfer.
- Advise MOF-DIDA/MPW of any major environmental and social safeguards issues arising during project implementation for which urgent measures are needed.
- Conduct timely monitoring of and reporting on progress in the implementation for safeguards instruments such as ESIA, ESMP, RAP and A/RAP for specific subprojects.
- Ensure the timely implementation of RAPs including the full payment of all entitlements including alternative arrangements for the late payment of entitlements under dispute.
- Provide MOF/DIDA with RAP implementation report once RAP entitlements are fully paid out, to expedite MOF/DIDA's request for Bank NOL.
- Supervise the contractors' ESMP implementation during construction and assist contractors' in addressing non-compliances and incidences.
- Prepare and submit regular safeguards monitoring reports to MOF/DIDA.

- Conduct due diligence on land ownership issues involved with eligible subprojects, as required.
- Disclosure all safeguards instruments and other relevant information locally, ensuring documents are translated into Marshallese as required.
- Assist with resolving project related grievances referred to the MPW Project Manager and Secretary, as necessary.
- Other related project duties as required by MOF-DIDA PIU and MPW's PMU.

Key deliverables –

5. All required safeguards instruments
6. Sixth monthly Safeguards Monitoring Progress reports
7. Reports of all training conducted;
8. Input into Project Progress reports

Expertise

The Safeguards Consultant shall be an established firm with a solid reputation and expertise in environmental and social impact assessment, environmental science, environmental engineering, planning or similar relevant discipline, and at least 10 years relevant experience in the management of impacts from infrastructure projects in small island states or in similar landscapes. Individual experts assigned to the Project shall have at minimum a graduate level degree in one or more of the above disciplines and at least two year's demonstrable experience with the World Bank safeguards policies or equivalent development partner policy implementation is required. Effective project management skills are necessary. An understanding of the Marshallese culture is an advantage.

Commitment

The position will be located in MPW, Majuro, with regular travel to Ebeye. The position will be full time for the first year and will be reviewed annually.

Annex 3: Environment and SIA Guidelines

1. Introduction

An ESIA focuses on the significant environmental issues of a subproject. The report's scope and level of detail should be commensurate with the project's potential impacts. The report submitted to the Bank is prepared in English. An executive summary can be provided in local language for disclosure.

2. Document Format

The ESIA report should include the following items:

1. *Executive summary.* Concisely discusses significant findings and recommended actions.
2. *Policy, legal, and administrative framework.* Discusses the policy, legal, and administrative framework within which the ESIA is carried out and WB policies. Identifies relevant international environmental agreements to which the country is a party.
3. *Project description.* Concisely describes the proposed subproject and its geographic, ecological, social, and temporal context. Indicates the need for any resettlement plan. Include a map showing the subproject site and the subproject's area of influence.
4. *Baseline data.* Assesses the dimensions of the study area and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences. Includes identification of indigenous people and their socio-cultural characteristics. Data should be relevant to decisions about project location, design, operation, or mitigation measures. The section indicates the accuracy, reliability, and sources of the data.
5. *Environmental and social impacts.* Predicts and assesses the project's likely positive and negative impacts, in quantitative terms to the extent possible. Identifies mitigation measures and any residual negative impacts that cannot be mitigated. Explores opportunities for environmental enhancement. Identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions, and specifies topics that do not require further attention.
6. *Social assessment.* Identification of the socio-cultural context and the potential impacts.
7. *Analysis of alternatives.* Systematically compares feasible alternatives to the proposed project site, technology, design, and operation-in terms of their potential environmental impacts. States the basis for selecting the particular project design proposed and justifies mitigation measures.

8. *Consultation.* Describes stakeholder engagement, consultation effort and outputs.
9. *Environmental and social management plan (ESMP).* Covers mitigation measures, monitoring, and institutional strengthening.
10. Appendixes
 - List of EA report preparers--individuals and organizations.
 - References--written materials both published and unpublished, used in study preparation.
 - Record of interagency and consultation meetings, including consultations for obtaining the informed views of the affected people and local non-governmental organizations (NGOs). The record specifies any means other than consultations (e.g., surveys) that were used to obtain the views of affected groups and local NGOs.
 - Tables presenting the relevant data referred to or summarized in the main text.
 - List of associated reports (e.g., resettlement plan or indigenous people development plan).

Annex 4: Environment and Social Management Plan template

This template is relevant for any subproject under the PREP Phase 2 that requires a stand-alone ESMP (without an ESIA). Potential subprojects are telecommunication facilities under Component 1 that will occupy small areas outside existing easements and which may have site specific and short term construction and operational impact.

Use this as a guide for preparing an ESMP that will satisfy World Bank safeguards policy OP/BP4.01 Environmental Assessment. It should also suffice for RMI-EPA's requirements for EA under the EIA Regulation 1994.

1. Introduction

A brief overview of the project, environmental and social context and purpose of the ESMP.

2. Project Description

A description of the investment, the location, the construction works required, what will happen during operation, and any important issues regarding decommissioning. Include project components that may have an environmental or social impact, such as:

- Types of materials required (aggregates, fresh water)
- Transportation of materials during construction
- Waste management
- Hazardous materials
- Demolition of structures, removal of trees
- Proposed improvements or benefits from upgrades to the local economy, culture, community

3. Environmental and Social Baseline

Description of the land ownership and leasing arrangements, description of the locality and land use (fallow land, residential, commercial, adjacent to a school, on the foreshore), physical cultural resources, closest dwelling(s), water body that will receive drainage, natural habitats (bird nesting areas, foreshore environments, etc.), protected areas, significant or relevant ecosystems, flora and /or fauna in the area (coral reef biodiversity, migratory birds etc.).

Describe the community, local social and governance or council structures, describe any unique aspects of culture and language. Describe the existing impacts and benefits of the facility/asset/site. Provide details of current land ownership and leases. The social context should also describe occupations and sources of livelihood, gender roles and issues, land tenure and connections to land, and the socio-economic conditions, including any commentary on poverty, vulnerability due to gender, ethnicity or culture group, age or disability in the community, resource allocation and access and income distribution, where relevant.

4. Legislative Context

Provide an overview of the relevant laws, regulations and policies and how this document provides the relevant information for an environmental permit and other approvals.

Provide an overview of how the ESMP meets the requirements of the World Bank safeguard policies.

Provide commentary on any international environmental agreements that RMI is party to, relevant to the project.

Identify relevant legally protected areas and traditional or customary protected areas.

5. Significant Impacts and Mitigation

Provide a summary of significant environmental and social impacts and how the project will manage them to incorporate applicable safeguards policy and regulatory requirements.

6. Physical Cultural Resources Management Plan

If necessary, include specific measures to identify, protect or otherwise move or alter any physical cultural resources. Consult with the Historic Preservation Office and the community for the most appropriate methods of protection and integrate these concepts into project design. A separate PCR Management Plan may be required for complex sites or sites with potentially significant impacts on cultural property or historic sites.

7. Impacts and Mitigation Plan

Activity	Impact	Mitigating Measure	Residual impact	Responsibility	Cost
Design and Pre-Construction Phase					
General Civil Works and Construction Phase					
Operational Phase					
Decommissioning Phase					

8. Monitoring Plan

Issue	What	Where	How	When	Responsibility	Cost
	<i>parameter is to be monitored</i>	<i>is the parameter to be</i>	<i>is the parameter to be monitored/ type of monitoring</i>	<i>is the parameter to be</i>		

		<i>monitored</i>	<i>equipment</i>	<i>monitored- frequency of measurement or continuous</i>		
Design and Pre-Construction Phase						
General Civil Works and Construction Phase						
Operations Phase						
Decommissioning Phase						

9. Institutional Arrangements

A short narrative discussion supported by organizational charts detailing who is responsible for which task under the ESMP.

Institution	Responsibility

MOF/DIDA will engage an outside specialist to prepare any required ESMP in accordance with the ESMF and the relevant RMI Regulations.

The World Bank task team will be responsible for reviewing the ESMP against their safeguard policies, confirming the risk category, and supervising the implementation of the ESMP.

10. Institutional Strengthening

Describe the tasks and equipment that are required for the project to support MOF/DIDA, PIU, EPA, contractors and others to implement the environmental and social management measures proposed.

- Equipment purchases (personal protective equipment, monitoring equipment etc.)
- Training (workshops, formal training, tool box training)
- Consultancy fees (workshops, on-the-job training, monitoring services)

11. Stakeholder Engagement and Consultation

Describe the consultation plan and provide records of what was carried out, who participated (men and women) and what the outcomes were, and how the feedback was incorporated into the final ESMP. Refer to consultation guidelines in the ESMF for further details.

12. References

13. Annexes (supporting information, technical reports etc.)

Annex 5: Possible Remedial Measures and Best Practices for Managing the Impacts of Construction and Earthworks (including Maintenance Works)

This compilation of remedial measures is provided to guide and assist interested agencies, NGOs, and individuals including safeguards specialists and independent consultants, in the preparation of ESMP for PREP Phase 2 subprojects.

1. Provision of labour

Engage locals in work wherever possible, and prioritise local spending for food and services wherever possible. Ensure equitable access for men and women.

For imported workers: Provide worker awareness training, and workshops with the community to support / encourage assimilation of workers into the communities during construction. Include HIV/Aids and STD issues in the training.

2. Site Access

Ensure all agreements are in place prior to starting works, including agreements to enter sites or buildings, and to install infrastructure and / or modify buildings or sites.

3. Clearing Vegetation

Selectively clear vegetation. Only remove what is absolutely necessary.

Agreement from the owner shall be given, and any compensation agreed to, prior to trees being trimmed or removed.

Whenever possible, land owners and occupiers should be allowed to benefit from cut vegetation for firewood and other uses.

4. Sediment Control

Disturb as little ground area as possible and trap sediment onsite using brush fences or silt fences.

Divert water around construction sites or disturbed areas with ditches.

5. Hazardous Substances, Fuel Storage and Maintenance Activities

Operate a dedicated equipment maintenance and fuel storage areas (>20m from water storage). Hazardous substances should be covered from rain and sun, in locked storage areas, and have concrete floors. Concrete floors should be bunded to capture spills.

Ensure that all equipment maintenance activities, including oil changes, are conducted within demarcated maintenance areas

Never dispose spent oils on the ground or into the sea.

All spills and waste petroleum products shall be treated as hazardous waste (see below).

6. Aggregates

All aggregates required for construction of foundations or platforms shall be imported, and from permitted / licensed quarries. RMI-EPA shall conduct proper due diligence to ensure compliance with World Bank policies prior to commencement of implementation.

7. Noise and Operating Hours

Confine operations to between 6am and 6pm, Monday to Saturday, to avoid impacting on home life after work hours.

Negotiate with schools, hospitals and other sensitive sites a schedule of noisy work, taking into account the needs of occupants.

Inform occupants and neighbours when there will be unusual or unavoidable noise.

8. Waste Management

At all times, the Contractor is responsible for the safe and sound storage and recycling or disposal of all solid waste.

Minimize the production of waste:

- Avoid over-ordering of imported materials (don't over specify);
- Prefabricate parts (such as frames) where relevant / practical;
- Train staff to reduce mistakes and wastage of materials;
- Find local uses for left over materials;
- Select materials that are easily reused or recycled at the end of their life.

All workers to use mobile toilets provided for the project.

Store waste safely and securely on site. Separate hazardous waste, green waste, recycling, etc.. Identify and demarcate storage areas clearly indicating the specific materials that can be stored in each.

Solid waste includes;

- Inorganic non-recyclable waste = waste that cannot decompose / break down easily and which cannot be recycled
- Hazardous waste, examples such as asbestos, waste oil etc.
- Recyclable waste = waste that can be recycled, i.e. plastics, metals, timber, paper.

All solid waste that cannot be reused locally is to be transported for recycling or disposal in permitted / licensed landfills / facilities. This may be in main centres or Port Moresby.

Green (organic) waste (i.e. waste that will decay / break down in a reasonable amount of time, such as plant waste and food waste) may be composted. Land owners and occupiers should have access to any tree trimmings and other materials that may be of use for firewood or other purposes.

No waste is to be left on site after the work is completed.

9. Occupational Safety

The Contractor shall be responsible for complying with all RMI safety laws and regulations and the World Bank Group Environment, Health and Safety Guidelines, and should consider the following as a minimum:

- Carefully and clearly mark pedestrian-safe access routes around the construction areas;
- Conduct safety training for construction workers working at heights and around electricity, and driver safety training for heavy vehicle drivers, prior to beginning work;

- Provide personal protective equipment and clothing (gloves, boots, etc.) for construction workers and enforce their use;
- Post Material Safety Data Sheets for each chemical present on the worksite and ensure workers understand them.
- Ensure that the removal of asbestos-containing materials or other toxic substances be performed and disposed of by specially trained workers with correct protective equipment;

General Health and Safety Awareness for construction and maintenance workers will include:

- Introduction to health and safety issues in construction sites by the Contractor;
- Education on basic hygienic practices to minimize spread of tropical and sexually transmitted diseases, including information on methods of transmission and protection;
- Prohibition of drugs, kava and alcohol on construction sites;
- Assure availability of medical assistance in emergency or non-emergency situations and availability of other health-related assistance.

Further guidance is provided in the World Bank Group EHS Guidelines (in reference list below).

10. Demolition or Alternation of Existing Buildings

The Contractor shall implement adequate measures during demolition of existing infrastructure to protect workers and public from falling debris and flying objects. Among these measures, the Contractor shall:

- Ensure all compensation and / or resettlement has occurred and access is authorized, prior to demolition.
- Set aside a designated and restricted waste drop or discharge zones.
- Conduct sawing, cutting, grinding, sanding, chipping or chiselling with proper guards and anchoring as applicable.
- Maintain clear traffic ways to avoid traffic hazards from loose scrap.
- Provide all workers with safety glasses with side shields, hard hats, and safety shoes.

11. Community Relations

Inform the community about construction and work schedules, and the potential risks and harm from construction sites or maintenance work.

Inform local community as early as possible and repeat at least one day in advance of any interruption to traffic, electricity or water supply etc. Advise through postings at the project site, at public meeting places, and in affected homes/businesses.

Advise people of the complaints mechanism under the EMSF/ESMP that can be used to provide feedback and lodge complaints.

12. Environmental Emergency Procedures

In the event that accidental leakage or spillage of diesel/chemicals takes place, the following response procedures shall be followed:

- The person who has identified the leakage/spillage shall immediately check if anyone is injured and shall then inform the Supervising Engineer or in his/her absence, the Site Operations Manager.
- In such cases, all personnel shall take immediate action to stop and contain the spillage / leakage;
- The Contractor shall arrange maintenance staff with appropriate protective clothing to clean up the chemicals/chemical waste. This may be achieved through soaking with sawdust (if the quantity of spillage/leakage is small), or sand bags (if the quantity is large); and/or using a shovel to remove the sand / topsoil (if the spillage/leakage occurs on bare ground);
- Contaminated sand and materials must be handled as hazardous waste (see above).

The Contractor shall prepare a report on the incident detailing the accident, clean-up actions taken, any pollution problems and suggested measures to prevent similar accidents from happening again in future. The incident report shall then be submitted to MPW for review and submit to the appropriate RMI authority.

13. Monitoring

Visual site inspections on a weekly basis are recommended to be carried out by the IA's. Remedies to be discussed and implemented during the site inspections, and records kept.

14. References

IFC. 2007. Environmental, Health and Safety Guidelines 2.0 Occupational Safety.

Annex 6: Guidelines: cultural heritage preservation

Cultural heritage / physical cultural resources (PCR) are the sites, areas, objects, or artefacts that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural, religious or spiritual significance to a weto, atoll, or to the nation. They may also have international significance. This ‘tangible cultural heritage’ includes movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes, for example:

- Sacred burial sites or sites of human remains
- Spiritual or culturally significant sites, localities, landscapes,
- WWII historic sites
- Fossils
- Places of worship, ceremonies, festivals
- Historic or cultural buildings

There are risks that PCR may be damaged, degraded or vandalised from PREP activities, either from poor design and development of site infrastructure, or construction activities. In the case of Ebeye, this refers mainly to public cemeteries and any unexpected chance finds.

1. Project Screening:

Are there sites of historic and cultural value in the Project Area as determined by the Historic and Cultural Preservation Office?

Incorporate cultural heritage measures into the project design. Ensure cultural heritage expertise is on the design team and reviews and contributes to the design and operational plans for the site/facility/asset. A separate PCR Management Plan may be required to address specific aspects of the subproject.

Will there be any items or sites that may need to be protected, avoided, relocated, removed, altered or destroyed in order of the subproject to go ahead?

PCR may found in the area of influence of an infrastructure project (such as grave sites on a proposed road easement). Or PCR may need to be moved or altered to allow for the infrastructure development. Avoid any damage or desecration to cultural heritage unless absolutely necessary and a PCR Management Plan has been prepared and approved by the Historic and Cultural Preservation Office.

2. PCR Management Plan

To be consistent with the World Bank Safeguard Policy on Physical Cultural Resources OP/BP4.11, a plan for the measures to avoid or mitigate any adverse impacts on physical cultural resources must be prepared and disclosed publicly where there will be significant impacts to a PCR, or where PCR. The plan should be prepared with participation from the Historic and Cultural Preservation Office, local communities, land owners, and consistent with the laws of RMI.

When preparing the plan, provide the following:

- Detailed descriptions and maps of the site / item, and the location.

- Details of the protection, enhancement and / or development of a cultural site, building or other PCR for tourism purposes. Provide a description of the operational requirements of the site as it relates to the PCR.
- Detailed descriptions of the methods for avoidance, protection, removal etc. (such as fencing, signage, dismantling and reconstruction), including which organisations or individuals must be involved, and the timing for works.
- Compensation process and other mitigation measures for damage or loss.

The plan must also include:

- provisions for managing chance finds (see below);
- any necessary measures for strengthening institutional capacity for the management of physical cultural resources; and
- a monitoring system to track the progress of these activities.

The plan can be a chapter in the subproject Environmental and Social Management Plan, prepared as part of Project Design, or a separate report, depending on the nature and scale of the proposed activities (to be decided during project screening).

The plan should form part of the tender documents for Contractors, as part of the contract with Contractors, and part of any training and capacity building for the project.

Annex 7: PCR Chance Find Procedures

In accordance with OP4.11 Physical Cultural Resources and the RMI Historic Preservation Act 1991, when a person working on the project discovers a cultural heritage site or item, the following procedures should be followed:

1. Stop the activities in the area of the chance find;
2. Delineate the discovered site or area (e.g. fencing);
3. Secure the site to prevent any further disturbance, damage or loss. In cases of human remains, arrange for a guard to watch the site until the police, local government and / or National Cultural Commission representative or person with delegated authority take over;
4. Prohibit the collection of objective by any person;
5. Notify the local government and RMI Historic Preservation Office within 24 hours (and police if it is human remains);
6. Any objects that are found must be handed over to the Historic Preservation Office.
7. Project works can resume only after instruction is provided from the Historic Preservation Office.

Annex 9: Terms of Reference for Technical Advisory Projects

The Terms of Reference for any Technical Advisory projects should contain the following clauses as a minimum:

1. Analysis should include the environmental and social aspects and impacts, consistent with the safeguard policies of the World Bank and the Environmental and Social Management Framework, and RMI's National Infrastructure Plan and Coastal Management Framework.
2. Outcomes and outputs (including, but not limited to, ESIA, ESMPs, Vulnerability Assessment Report, concept design, detailed design,) should be consistent with the safeguard policies of the Environmental and Social Management Framework, and RMI's National Infrastructure Plan and Coastal Management Framework.

Annex 10: ESMF and RPF Stakeholders Consultations

PREP Phase 2 – RMI Stakeholder Consultations Report, 5 – 9 December 2016

Introduction –

Stakeholder consultation is mandatory in the preparation of safeguards instruments for all the four safeguards policies triggered under PREP Phase 2. These policies are OP/BP 4.01 Environmental Assessment, OP/BP 3.6 Natural Habitats, OP/BP 4.11 Physical Cultural Resources and OP/BP 4.12 Involuntary Resettlement.

The following report documents the consultations undertaken as part of the preparation of the Environment and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF). It describes arrangements made and executed to ensure the right stakeholders are invited, the methods of invitation and solicitation, and the presentations made plus the views, comments, reactions etc. from the participants..

Consultations specifically to discuss the draft ESMF and RPF instruments were carried out from the 5 – 9 December, 2016. Prior to that, consultations with representatives of government most pertinent to the Project were held.

Target groups

The following groups of stakeholders were targeted for the consultations –

- a. Government agencies and authorities in Majuro and Ebeye
- b. NGOs, non-governmental institutions and organizations, and civil society groups
- c. Landowners and community leaders of Ebeye, Kwajalein.
- d. Local community people particularly in Ebeye

Methods

Invitation and solicitation –

All stakeholders except local community people in Ebeye were invited formally by letter a week in advance of the scheduled consultations. The list of agencies and organizations invited is given.

In Ebeye, there is no radio station or local newspaper through which any invitations and or notice announcement could be made. The Police was engaged to drive around the atoll with a bull horn to inform people about the consultations, what it is about, when and where. This was done a few days before the consultations and during the day of the consultations, including right up to the time of the consultations.

Schedule –

The consultations for the various groups took place according to the following schedule -

Stakeholder group	Date and time
1. Relevant Government agencies	• 5 Dec, 2016; 10 am; MOF/DIDA Conference Room
2. NGOs, civil society and community at Majuro	• 6 Dec, 2016; 2:00pm; Marshall Is Resort Conference Room

3. Ebeye Traditional Landowners and Community Leaders	• 7 Dec, 2016; Ebeye , Community entertainment centre
4. KADA and KAJUR	• 8 Dec, 2016; 9:30am; KAJUR office;
5. Ebeye local community	• 8 Dec, 2016; Ebeye – Community entertainment center

Consultations Format and Presentations –

Powerpoint presentations were delivered in English with translation into local language provided by Ms Abacca Maddison, Deputy Chief Secretary.

There were two power point presentations made;

- (i) an overview of the Project including its objectives, components, institutional arrangements and funding plan, the results of the Vulnerability Assessment Study including the ‘hot spots’ for flooding and inundation, and the range of hard engineering options being consider.
- (ii) Presentation on the ESMF and RPF. Power point presentations on the ESMF and RPF were tailored to suit each target audience, in terms of the issues that were highlighted for which views were solicited. For instance, in the case of landowners and community leaders, the highlighted issue was land and the impacts the proposed coastal protection measures on land both temporarily and permanently. For local community people, the general design of the various options was emphasized. This provided the basis for a dialogue on possible priority areas for protection vis-à-vis ‘hot spots’ and other high risk areas, construction impacts and post-construction or long term impacts, access to the beach and sea for general use, and so on. For the agencies, the presentation emphasized the processes for environmental and social screening, and the roles and responsibilities of different agencies and organizations in ESMF and RPF implementation.

The use of graphics from the Vulnerability Assessment Report showing different coastal protection options and engineering designs helped the presentations significantly.

Format of landowners and community leaders consultations –

Section/Topic	Presented by
1. Opening Prayer	• One of the participants
2. Opening Remarks and introductions	• Ms Abacca Maddison, Deputy Chief Secretary, Ebeye
3. First Presentation – Overview of Project with focus on Component 2 – Coastal Resilience	• Ms Jennifer Tseng, MOF/DIDA, RMI
4. Second Presentation – ESMF and RPF – with focus on environmental and social impacts	• Sam Sesega, ESMF/RPF Consultant for SPC/RMI
5. Questions and answers	• Sam Sesega, and Ms Jennifer Tseng

Level of Participation –

The list of participants for the four consultations is appended.

Overall, the key stakeholders were present in terms of agencies and organizations, and landowners and community leaders. But more was expected from NGOs, and agencies.

The consultations with government agencies were attended by. MPW, NDMO, EPA and MoF/DIDA involved. Consultations with NGOs and civil organizations were attended by four organizations only.

Consultation for the landowners and community leaders in Ebeye was attended by the major landowners which according to local officials was an extremely rare event. The list of participants is appended.

Consultations with government agencies – 5 Dec 2016

Issues raised and discussed –

Land ownership and Master Lease Kwajalein landowners and KADA

- a. Land is owned by three levels of traditional owners;
- b. Ebeye is unique in terms of the role of the traditional owners – traditional land owners are extremely powerful with considerable influence on local politicians;
- c. There was general concern about amending the Master Lease again to incorporate new changes. Don't introduce new language. Concern is mainly regarding likely delays in getting the Master Lease finalized and signed.

Roles and responsibilities of different agencies in ESMF and RPF

- a. The different roles and responsibilities were discussed and clarified; there was general agreement on the proposed roles which mirror their statutory responsibilities;
- b. MPW – expressed concerns about the lack of capacity for safeguards;
 - o MOF/DIDA explained that a Safeguards Consultant will be procured and embed in MPW to assist the Ministry;
 - o MOF/DIDA will also house the Project Implementation Unit wherein two project specialists plus a Safeguards Specialist will be placed.
- c. EPA – explained that the environmental screening and approval process takes between 3 to 6 months;
- d. Funding of compensation – who pays? Government of RMI is responsible for the compensation budget; not the World Bank.
- e. Role of the National Steering Committee in the ESMF – NSC has overarching oversight and is directly engaged in the Grievance Redress Mechanism to resolve any complaints which cannot be resolved at the site level, and following that, by the Secretary of MPW for Component 2 complaints, or MOF/DIDA for complaints on Components 1 and 3 activities.

EPA's process of obtaining permits for development –

- a. EPA explained their process in response to a NDMO question;
- b. It was explained that WB encourages the use of national processes except where there are differences. In such cases, the Bank's requirements prevail.
- c. The ESMF and RPF are based on the RMI laws and regulations and the Bank's safeguards policies.

NDMO –

- a. Expressed interest in a new NDMO center;
- b. Other priority needs - equipment upgrading; communication equipment and a back-up generator.
- c. Training of personnel a high priority.

Consultations with local NGOs, civil society groups and others in Majuro, 5 Dec 2016; Marshall Islands Hotel.

Issues raised –

- a. Outer islands communications needs strengthening. Options (i) Radionet/HF radios; (ii) FM radio;
- b. Maintenance of existing communication systems a major issue;
- c. Must have a clear Early Warning System first, then develop networks within each atolls.
- d. Two main focal points for outer islanders (i) NTA and (ii) Weather Service.
- e. Red Cross has similar network as NTA and Weather Service – have focal points in all atolls but they need communication equipment.
- f. MALGOV emphasized effective early warning systems based on clear communication protocol; good understanding of what different categories mean, and good awareness and education for communities;
- g. For Component 3, MALGOV recommends tapping into existing Red Cross Early Warning System.
- h. MALGOV lacks capacity in emergency response and needs strengthening in this area.

Consultations with landowners and community leaders

Issues raised and discussed –

1. Disaster preparedness
 - a. Radio station is very needed in Ebeye to strengthen communication network. This is a potential activity under PREP Phase 2 Component 1;
2. National government leadership vs Local Government leadership –
 - a. how can the local government be ensured to own more leadership on the project? From previous experience, especially the infrastructure projects, national government played a controlling role and communication and coordination with the local government was limited.
3. Master Lease –
 - a. Does the Master Lease have to be signed for the project to start?
 - b. The Iroij observed that everything depends on the Master Lease and it needs to be signed first before anything happens.
 - c. Only one landowner's signature remains; and there is general optimism that his signature would be secured in the near future;
 - d. Coastal protection structures are not specifically referred to in the lease; the existing easements are not likely to fit, thus new easements are required.
 - e. A new easement along the coastline would be beneficial for PREP Phase 2 and other planned pipeline projects e.g. the Renewable Energy Project;
 - f. A few individuals explicitly expressed unconditional support for the Project and its use of Ebeye lands.
 - g. The three paramount landowners (Irojjs) appeared generally supportive although none explicitly expressed support.
4. Design of Component 2 coastal protection structures –

- a. All participants noted the best option is the revetment wall extending the whole length of Ebeye's oceanside but also accepted it may not be possible because of costs.
- b. Can we have more funding to cover the whole island including Guugeegue? Gugeegue has value and several public assets such as the schools. In the long run, the development of Guugeegue and protecting the causeway has certain value to the people of Ebeye. We should look at the big picture instead of hot spots only.
- c. KADA explained that WB would like to see the maximum number of people benefiting from the coastal protection investment which is a significant amount of money. He noted that the Bank has to be accountable to its donors and questions around costs and population will have to be clearly answered with a cost-benefit analysis. Ebeye will have to look at alternative funding for the last 3 miles of the causeway.

General comments –

- a. There was general agreement that this first WB project for RMI must be successful, to more easily leverage additional funds for other areas that need similar protection.
- b. The Iroij and Senator Mike Kabua thanked the presenters and expressed his interest in the Project. He also requested copies of the presentations.

Consultations with local community (Ebeye), 8 Dec 2016

Issues raised and questions asked –

Uses of the land and sea on the Oceanside -

- a. Kids swim on the ocean side. No one has ever died of drowning on the ocean side, whereas the lagoon side recently saw the loss of several kids to drowning.
- b. Women collect seashells and shellfish on the ocean side for their handicrafts. Sedimentation and other impacts from construction works will destroy this resource and affect some dependent families.

Early warning and disaster preparedness

- a. Siren warning/bell
 - Development of siren warning bell sounds for different type of disasters
 - Community education/awareness/workshop on understanding the siren warning
 - Siren warning/bell is needed at Gugeegue also
- b. Police: expressing the challenge to get information disseminated and having a radio station can be very valuable;
- c. Communication system should cover the whole atoll and include other islands, not just Ebeye island;
- d. VHS system users can be trained to be included in the disaster preparedness network for early warning messages communication
- e. Preparedness training/education should be provided to students and teachers at schools;
- f. Continuous and regular preparedness training/education should be provided to the current first responders network (WUTMI, KAJUR, KALGOV, YTYIH, and others).

Coastal protection

- a. WUTMI member – will the coastal protection infrastructure change the current at the ocean side to increase the danger?
- b. Women use the ocean side / reef flat to collect shells for handicrafts. Will the coastal protection infrastructure change the marine life (shellfish)? How do you mitigate?
- c. Easy access to the ocean is needed and should be incorporated into the design of protection structure such as steps/stairs and ramps;
- d. Where is the berm going to end? What's the length?
- e. Side effects – who to mitigate side effects? This project should learn from the mistakes and experiences from the last seawall construction (Gugegue causeway).
- f. Project should cover the entire island to prevent side effects.

General comments etc. –

- a. Names of weto can be identified on the map;
- b. Marine life mapping/analysis/monitoring at the ocean side can be beneficial.

Consultations with KADA and KAJUR; 8 Dec 2016

Key issue – The Project's access to and use of land for the project;

- a. The latest version of the Master Lease is November 10 version;
- b. Easy access to the ocean should be incorporated into the Project design. The oceanside reef flat is the playground for kids in Ebeye. Steps or similar access to the ocean should be established for several locations, such as the hospital.
- c. Land for use of contractors use (staging areas) –
 - KADA will look for appropriate land. How much land is required? Can an estimate be given?
 - There is not much land available to choose from, for this project and others in the pipeline;
 - Need to get KALGOV assist by clearing all the scrap metals left on the PW's yard and dock/stevedore area;
- d. Mechanism for formalizing land arrangement with MPW
 - Exchange of letters;
 - The normal administrative process of the Earthmoving Permit
 - Notice to Proceed from MPW to the contractor once permit is received from EPA which would have KADA's endorsement.

Amendments to the master Lease

- New easement along the coast would be required for planned future development including those required for PREP Phase 2;
 - Specific reference to and inclusion of 'coastal protection structures' in the Master Lease would facilitate things – KADA (Carl Hacker) indicated he has already explored 'wordings' with the lawyer.
-

Annex 11: Resettlement Policy Framework