

Environmental and Social Safeguards Framework

**15 March 2018
Version**

**Republic of the Philippines:
Mindanao Trust Fund –
Reconstruction and Development Program Phase 2
(MTF-RDP/2)**

DRAFT

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ABBREVIATIONS AND ACRONYMS

| | |
|---------|--|
| AF | Additional Financing |
| ARMM | Autonomous Region in Muslim Mindanao |
| BDA | Bangsamoro Development Agency |
| BDP | Bangsamoro Development Plan |
| CAB | Comprehensive Agreement on the Bangsamoro |
| CDD | Community-Driven Development |
| CDR | Community-Driven Reconstruction |
| CFSI | Community and Family Services International |
| CMO | Central Management Office |
| CO | Community Organizer |
| CPST | Camps Project Support Team |
| CV | Community Volunteer(s) |
| DENR | Department of Environment and Natural Resources |
| EA | Environmental Assessment |
| ESMP | Environmental and Social Management Plan |
| ESSC | Environmental and Social Screening Checklist |
| ESSF | Environmental and Social Safeguards Framework |
| FPIC | Free, Prior and Informed Consent/Consultation |
| GPH | Government of the Philippines |
| IDP | Internally Displaced Person |
| ILO | International Labour Organization |
| IP | Indigenous People |
| IR | Involuntary Resettlement |
| LGU | Local Government Units |
| MILF | Moro Islamic Liberation Front |
| MTF-RDP | Mindanao Trust Fund-Reconstruction & Development Project |
| MTT | Municipal Technical Team |
| M&E | Monitoring and Evaluation |
| MSC | Multi-Sectoral Committee |
| OP | Operational Policy |
| PMT | Project Management Team |
| PO | People's Organization |
| PPA | Program Partnership Agreement |
| RIE | Regional Infrastructure Engineer |
| RMO | Regional Management Office |
| SP | Subproject |
| TF | Trust Fund |
| TFCT | Task Forces on Camps Transformation |
| TFR | Trust Fund Recipient |
| WB | World Bank |

Preface

This Environmental and Social Safeguards Framework (ESSF) lays down the general parameters and guidelines to ensure that the Mindanao Trust Fund- Reconstruction and Development Program: Phase 2 (MTF-RDP/2) promotes environmental protection and/or minimize its adverse impact on the environment as well as promote social inclusion and cohesion.

This document is divided into three parts:

- a. **Introduction to the Project and the ESSF.** This part describes the MTF-RDP/2, including its objectives, area coverage, components and implementation arrangements.
- b. **Safeguards Policies and Procedures.** This is the main section of the document. It enumerates the major policies of the Philippine and World Bank on environmental and social safeguards. It provides the operational guidelines for ensuring compliance to environment and social safeguards throughout the project implementation. This incorporates the major lessons learned from implementing the ESSF during first phase of the MTF-RDP.
- c. **Annexes and Forms.** This section presents the checklist and forms that will be used during preparation, appraisal, implementation and monitoring of the various subprojects in relation to safeguards. These forms were updated to make them more user-friendly for the people's organizations (POs) and will be continuously improved as needed (e.g., translation of the forms and instructions to local dialects).

Part A

INTRODUCTION

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Mindanao Trust Fund-Reconstruction and Development Program 2 Environmental and Social Safeguards Framework¹

I. Introduction

With prospects for peace significantly improving in Mindanao between the Moro Islamic Liberation Front (MILF) and the Government of the Philippines (GPH), the World Bank (WB) administered the multi-donor Mindanao Trust Fund (MTF) to coordinate support for post-conflict reconstruction and development from various development partners. From 2005 to June 2017, MTF financed the operations of the MTF - Reconstruction and Development Project (MTF-RDP), which features intensive participation of Bangsamoro stakeholders in planning, management and implementation of reconstruction and development initiatives, including the creation of sustainable livelihoods.

In July 2016 the Administration of President Rodrigo Duterte has made peace and development in Mindanao a top government priority, as reflected in the 2017-2022 Philippine Development Plan under the theme, “Attaining Just and Lasting Peace”. In addition, the government has announced a Six-Point Roadmap and a Strategic Framework for Mindanao Peace and Development, bringing together three streams of: (i) political settlement of armed conflicts; (ii) intensified development; and (iii) peace-building in support of five strategic outcomes. The strategic framework is built around five interlinked strategic outcomes: (1) Resilient Communities Built; (2) Effective Governance Promoted; (3) Inclusive Economic Growth and Jobs Ensured; (4) Security Environment Stabilized; and (5) Consensus for Peace Strengthened. Full implementation of the 2014 Comprehensive Agreement on the Bangsamoro (CAB) with the Moro Islamic Liberation Front (MILF) is a central element of the government’s plan.

The centerpiece of the CAB is the establishment of a new autonomous political entity, known as the Bangsamoro, to replace the existing ARMM. A joint Government-MILF-Moro National Liberation Front (MNLF) Bangsamoro Transition Commission was tasked to draft a new enabling law for submission to the Philippine Congress to create the Bangsamoro entity. To keep the momentum on the ground, in MILF communities, while the Philippine government puts in place a longer-term new financing facility, the government and various development partners agreed to extend the MTF Facility through June 2019.

II. Project Background

Project Objectives

The objective of the MTF Facility is to improve prospects for peace and development in conflict-affected areas in Mindanao by improving the social and economic recovery in conflict-affected communities of Mindanao. The MTF-RDP/2’s development objective is to improve access of targeted communities in conflict-affected areas in Mindanao to basic socio-economic infrastructure and alternative learning system.

The proposed PDO level results indicators include: (i) Beneficiaries, men and women, in targeted communities in conflict-affected areas in Mindanao reporting improved access to socio-economic infrastructure in terms of time, distance and cost; and ii) Number of people, men and women, in targeted communities in conflict-affected areas in Mindanao with improved literacy.

¹ Embedded in the MTF-RDP/2 Operations Manual. February, 2018 Version

Project Description

The proposed project components will draw upon the successful experiences of the Mindanao Trust Fund-Reconstruction and Development Project (MTF-RDP), which was implemented from 2005-2017. The project sought to enhance access to services and economic opportunity, support social cohesion at the community level and build the capacity of MILF-affiliated institutions to prepare them for their anticipated role in the Bangsamoro government. Similar to the first phase, the financing instrument remains to be a multi-donor trust fund – the Mindanao Trust Fund (MTF) – administered by the World Bank. The MTF will provide much-needed grant funding to Mindanao. Through the MTF, the Government's total resources for conflict-affected areas in Mindanao would increase significantly and will contribute to sustaining the peace agreement and achieving better development outcomes. The MTF is transitional assistance and not expected to be a substitute for on-going or planned bilateral or multilateral programs for Mindanao.

The proposed project will support activities organized under three components, as follows:

Community Development Assistance

Under this component, assistance will be provided to selected communities in the six previously acknowledged MILF camps, including mixed communities comprising Muslims, Christians and Indigenous Peoples. The assistance could be utilized for a combination of either: (i) small scale socio-economic infrastructure (such as water systems, access roads, post-harvest facilities); or (ii) alternative learning system courses.

For the small scale socio-economic infrastructure, a two-pronged approach selection mechanism of subprojects will be used: (i) one to two (1-2) socio-economic infrastructures for each Camp in line with needs pre-identified by the JTFCTs as part of the ongoing planning for the transformation of the six previously acknowledged MILF camps – complemented by a process of community assessment and subproject identification, and (ii) socio-economic infrastructure projects identified by the communities using the community driven approach used in the previous project and implemented by People's Organizations (POs) themselves. For all subprojects, selection criteria will include, among others, feasibility and responsiveness to the basic needs of the community. In addition, the few, unfinished community subprojects from the previous phase will also be completed with due regard to the prevailing security situation in the area. An inventory of these uncompleted subprojects will be carried out to: a) determine if there is still strong interest on the part of the community to complete the subproject, (b) assess their technical feasibility, (c) determine the extent of works required, and d) assess the security situation.

This component will also support communities to assess their own development problems and identify their own solutions, working in cooperation with the existing joint government-MILF TFCTs. Specific support will include, among others, stakeholder analysis, project orientation and consultation, participatory priority-setting, action planning, review and approval of subprojects. Peoples Organizations (PO) or community volunteers will also be capacitated on subproject preparation and implementation including operation and maintenance, financial management, procurement through learning by doing (experiential learning method) and with technical support from the Camp Project Support Team (CPST) and camp JTFCT.

The Alternative Learning System (ALS) sub-component consists of two elements of the government's ALS – which through a resource group/institution, the program will cater to the

needs of the vulnerable groups, particularly women, orphans and indigenous peoples. These are (a) Accreditation and Equivalency for youth/out of school youth, adults and school drop-outs who have the potential and interest to pursue education/continue their stalled education; and (b) Basic Literacy and Numeracy Program which is intended for adults who have not been to school or barely finished early school years to obtain practical knowledge and skills including income-generating skills.

Also included in this component is a provision of earmarked resources for those target communities in the camps which have IP communities of at least 25 households. This arrangement aims to provide assistance to IP communities to ensure inclusivity and a share in the benefits of peace, and in the process ensure the Project's compliance to the Bank's Operational Policy 4.10 Indigenous Peoples. The IPs, through their own decision-making processes which this project will document, will identify their small infrastructure subprojects. Compliance to Bank policy on IP

Capacity and Institution-Building

This component will support the strengthening of key institutions for project implementation and to help prepare them for roles in the future Bangsamoro government. The focus of support will be for the camp JTFCTs, which would be capacitated for, among others, project development and management, community organizing and management, and monitoring and evaluation of projects. Over the past 10 years of MTFRDP implementation, BDA has made significant strides on building its project management capacity. Under this project, and in close partnership with Community and Family Services International (CFSI), BDA will serve as the provider of capacity-building and technical assistance for the camp JTFCTs and POs. Through an experiential learning method, CFSI and BDA will work hand-in-hand with camp JTFCTs and POs across the subproject cycles. Quick reflection sessions will immediately follow each important subproject step to process learning. The project may tap PO leaders who successfully managed the implementation and sustained operations of community infrastructure subprojects in the previous phase in areas proximate to the camps. The project will also provide technical assistance for BDA through strategic management advice and support for resource mobilization.

Project Administration, Monitoring & Evaluation

This component will finance the oversight, coordination and overall management of the project. This will include assistance for specialized staff, the procurement of required goods, financing of incremental operating costs for the project grant recipient to execute and monitor the project, and communication and dissemination of information on the project objectives, strategies and lessons learned. The component will also support a strengthened monitoring and evaluation system, including an enhanced Grievance Redress System.

Project Location and Salient Physical Characteristics

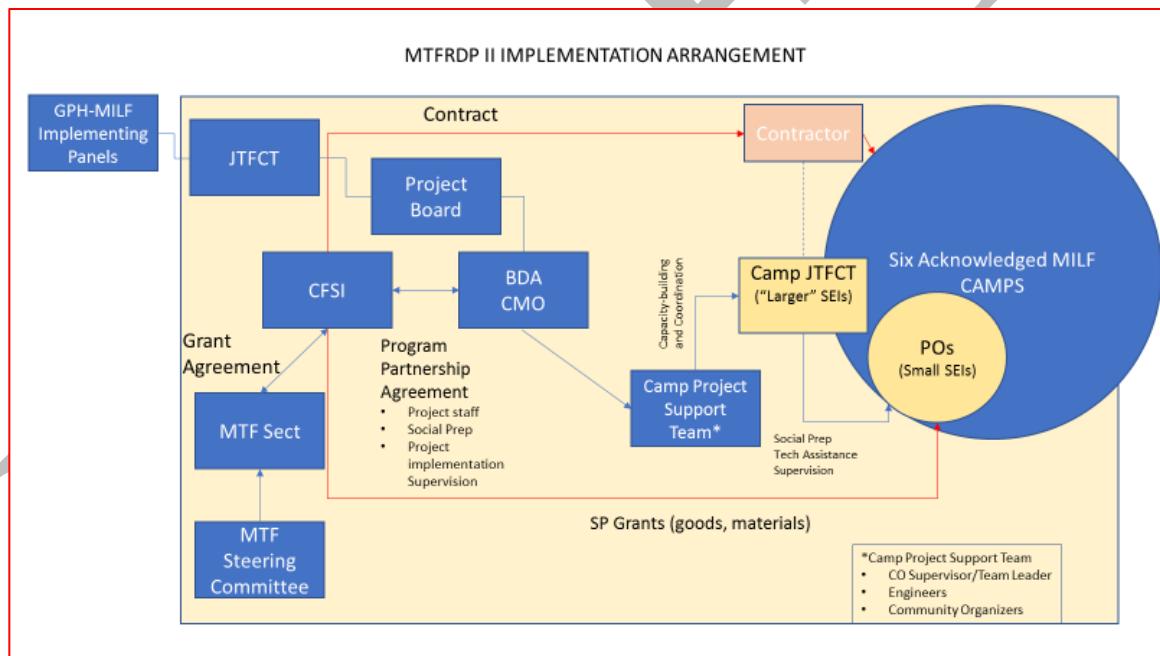
From 2016 to 2017, MTF-RDP has pilot-tested community-based activities in the six previously acknowledged MILF camp communities, referred to as the Camps Project with CFSI as the Project Implementation Unit (PIU). Building on the experiences and lessons learned from of Camps Projects, MTF-RDP/2 will focus on continuing the assistance to the barangays of the six previously acknowledged MILF camps. Specific target barangays will be selected based on poverty, conflict-affectedness, accessibility, local government commitment and support, and local security situation. Sub-project locations will be identified through the Camp JTFCTs, with technical support from the CPST.

Spanning four provinces of North Cotabato, Maguindanao, Lanao del Sur, and Lanao del Norte, the six previously acknowledged MILF Camps are:

- 1) Camp Bad'r in Maguindanao;
- 2) Camp Omar ibn al-Khattab in Maguindanao
- 3) Camp Rajamuda in North Cotabato and Maguindanao
- 4) Camp Abubakar as-Siddique in Maguindanao
- 5) Camp Bushra Somiorang in Lanao del Sur
- 6) Camp Bilal in Lanao del Norte and Lanao del Sur

All four provinces are poverty- and conflict-stricken areas, with Lanao del Sur having 72% poverty incidence. The four provinces are home to three groups of peoples: (i) Moros or Muslims, (ii) Lumads or indigenous peoples, and (iii) “settlers” who are mostly Christians whose families or ancestors resettled from Luzon and the Visayas. Camp Bad'r, Camp Omar ibn al-Khattab, Camp Rajamuda and Camp Bushra have presence of indigenous peoples.

Institutional Arrangements



The MTF Steering Committee will continue to be the body overseeing project implementation and providing policy guidance. MTF-Steering Committee is composed of representatives from the Office of the Presidential Adviser on the Peace Process (OPAPP), World Bank, MTF donors and other participating development partners.

Since the MTF-RDP/2 is in support to the progress in the peace process, specifically to the Annex to Normalization, MTF-RDP/2 will also set-up coordination structures with the GPH-MILF Implementing Panels and the Joint Task Forces on Camps Transformation (JTFCT) that oversees developments in the 6 previously acknowledged MILF Camps..

As the grant recipient or Trust Fund Recipient (TFR), CFSI is primarily responsible and accountable for the efficient and effective implementation of the approved sub-projects, including ensuring that all sub-projects comply with the environmental and social safeguards framework adopted for MTF-RDP/2; procurement and financial management policies of the Bank; as well as providing capacity-building services/ technical assistance and guidance to project partners.

CFSI is enhancing the operations manual used during the implementation of the MTF-RDP Camps project wherein the environmental and social safeguards will be reflected as an integral part of the entire MTF-RDP/2 process, from social preparation activities up to subproject turn-over. CFSI will have a team of technical consultants and specialists who are knowledgeable in their own fields; with experiences in implementing development projects in conflict-affected areas, as well as in IP communities, headed by an Overall Project Coordinator.

CFSI will sign a Program Partnership Agreement (PPA) with BDA, as implementing partner for the MTF-RDP/2. The PPA is a performance-based document that defines the roles and responsibilities, and a set of deliverables expected from BDA as reflected in the approved Work and Financial Plan. BDA will assemble a team of project technical specialists headed by a Project Coordinator at its Central Management Office (CMO). The project team will be assigned across the six previously acknowledged MILF camps as part of the Camp Project Support Team (CPST).

Each CPST will be responsible for supporting the camp JTFCT in preparing the camp community throughout the whole subproject cycle. The CPST will be headed by an experienced Community Development Officer (CDO) and supported by a team engineers and community organizers. The Camp JTFCT, composed of MILF Camp Commanders and Government representatives, is primarily responsible in coordinating the project activities in the camps, with technical support coming from CPST and CFSI. The Camp JTFCT, by its composition, will also be tasked to appraise the environmental soundness of the sub-project's engineering design and budget in line with the development vision for the Camp, and certify that the sub-project was selected through inclusive and participatory planning processes and endorse it for sub-project approval.

Camp JTFCT as well as the POs are the partner beneficiaries for MTF-RDP/2. Both will receive capacity building and technical assistance from the BDA, CPST and CFSI team in preparing their community sub-project proposal, implementing the sub-project, and ensuring the sustainability of the chosen sub-project beyond MTF-RDP/2.

A Project Board, same as in the previous MTF-RDP, whose members have representations from both the government and the MILF will be the highest decision making body for reviewing and approving (1) proposed project sites and (2) proposed list of priority subprojects. A secondary function will be problem-solving/issue resolution related to coordination with, and between, the camp JTFCTs.

Part B

**ENVIRONMENTAL AND SOCIAL SAFEGUARDS
POLICIES AND PROCEDURES**

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I. Environmental and Social Risks Assessment

The context of the MTF-RDP/2, being in conflict-affected areas, by itself presents significant social risks. At the same time, the intrinsic intent of the project is also expected to have significant social impact as a confidence-building measure for the on-going peace process. Yet the project is cognizant of the emerging threats from extremist groups and some historical issues of social injustice/social exclusion that could affect the social dynamics of the peace process, in general, and the project, in particular. Thus, the social risks are deemed substantial.

The project will operate in the six previously acknowledged MILF camps. MILF Commanders exercise significant influence over decision-making in these communities. While it was not a major issue in the previous phase, it will be important to ensure that benefits are not captured by core MILF supporters to the exclusion of minority groups. To promote inclusive development in the Camps, participatory approaches will continue to be employed to identify development needs and sub-project priorities. Community members will also be trained to participate in sub-project implementation, monitoring and maintenance. This is intended not only to ensure project quality, but also as an ongoing step in a gradual process of "civilianizing" or "democratizing" decision-making processes in the Camps. The leadership of the MILF are committed to such a process as part of the carefully staged camp transformation and the transition of the MILF from a revolutionary group to a political and social movement.

In terms of environmental conditions, the following are the major characteristics of the six previously acknowledged MILF camps covering portions of 4 provinces, majority of which are under the Autonomous Region in Muslim Mindanao (ARMM) in Central and Western Mindanao.

- a. Terrain ranges from rolling highlands of Lanao del Sur to the flat marshy lands of Maguindanao.
- b. Water resources present in the 4 provinces include: 1) Lanao Lake in Lanao del Sur – the Philippines second largest fresh water lake; and 2) Liguasan Mash that traverses Maguindanao and empties into the Ilana Bay.
- c. Geologic Feature: Cotabato fault at the bottom of the Moro Gulf west of Maguindanao
- d. Watersheds: 1) Timanan Watershed in South Upi, Maguindanao; 2) Maganoy-Kabulnan Watershed in Ampatuan/Maganoy, Maguindanao; 3) Maridagao-Malitubog Watershed in Lanao del Sur and Maguindanao; and 4) Lake Lanao Critical Watershed Reservation in Marawi City and Lanao del Sur.
- e. Climate: North Cotabato, Maguindanao, Lanao del Sur and Lanao del Norte has type III climate

The environmental risks are considered moderate as the community structures and facilities are small-scale and will not generate significant adverse environmental impacts. Majority of the sub-projects under MTF-RDP/2 will be community-based socio-econ infrastructure projects through the community-driven development approach. There may be community-based infrastructure sub-projects per camp, or across communities such as tire-paths/roads or foot/pedestrian bridges, and level II water systems. However, there is a need to ensure that there will be no destruction of natural habitats or over-harvesting of natural resources in the camps. Any activity that involves tree-cutting or quarrying will have to seek the approval from concerned agencies and the necessary government permits will minimize and mitigate the impact of project activities to the camps environment.

The proposed project draws from long years of experiences under MTF-RDP and adopts the following features that are designed to mitigate the social risks: (i) community-driven development approach as a key strategy that would entail direct participation of communities in key decision making; (ii) provision of assistance that the communities could use for sub-projects that respond to their identified priority basic needs; (iii) just-in-time capacity building for community leaders/volunteers that would enable them to engage the local service providers; (iv) community mobilization that would serve as a platform for enhancing social cohesion.

As earlier mentioned, the project will only finance community-based and small-scale infrastructure subprojects, plus the Alternative Learning System, which involves no construction. Temporary, short-term and minimal environmental impacts such as the increase in dust, noise, and vibration, generation of construction debris and solid wastes, erosion and siltation due to loose soil and unstable slopes as well as occupational health and safety are anticipated and will be managed during construction period. Capacity building activities will be conducted to help familiarize and guide the community workers in the planning, design and construction and post-construction activities of the small-scale infrastructure projects.

CFSI has many years of good track record in community work in conflict affected areas with seasoned community facilitators who are deeply aware of the social dynamics and cultural sensitivities as well as have the skill/expertise to manage the community processes. CFSI has been constantly aware of the substantial social risks that allowed them to adopt timely mitigating measures. CFSI also served as MTF-RDP's Trust Fund Recipient for 11 years.

Lastly, there are other support services such as the crisis monitoring system and the Grievance Redress Mechanism (GRM) that provide useful feedback for detection of emerging social issues/threats so that the project can adopt timely mitigating measures. The GRM will be rolled out in the new target areas to provide communities with alternate means of giving feedback or raising any concerns about project implementation.

II. Legal and Policy Basis for Environmental and Social Safeguards

A. Philippine Laws and Policies

CFSI will ensure that MTF-RDP/2 implementation will abide by the various laws and policies of the Philippine government in ensuring that environmental and social safeguards are properly observed throughout project implementation.

B. CFSI Policies

CFSI is a humanitarian organization guided by the principles of humanity, neutrality, impartiality and independence. Its overall mission is to vigorously protect and promote human security – specifically the lives, well being and dignity of people uprooted by persecution, armed conflict, disasters, and other exceptionally difficult circumstances. To prevent children, women and men from becoming uprooted. CFSI promotes peace, respect for human rights, and the equitable distribution of resources. CFSI strictly abides to the Do No Harm approach that helps CFSI handle and understand the complexities in the conflict environment where they work. It helps them think of different programming options, which will have better outcomes for the beneficiaries.

CFSI also adopted the Environmental and Social Safeguards Framework of World Bank for the MTF-RDP and strictly implemented it during the 11 years of project implementation, in partnership with BDA. Thus, reaching 321 barangays in 114 municipalities in the conflict-affected areas in Mindanao without major environment and social issues encountered. CFSI and the BDA received and also provided sufficient training to partners on implementing and monitoring the ESSF as evidenced by mostly satisfactory ratings on safeguards compliance during MTF-RDP implementation.

In this new phase, MTF-RDP/2, CFSI will ensure the inclusive development in the Camps, environment and social safeguards policies of the project culled out from Philippines policies and World Bank policies will be embedded, and understood by all parties, in all the processes and activities of the MTF-RDP/2, guided by the humanitarian principles and Do No Harm approach practices of CFSI.

C. World Bank Safeguards Policies Applicable to the MTF-RDP/2

The safeguards policies that apply to the MTF-RDP/2 are: (1) OP/BP 4.01 Environmental Assessment; (2) OP/BP 4.10 Indigenous People; and (3) OP 4.12 Involuntary Resettlement. See Table 1 below for the screening of the World Bank safeguard policies for MTF-RDP/2.

Table 1: Screening of World Bank Safeguard Policies

| World Bank Safeguard Policies | Applicable to MTF-RDP/2 | |
|--|-------------------------|----|
| | Yes | No |
| Environmental Assessment (OP/BP 4.01) | √ | |
| Natural Habitats (OP/BP 4.04) | | √ |
| Forests (OP/BP 4.36) | | √ |
| Pest Management (OP 4.09) | | √ |
| Physical Cultural Resources (OP/BP 4.11) | | √ |
| Indigenous Peoples (OP/BP 4.10) | √ | |
| Involuntary Resettlement (OP/BP 4.12) | √ | |
| Safety of Dams (OP/BP 4.37) | | √ |
| Projects on International Waterways (OP/BP 7.50) | | √ |
| Projects in Disputed Areas (OP/BP 7.60) | | √ |

III. Environmental and Social Safeguards Framework for MTF-RDP 2

A. Environmental Safeguards

In general, most sub-projects under the MTF-RDP/2 are categorized as non-environmentally critical projects and are exempted in securing environmental compliance certificates (ECC). For some community-based investments (CBIs) such as water supply and road improvement projects, there are screening criteria (mainly based on capacity and length) used by the Department of Environment and Natural Resources (DENR)-Environmental Management Bureau in assessing whether a sub-project will be required to secure an ECC. These criteria are listed in the Procedural Manual of the DENR AO 2003-30 of PD 1586.

Environmental issues in MTF-RDP/2 would relate primarily to impacts caused by small-scale infrastructure construction. The project has an environmental screening mechanism that identifies prohibited sub-projects (e.g. community roads into protected areas or procurement of pesticides) and those with adverse environmental impacts. The PO will be properly informed of the prohibited sub-projects so that they will be guided accordingly at the outset of preparing the Community Investment Plan.

The existing environmental baseline conditions in the project area shall be assessed and evaluated fully during the social preparation and community planning so that the design and location of the proposed subproject will be *environmentally sound* and *compatible with its surrounding environment*. The MTF-RDP/2 operations manual has a prescribed format of environment baseline description along with the household and barangay profile. These data will be integrated in the base map and thematic mapping of the program.

Communities choose their own community-based socio-economic infrastructure sub-projects based on open menu with a negative list that prohibits projects that would damage the environment (e.g., chainsaws, pesticides), support illegal activity (e.g., weapons) or involuntarily resettle people. Refer to **Annex 1** for the existing negative list menu. Thus, the magnitude of adverse program impact, if any, is expected to be minimal and will only be known once the specific community-based socio-economic infrastructure sub-projects are selected and designed.

Temporary, short-term and minimal construction-related environmental impacts such as the increase in dust, noise, and vibration, generation of construction debris and solid wastes, vegetation loss, and siltation due to loose soil and unstable slopes as well as occupational health and safety are anticipated and will be mitigated during construction period. The goal is to be able to construct the community based sub-project with minimal disruption to the daily life of community members and to adjacent communities.

B. Involuntary Resettlement

Guiding Principles in the conduct of land acquisition and resettlement of project-affected persons:

- a) Acquisition of land and other assets should be avoided, where feasible, and minimize as much as possible.
- b) Proper compensation is to be given to all persons affected by the acquisition of land for the sub-project, as counterpart of the sub-project proponent; Proper compensation refers to compensation sufficient to assist them to improve or at least maintain their pre-sub-project living standard, income earning capacity and production levels.
- c) Planning and implementation for acquisition of land and provision for compensation will be carried out in consultation with the sub-project affected persons, to ensure minimal disturbance and transparency in transactions between sub-project implementers and the affected persons.
- d) Community infrastructures, which are affected must be restored or replaced.
- e) Institutional arrangements should be in place to ensure effective and timely design, planning, consultation and implementation of the inventories.

Land acquisition based on eminent domain will **not** be undertaken in the post-conflict context of the Conflict Affected Areas to obtain land for a community subproject. Thus, sub-projects involving involuntary land acquisition and resettlement (displacement) are on the negative list and **not** eligible for funding.

While the project will only support small infrastructure works, it also triggers OP/BP 4.12 since experiences under MTF-RDP showed that some community sub-projects involved acquisition of a small parcel of land which were voluntarily donated. Thus, MTF-RDP/2 would continue to ensure that any acquired small parcels of land are voluntarily donated.

Land required for sub-projects may be furnished through voluntary private land donations, voluntary private long-term leases at a nominal cost, transactions between willing-seller-willing-buyer, or access to use vacant community or government land. Private, community or government donations, long-term leases, and community purchases must be properly documented. The documents will be part of the sub-project appraisal. Payment, if any, should be made by project partners such as the LGU or the PO as their local counterpart contribution, and cannot be funded out of sub-project funds. A Voluntary Land Donation Protocol for MTF-RDP/2 is attached as Annex 4 that outlines the processes that must be observed for land donations for MTF-RDP/2 sub-projects.

Any activity that would involve voluntary land acquisition and/or resettlement requires an early special approval from the project management office (Central Management Office of BDA). In case agreement is reached with families regarding the transfer of land, a structure, or other assets, the agreed procedure required for the subproject to proceed would involve (i) an inventory of losses (**Annex Table A2-2: Land Acquisition Assessment**), (ii) a recording of the confirmation by each affected party that he/she has either willingly donated or accepted an agreed compensation for the asset in question (**Annex Table A2-3: Documentation for Transfer of Assets**), and (iii) release of the community development assistance installment upon documentation that compensation for losses has been provided as agreed. The CPST should assist the PO regarding the two first steps, and the CMO would need to provide verification through sample field visits.

Land required for a community small-scale socio-economic infrastructure sub-project under MTF-RDP/2, similar to MTF-RDP, will most likely consist of government lands free of claims or encroachments, or of voluntary donations from community members. Arrangements and proper documentations must be made to ensure that the land donation is indeed voluntary, given that the donors is the legitimate owner of the land and is fully informed of the nature of the sub-project and the implication of donating the property. Implications refer to current and future implications.

If the donor decides to donate the property on a conditional basis, the terms and conditions of the temporary use (usufruct) of the property must be clearly stated in the Conditional Deed of Donation Document. Safeguards to be applied for voluntary land donations:

- a) An assessment that the affected person does not suffer a substantial loss affecting his/her economic viability as a result of the donation.
- b) Certification from the LGUs and the proponents that the land is free of claimants or encroachments;
- c) Deed of Donation to the People's Organization or LGU concerned, notarized by a registered lawyer, with copies of donation papers furnished to the office of the Municipal Assessor and the Provincial Register of Deeds;
- d) Declaration of Ownership with Waiver of Claims for Affected Assets;
- e) Joint Affidavit of Two adjoining landowners or Barangay Officials (for unregistered lands)
- f) Waiver of Rights/Quit Claim (for plants, trees houses, structures inside the property, etc)

The CFSI/BDA will ensure that required documentation for Donation and Waivers/Quit Claims have been submitted by the sub-project proponent, or the compensation has been paid to the affected party before any sub-project construction commences.

C. Indigenous Peoples

The 1987 Philippine Constitution embodies provisions that recognize the rights of the Indigenous Peoples to their ancestral domains and their power of dominion over their lands and resources. When the Philippine Congress, in 1997, passed Republic Act 8371 entitled the *Indigenous People's Rights Act*, the constitutional provisions became a concrete reality for the Indigenous Peoples. IPRA recognizes and promotes all the rights of the Indigenous Cultural Communities (ICC)/Indigenous Peoples (IP) of the Philippines. In the ARMM, the ARMM Law (RA 9054) under Section 5, Article 3 also provides the guiding principles and policies for ICC/IPs that the "... regional government shall ensure development, protection and well-being of all indigenous tribal communities..."

There are IP communities in four of the six previously acknowledged MILF camps, mostly belonging to the Teduray and Ata Manobo groups. Some of them have been served by MTF-RDP between January 2016 and March 2017. The Project approach aims at achieving the twin objectives of ensuring (a) free, prior and informed participation of indigenous peoples in the activities of the Project, so that they are in a position to receive culturally compatible social and economic benefits, (b) that IP are not adversely affected during the development process by ensuring their participation in the decision-making processes of the project, and (c) determine their own development priorities, through their indigenous political structures, for sub-projects intended for the IP communities.

Guiding Principles:

- a) MTF-RDP/2 shall ensure that poor communities of IPs are given priority in the consultation and decision-making processes, especially when sub-projects are located in their area or poses potential adverse impacts to them as a community. MTF-RDP/2 must ensure that IPs do not suffer adverse affects during and after sub-project implementation, as well as receive culturally compatible social and economic benefits.
- b) MTF-RDP/2 will ensure that development processes implemented by the project will foster full support for the IPs' dignity, human rights and cultural uniqueness.
- c) Consensus of all IP members affected must be determined in accordance with their respective laws and practices, free from any external manipulation, interference and coercion.
- d) MTF-RDP/2 must ensure that none of its socio-econ infrastructure will damage non-replicable cultural property. In cases where socio-econ infrastructures will pass through sites considered as cultural properties of the IPs, the MTF-RDP/2 must exert its best effort to relocate or redesign the sub-projects, so that these sites can be preserved and remain intact.
- e) Sub-Project designs must always be consistent with the traditional and cultural practices of the IP group in the area (***cultural acceptability***).
- f) IPs shall also be capacitated as active agents of peace and reconciliation

To continue the engagement with the IP groups, an IP assistance will be allocated to ensure their participation and benefits from the project. Included in Component 1 is a separate assistance for camps which covers IP communities of at least 25 households. This aims to provide assistance to IP communities to ensure inclusivity and a share in the benefits of peace. The IPs shall participate

in the identification and planning of subprojects located within their barangay or ancestral domains.

In barangays where IPs are not dominant, or where the communities fall within the ancestral domains of IPs, the Project shall ensure that Technical Assistance is provided to enable the IPs to participate meaningfully in the planning process. This may mean deployment of competent and committed program partners/facilitators who can work with IP communities and ensure that IP prioritized plans and projects are integrated into the community investment plans. To better coordinate activities with IPs, BDA (and other Program partners) shall strive to forge partnership agreements with the Office of Southern Cultural Communities (OSCC) in Autonomous Region in Muslim Mindanao (ARMM) areas and the National Commission on Indigenous Peoples (NCIP) in non-ARMM areas.

The Project design promotes equitable inclusion of ethnic/tribal indigenous peoples in decision-making and as beneficiaries. The procedure for selection of community volunteers from every *sitio* is expected to ensure that indigenous peoples are represented in the planning and eventually in the implementation stage if they decide to join the PO. The monitoring arrangements provide data that enables the project MIS to assess the inclusion of ethnic/indigenous peoples in multi ethnic/tribal communities. The data from the Barangay Profile (from Base Map and Thematic Map) should be cross-checked with the information on the composition of the PO and also on the inclusion of ethnic/indigenous peoples as beneficiaries in multi ethnic/tribal communities. These three sets of data will be entered into the MIS to document the extent to which ethnic/indigenous peoples are involved in decision-making and benefit from specific subprojects. Project monitoring and evaluation will verify whether IP representatives participate in PO activities, and whether their planned inclusion as beneficiaries is realized during subproject implementation.

Consensus of all IP members affected must be determined in accordance with their respective laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the subproject activity, in a language and process understandable to the community. The conduct of field-based investigation and the process of obtaining the Free, Prior and Informed Consent (FPIC) shall take into consideration the primary and customary practices of consensus-building, and shall conform to Section 14 (Mandatory Activities for Free, Prior and Informed Consent) of NCIP Administrative Order No.3, series of 2012, The Revised Guidelines on Free and Prior Informed Consent (FPIC) and Other Related Processes of 2012.

Meetings must be conducted in the local or native language. In addition, facilitators must use simple and uncomplicated process flows during these sessions. Project implementers must adhere to the requirements for documentation of meetings conducted with IP communities, especially those pertaining to acquisition by subproject proponents of the FPIC. The BDA and implementing partners shall not proceed with subproject endorsements or appraisal processes, unless the corresponding documentation of meetings with the IP communities is attached to the subproject proposals submitted for review/approval.

Where subprojects pose potential adverse impacts on the environment and the socio-economic-cultural-political lives of these IP communities, IPs must be informed of such impacts and their rights to compensation. Compensation for land and other assets to be acquired will follow the relevant section in this ESSF.

Should IPs give their approval for such subprojects, affected IP communities must be part and parcel of development of mitigating measures. The BDA must ensure that action plans are drawn

to be able to monitor and evaluate the implementation of such mitigating measures and compensation agreements, with the active involvement of the affected communities of IPs. The BDA, through their community organizers, should not allow any work to commence on any subproject, until a compensation package and/or the required rituals have been completed to the satisfaction of the Indigenous tribes affected.

MTF-RDP/2 must ensure that none of its socio-economic infrastructures or related sub-projects will damage non-replicable cultural property. In cases where infrastructure sub-projects (i.e., farm to market roads, water supply systems, bridge, etc.) will pass through sites considered as cultural properties of the IPs, the Program must exert its best effort to relocate or redesign the projects, so that these sites can be preserved and remained intact. Subproject designs must at all times be consistent with the traditional and cultural practices of the IP group dwelling in the area.

D. Prevention of Sexual Exploitation and Sexual Abuse (PSEA) and Child Protection Policy

CFSI staff members are required to comply with the United Nations special measures for protection and from sexual exploitation and sexual abuse and to the CFSI Child Protection Policy and Code of Conduct (2016)

It is the policy of CFSI to protect the lives, well being, and dignity of all children and to do everything possible to protect them from exploitation, abuse, and neglect.–All staff members of CFSI, including those who will be involved in this project, will be provided with education and training specific to PSEA and child protection policy, that is inclusive of CFSI’s reporting and response procedures. Further, all CFSI’s activities—as well as those of its sub-contractors – will be continually assessed to identify and minimize risks to persons of Concern, especially children, women, PWDs and other vulnerable groups.

IV. Procedures for Environmental and Social Safeguards Compliance

To ensure compliance, safeguards procedures and requirements are embedded in the community mobilization process of MTF-RDP.

All subproject proposals are required to have an assessment of impacts, using an environmental and social screening checklist (ESSC) that describes potential negative impacts, same ESSC form used for MTF-RDP, but enhanced to include the roles of new partners in MTF-RDP/2. The PO, after coming up with a list of potential sub-projects, will use the screening checklist to assess the viability of each sub-project in terms of the environmental and social requirements. The screening checklist will be used as one of the decision-making tools in evaluating the feasibility of a subproject.

After screening and selecting the sub-project, the PO will fill out the ESMP template. The ESMP will describe the predicted negative environmental impact during the construction and operation phase of the subproject. The PO will be guided with the potential list of impacts that may occur when the project is implemented. ESMPs for sub-projects will be prepared by the POs and the Camp JTFCTs, assisted by the CPST. Mitigation of negative impacts from sub-projects that are not on the negative list is addressed in the project design and in the sub-project ESMPs consistent with this ESSF. Specific ESMPs developed for different types of small infrastructure projects (Irrigation and Water Management Structures, Buildings, Road Structures, and Water Supply) used in MTF-RDP but enhanced to consider the roles that the new partners will do for MTF-RDP/2. The ESMPs are shown in **Annex 3**. Review and approval of the ESMPs are done by the BDA Central Management Office (CMO) and CFSI.

Table 2 presents the detailed operational guidelines for environmental and social safeguards with respect to the project development steps of MTF-RDP/2.

Table 2. Operational Guidelines for Environmental and Social Safeguards

| MTF-RDP/2 Steps | Safeguards–Related Activities | Safeguards Document Output | Responsible Persons* |
|--|--|--|---|
| Pre-Condition Phase: Grant Signing; Project Staff Hiring; Program Partnership Agreement Signing | Designation of Safeguards Focal Persons | | BDA Executive Director CFSI Executive Director |
| | Safeguards Orientation and Training for Safeguards Focal Person (BDA and CFSI) | | World Bank Safeguards Specialists |
| Step 1: Institutional Preparation | Safeguards Orientation for Camps Project Support Team (CPST) and Camp JTFCT | Negative list Brief Project Description emphasizing environmental conditions and baseline environmental characteristics (ecosystems) on the proposed sub-project site | CMO and CFSI |
| | Designate focal person at the Camps level | Certificate of Non-Coverage for the SP List of Required attachments for Land Donations | |
| Step 2: Social Preparation & Community Needs Validation | PO, with assistance of CPST and Camp JTFCT to include environmental and social baseline conditions in the base map and thematic mappings | Base Map Thematic Maps (showing hazard areas; flood-prone areas; areas susceptible to landslide/erosion, protected | PO with the assistance of Camp JTFCT and CPST |

| MTF-RDP/2 Steps | Safeguards–Related Activities | Safeguards Document Output | Responsible Persons* |
|--|--|---|--|
| | | zones/environmentally critical areas) | |
| | Filling up of ESSC for each of the top 3 priority SP; Ensure proposed project is not in the negative list | ESSC (Table A2-1) for the priority proposed SPs | |
| Step 3: Sub-project Proposal Preparation and Approval | Finalize the ESSC of the SP selected | Final ESSC for selected SP | PO with the assistance of Camp JTFCT and CPST; BLGU (as signatory to the SP Proposal |
| | Complete the environmental and social management plan (ESMP) | ESMP (Table A3) | |
| | Secure all necessary Environmental and Social Safeguards documents that will be attached to the SP Proposal (Land donation documentations; IP process documentations; listing of possible environmental permits) | Documentary attachments to the Sub-project proposals | |
| | Review and appraise the ESMP as part of the Subproject Proposal Package; Conduct quality review & recommend approval | Complete Sub-Project Package | CPST & Camp JTFCT, CMO, CFSI |
| Step 4: Sub-project Procurement | Contractor Orientations on the Environmental and Social Safeguards adopted by the MTF-RDP/2 | Contractor signed commitment to observe the ESS of MTF-RDP/2 | Camp JTFCT and CPST |
| Step 5: Sub-project Implementation and Turn-Over | Implement and monitor commitments in the ESMPs and conduct compliance monitoring | Same Approved ESMP filled up by the PO in Step 3 Compliance Monitoring of ESMP during construction | PO with the assistance of CPST/Camp JTFCT TFCT and CPST-Rural Infrastructure Engineer |
| | Monitor compliance of all subprojects to safeguards requirements | | CPST & CMO, Camp JTFCT, CFSI |

*All steps are guided by the CFSI Project Team

V. Institutional Arrangement for Safeguards Compliance

CFSI is the main institution in-charge on implementing the environmental and social safeguards of MTF-RDP/2. To help ensure that these safeguards are properly observed across sub-projects throughout the MTF-RDP/2 processes, BDA, as project implementer, will be given the responsibility to ensure that these are strictly adhered too in our target communities.

The sub-project compliance with environmental and social safeguards is the primary responsibility of the PO and Camp JTFCT in their communities and camps, respectively. Adequate orientation and coaching must be provided by the CMO through the CPST to the POs and Camp JTFCT on the significance of safeguards to subproject implementation and sustainability as part of their capacity-building activities.

The CMO/CPST must conduct quality review of ESMPs. Once the community nominates a possible subproject, the PO, Camp JTFCT, and CPST will use the ESSC to flag potential safeguards issues. Where applicable, the appropriate mitigation measures will be proposed. The documentation will form part of the subproject proposal package submitted to the CMO and CFSI for review and approval.

Table 3 defines the roles and responsibility of the various stakeholders in ensuring that subprojects comply with all the environmental and social requirements.

Table 3. Safeguards Responsibility

| Stakeholders | Responsibilities | Duration |
|--|--|---|
| PO and Camp Camp JTFCT | <ul style="list-style-type: none"> Fill out ESSC Develop the ESMP | 1 day (Half-day for ESSC; Half-day for ESMP) |
| CPST | <ul style="list-style-type: none"> Assist the PO and Camp JTFCT to fill out ESSC Assist the PO and Camp JTFCT to develop the ESMP | |
| CPST Rural Infrastructure Engineer | <ul style="list-style-type: none"> Quality Review Appraisal of ESMP | Half-day review and appraisal, including transmittal to CMO |
| CMO | <ul style="list-style-type: none"> Recommending Approval of ESMP Monitor CPST Safeguard Compliance Supervision and coaching/training of CPST safeguards focal persons | Monitoring: 3 times during construction; and 1 visit after project completion (but prior to project acceptance) |
| Camp JTFCT's, CPST-RIE, CFSI | <ul style="list-style-type: none"> ESMP compliance monitoring during construction and after project | Minimum Requirements: For CPST and Camp |

| Stakeholders | Responsibilities | Duration |
|--------------|--|--|
| | completion, and recommend/suggest possible enhancements to the ESMP based on actual monitoring results. | JTFCT): monthly until project completion and acceptance For CFSI: 2 visits during construction (start and middle); and 1 after completion |
| CFSI | <ul style="list-style-type: none"> Ensure that mitigating measures stated in the ESMPs are sufficient to address the potential risks or negative impacts that the sub-project may bring Approval of ESMP | Reviewing – 1 day Monitoring and Ensuring that safety measures are in place: Through out the project implementation. |

VI. Grievance and Redress System

The Grievance and Redress System (GRS) that CFSI and BDA has developed intends to provide community residents with an avenue to express their grievances and seek resolution on whatever complaints, problems, and issues affecting subproject implementation including environmental and social safeguards issues they have at the *barangay*, municipal, and Project level.

CPST shall disseminate information to community stakeholders through forums and distribution of leaflets or flyers or tarps/posters along community gathering places and other strategic areas. It shall see to it that the concerns of aggrieved parties are attended to by proper authorities.

Basic Info for GRS Reporting:

CFSI:

CFSI Headquarters

Address: 2/F Torres Building, 2442 Park Avenue Pasay City

Contact Number: 0917-534-CFSI (0917-534-2374)

Email address: headquarters@cfsi.ph

Website: www.cfsi.ph

BDA:

Bangsamoro Development Agency (BDA)

Address: (Insert Add)

Contact Number: (064) 552-0131/0917-315-4438

Email address: bmdc11@gmail.com or bda.grs@gmail.com,

Website: www.bangsamorodevelopment.org

A leveled approach on complains and grievances received will be developed and adopted under the MTF-RDP/2. (Note: This is not sequential.)

- a. Level 1 – Camp Level settlement, or IP level settlement, of the complaint and grievance received, within 5 working days from receipt. CPST in close coordination with Camp JTFCT

to be the main party to conduct the investigations and provide response to the complain/grievance.

- b. Level 2 – BDA Level settlement of the complaint and or grievance received. Complaints reaching this level are: 1) complaints that were not satisfactorily settled in Level 1; 2) the party involved in the complaint is in Level 1.; and/or 3) Complaint received is a project level complaint (above the sub-project level). Complaints must be addressed within 10 working days from the receipt of the complaint of appeal.
- c. Level 3 – Project Board Level of Complaint/Grievance Settlement. Issues/Complaints received that cannot be satisfactorily addressed at the CFSI/BDA Levels. Complaints must be addressed within 10 working days from the receipt of the complaint of appeal.
- d. Level 4 – CFSI Level settlement of the complain and grievance received. Complaints reaching this level area: 1) those not satisfactorily settled in Level 1 and 2; 2) the party involved is in Level 1 & 2; and 3) Complaint/grievance submitted is project level complaint that cannot be addressed in Level 2. Complaints must be addressed within 10 working days from the receipt of the complaint of appeal.

Safeguards related types of grievances and resolutions may include issues such as: (a) exclusion based on ethnicity or gender from decision making regarding project activities or as beneficiaries, (b) involuntary land acquisition without adequate consultation and compensation measures, where appropriate, (c) non-implementation of agreed mitigating measures during constructions, and other similar complaints.

All complaints and grievances and their resolutions relating to the sub-project, to ensure that the complaints are properly dealt with in a timely manner will be recorded and reported as part of the regular sub-project progress reports.

VII. Safeguards Implementation and Compliance Monitoring

BDA and the CFSI shall ensure proper monitoring and evaluation of compliance with the ESMPs. This shall include capture of environmental and social safeguards data integrated into the M&E systems at CPST level, including monitoring arrangements to track compliance with safeguards policies, preparation of safeguards instruments, and implementation of safeguards activities in all stages of the subproject development.

The CPST/CMO shall likewise conduct supervision and in-house monitoring of implementation of safeguards instruments.

The ESMP templates contain the portion for the monitoring of safeguards compliance consistent with the mitigating measures committed prior to project implementation. At the minimum, there will be two monitoring periods, during sub-project construction and after completion, which will coincide with the submission of SP implementation reports to the CPST.

Environmental and social safeguards technical assistance and/or training will be provided to CFSI and BDA CMO by the World Bank, who will in turn train the CPST and Camp JTFCTs to help them familiarize and guide the POs, community workers and/or service providers in the planning, design and construction and post-construction activities of the small-scale socio-econ infrastructure projects.

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Part C

ANNEXES AND FORMS

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Annex 1: List of Negative Sub-Projects*

Negative List of Prohibited Subproject Investments

1. Purchase of Weapons
2. Purchase of Chainsaws and explosives;
3. Financing of sawmills
4. Purchase of pesticides, insecticides, herbicides, asbestos and other potentially and dangerous materials and equipment;
5. Purchase of motorized fishing boats and equipment/materials related to dynamite fishing;
6. Road rehabilitation or construction into protected areas;
7. Use of funds to purchase or compensation of land;
8. Use of mangrove or coral reefs as building materials;
9. Projects requiring resettlement (displacement of people)
10. Consumption items or events;
11. Financing activities that have an alternative prior source of committed funding;
12. Purchase or repair of vehicles;
13. Financing of recurrent government expenditures (e.g. salaries for government and LGU staff)
14. Construction or repair and buying of equipment for government offices and places of worship;
15. Financing of political activities;
16. Salaried activities that employ children under 16 years;
17. Financing activities that unfairly exploit women or men at any age;
18. Financing international travel

**Taken from the MTF-RDP, Operational Manual.*

Annex 2: Environmental and Social Screening Checklist Forms

General Instruction:

The PO shall fill out this form with the assistance of the CPST. The filled out form shall be used as one of the decision-making tools in evaluating the feasibility of a proposed subproject. Please take note of the instructions listed in the last column. This will guide the PO in developing the ESMP.

| Table A2-1. Environmental and Social Screening Checklist | | | | | | | |
|--|--------------|----|--------------|----|--------------|----|--|
| Type of Impact | Subproject 1 | | Subproject 2 | | Subproject 3 | | Specific Instructions for the Selected Subproject |
| | Yes | No | Yes | No | Yes | No | |
| 1.0 Environmental Assessment | | | | | | | |
| 1.1 Is there potential significant environmental impact (i.e., topsoil removal, erosion, siltation, vegetation loss, or reclamation, etc.)? | | | | | | | If yes, then identify the potential impact and provide specific mitigating measures in the ESMP. |
| 1.2 Will the project have impact on the water quality of the nearby water body or water source? | | | | | | | |
| 1.3 Will the project's implementation generate air pollution and other hazardous waste? | | | | | | | |
| 1.4 Will the project be situated in critically protected area/watersheds? | | | | | | | If yes, secure necessary clearance from concerned agencies. |
| 1.5 Is the project located in high-risk/geo-hazard area? Are there signs or indications that the area is susceptible to landslides, flooding or erosion? | | | | | | | Validate the risk or hazard associated based on the data from Base Map/Thematic Maps & LGU. |
| 1.6 Will the project's implementation involve or promote the use or increase the use of pesticides/herbicides? | | | | | | | If yes, then coordinate with the Muni. Agri. Office & advocate integrated pest management to |

Annex 2: Environmental and Social Screening Checklist Forms

| Table A2-1. Environmental and Social Screening Checklist | | | | | | | |
|--|----------------|----|----------------|----|----------------|----|---|
| Type of Impact | Subproject 1 | | Subproject 2 | | Subproject 3 | | Specific Instructions for the Selected Subproject |
| | Yes | No | Yes | No | Yes | No | |
| | | | | | | | PO |
| 1.7 Will there be cultural property/archaeological site affected by the project? | | | | | | | If yes, consult tribal leaders, elders, or appropriate agencies. |
| Comments (Indicate other potential environmental impacts or issues), if any: | | | | | | | |
| 2.0 Involuntary Resettlement | | | | | | | |
| 2.1 Will the subproject require land? | | | | | | | |
| If yes, indicate how much land in sq.m.? | m ² | | m ² | | m ² | | |
| 2.2 How will the land be acquired? | | | | | | | |
| a. Donation? | | | | | | | If yes, please fill up Annex Table A2-2 and Table A2-3 for the selected subproject. |
| b. Long-term lease? | | | | | | | |
| c. Willing seller / willing buyer? | | | | | | | |
| d. Available government land? | | | | | | | |
| e. Involuntary acquisition? | | | | | | | |

Annex 2: Environmental and Social Screening Checklist Forms

| Table A2-1. Environmental and Social Screening Checklist | | | | | | | |
|--|--------------|----|--------------|----|--------------|----|---|
| Type of Impact | Subproject 1 | | Subproject 2 | | Subproject 3 | | Specific Instructions for the Selected Subproject |
| | Yes | No | Yes | No | Yes | No | |
| 2.3 Will there be losses of shelter? | | | | | | | If yes, please provide mitigating measures in the ESMP. |
| If yes, how many households will be affected? | HH | | HH | | HH | | |
| 2.4 Will there be losses of income sources and /or other assets? | | | | | | | |
| 2.5 Will the losses of income sources and/or assets cause resettlement? | | | | | | | |
| Comments (Indicate other potential Involuntary Resettlement issues), if any: | | | | | | | |
| 3.0 Indigenous People | | | | | | | |
| 3.1 Are there indigenous peoples in the <i>Barangay</i> ? | | | | | | | Countercheck with TM on ethnicity. Countercheck with OSCC/NCIP data |
| If yes, how many are they in relation to total barangay population (proportion)? | | | | | | | |
| If yes, are they among the project beneficiaries? | | | | | | | |
| 3.2 Was the principle of Free, Prior and Informed Consent (FPIC) observed? | | | | | | | Ensure consultation with IP community is conducted during the Social Preparation Stage in coordination with OSCC/NCIP Check Activity Report on |

Annex 2: Environmental and Social Screening Checklist Forms

| Table A2-1. Environmental and Social Screening Checklist | | | | | | | |
|--|--------------|----|--------------|----|--------------|----|---|
| Type of Impact | Subproject 1 | | Subproject 2 | | Subproject 3 | | Specific Instructions for the Selected Subproject |
| | Yes | No | Yes | No | Yes | No | |
| | | | | | | | Barangay-wide Orientation. |
| 3.3 Will they be negatively impacted? | | | | | | | If yes, please provide mitigating measures in the ESMP. |
| Comments (Indicate other potential IP issues), if any: | | | | | | | |

Prepared by (PO Chairperson): _____
 Date: _____

Reviewed by (CPST Rep.): _____
 Date: _____

Noted by: (Camp JTFCT Rep): _____
 Date: _____

Annex 2: Environmental and Social Screening Checklist Forms

Table A2-2: Land Acquisition Assessment

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

| Name of Owner/ Occupant | Type of Land | Land Area (ha) | Other Assets | Estimated Value (PhP) | How Acquired? | | Date of Planned Acquisition |
|----------------------------|--------------|----------------|--------------|-----------------------|------------------|-------------------|-----------------------------|
| | | | | | Whether Donation | Whether Purchased | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Is the land or house site used by someone else other than the owner?

| Name | Tenant | Informal Settler |
|------|--------|------------------|
| | | |
| | | |
| | | |

How will land/structures/other assets be acquired (check one):

- **Donation:** _____
- **Purchase** (willing seller-willing buyer): _____
- **Community / LGU Acquisition** (willing seller-willing buyer and/or accepting compensation to replace or repair asset): _____

Transfer of title:

- Ensure these lands/structures/other assets are free from claims or encumbrances.
- Written proof must be obtained (notarized or witnessed statements) of the voluntary donation, or acceptance of the prices paid, from those affected, together with proof of title being vested in the community, or guarantee of public access, by the title-holder.

Inform those donating or selling land/assets about the grievance mechanisms available.

Prepared by (PO Chairperson):

Reviewed by (CPST Rep)

Name and Signature/Date

Name and Signature/Date

Noted by (Camp JTFCT Rep):

Name and Signature/Date

Annex 2: Environmental and Social Screening Checklist Forms

Table A2-3: Documentation of Transfer of Assets

The following agreement has been made on (date) _____ between the parties below:

1. That the Owner holds the transferable right of the asset described in the table below.
2. That the Owner testifies that the asset described in the table below is free of informal settlers or encroachers and not subject to other claims.
3. That the Owner agrees to transfer to the PO this asset for the construction and development of (name of sub-project) _____ for the benefit of the community and the public at large.

| Type of Asset Transferred to the Community | Description of Asset | Agreed Compensation in Case of Sale (not charged to the project) |
|--|--|--|
| Residential or Agricultural land | Area in hectares (ha): | |
| House/structure to be demolished | Type and Area in square meters (m ²) | |
| Trees or crops affected | | |
| Other asset | | |

(Either, in case of donation)

4. That the Owner will not claim any compensation against the community development assistance fund of this asset.

(Or, in case of compensation)

5. That the Owner has received compensation against the transfer of this asset as per the table above.
6. That the Recipient shall construct and develop the.....and take all possible precautions to avoid damage to adjacent land/structure/other assets.
7. That both the parties agree that the.....so constructed/developed shall be public premises.
8. That the provisions of this agreement will come into force from the date of signing of this deed.

| |
|--------------------------------------|
| Name & Signature of Owner: |
| |
| Name & Signature of Punong Barangay: |
| |
| Name & Signature of Camp JTFCT: |

| |
|-------------------------------------|
| Name & Signature of PO Chairperson: |
| |
| Name & Signature of PO Treasurer: |
| |
| Name & Signature of CPST Rep.: |

Annex 2: Environmental and Social Screening Checklist Forms

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ANNEX 3: ESMP Templates

Table A3-1: Environmental and Social Management Plan (ESMP) for Access Path or Tracks

Name of the Subproject/PO/Location: _____

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| A. Environmental Assessment | | | | | |
| Will the sub-project potentially trigger landslides during and after construction? | | | | | |
| Will the sub-project contribute to air and noise pollution during construction period? | | | | | |
| Will there be pollution from associated activities like preparation of asphalt, crushing of aggregate, concrete mixing, etc.? | | | | | |
| Will there be increase in soil erosion downstream of channels being crossed by the project? | | | | | |
| Will there be disruption of aquatic ecosystem during construction due to excessive sediment, discharge of waste concrete or accidental spillage of oil and grease to nearby water bodies? | | | | | |
| Will there be risks of accidents due to construction activities? | | | | | |

ANNEX 3: ESMP Templates

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|--|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Will there be risk of accidents due to increased and faster traffic brought about by the sub-project? | | | | | |
| Will there be damage to cultural/archaeological sites/properties? | | | | | |
| Will there be uncontrolled increase and improper location of micro economic activities? | | | | | |
| Is the design sensitive to gender needs, age and disability? | | | | | |
| Will there be negative reaction of general public due to poor information about the sub-project? | | | | | |
| Involuntary Resettlement | | | | | |
| Is there a need to acquire land for the sub-project? | | | | | |
| Will there be losses of homes, other assets or land due to the sub-project? | | | | | |
| Indigenous People | | | | | |
| Will IPs be impacted? (e.g. effect of the sub-project on food gathering and other domestic work during construction and operation of the sub-project; entry of migrants/lowland settlers in IP areas during construction and operation of the sub-project) | | | | | |

ANNEX 3: ESMP Templates

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Others (please specify other impacts on environment, people and IP) | | | | | |

Project Preparation Phase:

Prepared by (PO Rep): _____
 Name/Position & Signature)

Date Accomplished: _____

Noted by (Camp JTFCT):

 Name/Position & Signature)

Date Accomplished: _____

Project Implementation Phase:

Project Construction Phase (PO and Camp JTFCT):

Date: _____

Monitored by: _____
 (Name/Position & Signature)

 (Name/Position & Signature)

Noted by (CPST Rep): _____

Date: _____ (Name/Position & Signature)

ANNEX 3: ESMP Templates

Project Completion Phase (PO and Camp JTFCT): Monitored by: _____
Date: _____ (Name/Position & Signature) (Name/Position & Signature)

Noted by (CPST Rep): _____
Date: _____ (Name/Position & Signature)

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Table A3-2: Environmental and Social Management Plan (ESMP) for Buildings (School, Market Shed, Solar Drier, Warehouse, etc.)

Name of the Subproject/PO/Location: _____

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|--|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Environmental Assessment | | | | | |
| Will there be potential landslides during and after construction? | | | | | |
| Will there be pollution during construction activities (i.e., solid wastes, human wastes)? | | | | | |
| Will there be removal of vegetation or will there be potential loss of flora and fauna? | | | | | |
| Will there be potential risk for spread of water-borne diseases due to improper siting of construction equipment and facilities? | | | | | |
| Will there be potential increase in dust generation during construction? | | | | | |
| Will there be increase in noise due to construction activities? | | | | | |
| Will there be potential public and private property damage due to structural damage caused by substandard materials, nonconformance to sub-project design? | | | | | |

ANNEX 3: ESMP Templates

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Will there be potential damage to sub-project due to wrong siting (prone to landslides, floods, volcanic eruptions etc.)? | | | | | |
| Will there be risks of accidents involving construction materials, pollution of watercourses and agricultural lands? | | | | | |
| Will there be damage to cultural/archaeological sites/properties or alteration or loss of natural resource like caves, water bodies, and landmarks? | | | | | |
| Is the design sensitive to gender needs, age and disability? | | | | | |
| Will there be negative reaction of general public due to poor information about the sub-project? | | | | | |
| Involuntary Resettlement | | | | | |
| Is there a need to acquire land for the sub-project? | | | | | |
| Will there be losses of homes, other assets or land due to the sub-project? | | | | | |
| Indigenous People | | | | | |

ANNEX 3: ESMP Templates

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Will IPs be impacted? (e.g., effect of the sub-project on food gathering and other domestic work during construction and operation of the sub-project; entry of migrants/lowland settlers in IP areas during construction and operation of the sub-project) | | | | | |
| Others (please specify other impacts on environment, people and IP) | | | | | |

Project Preparation Phase:

Prepared by: _____
 Name/Position & Signature)

Date Accomplished: _____

Project Implementation Phase:

Project Construction Phase (PO and Camp JTFCT): Monitored by: _____

ANNEX 3: ESMP Templates

Date: _____

(Name/Position & Signature)

(Name/Position & Signature)

Noted by (CPST Rep): _____

Date: _____ (Name/Position & Signature)

Project Completion Phase (PO and Camp JTFCT): Monitored by: _____

Date: _____

(Name/Position & Signature)

(Name/Position & Signature)

Noted by (CPST Rep): _____

Date: _____ (Name/Position & Signature)

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ANNEX 3: ESMP Templates

Table A3-3: Environmental and Social Management Plan (ESMP) for Drinking Water Supply (Community ponds, open wells, piped supply or gravity schemes, including Level I, II and III WSP)

Name of the Subproject/PO/Location: _____

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|--|------------------|
| | Yes | No | | During Construction | After Completion |
| Environmental Assessment | | | | | |
| Will there be submergence of areas due to water impoundment? | | | | | |
| Will there be safety hazards during construction? | | | | | |
| Will there be increase in solid wastes during sub-project construction? | | | | | |
| Will there be potential for increased breeding of mosquito in case of inadequate drainage near water abstraction point / locations? | | | | | |
| Will there be pollution of the impounded water from leaves, dust and other nuisance due to open surface? | | | | | |
| Will there be unnoticed contamination of the water source or impoundment by wastes during operation? | | | | | |
| Will there be obstruction of natural flow of water when the source of water is developed? | | | | | |
| Will there be uncontrolled increase of micro economic activities in the area? | | | | | |

ANNEX 3: ESMP Templates

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Will there be negative impact to household from construction works and inconvenience in the use of river downstream for domestic work? | | | | | |
| Is the design gender, age and ability sensitive? | | | | | |
| Will the sub-project benefit shared by all community members? | | | | | |
| Will there be damage to cultural/archaeological sites/properties or alteration or loss of natural resource like caves, water bodies, and landmarks? | | | | | |
| Will there be negative reaction of general public due to poor information about the sub-project? | | | | | |
| Involuntary Resettlement | | | | | |
| Is there a need to acquire land for the sub-project? | | | | | |
| Will there be losses of homes, other assets or land due to the sub-project? | | | | | |
| Indigenous People | | | | | |
| Will IPs be impacted? (e.g., effect of the sub-project on food gathering and other domestic work during construction and operation of the sub-project; entry of migrants/lowland settlers in IP areas during construction and operation of the sub-project; inconvenience in the use of river downstream for domestic work?) | | | | | |

ANNEX 3: ESMP Templates

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Others (please specify other impacts on environment, people and IP) | | | | | |

Project Preparation Phase:

Prepared by: _____ (Name/Position & Signature)

Noted by (Camp JTFCT): _____ (Name/Position & Signature)

Date Accomplished: _____ Date Accomplished: _____

Project Implementation Phase:

Project Construction Phase (PO and Camp JTFCT): Monitored by: _____ (Name/Position & Signature) _____ (Name/Position & Signature)

Date: _____

Noted by (CPST Rep): _____ (Name/Position & Signature)

Date: _____

ANNEX 3: ESMP Templates

Project Completion Phase (PO and Camp JTFCT): Monitored by: _____
Date: _____ (Name/Position & Signature) (Name/Position & Signature)

Noted by (CPST Rep): _____
Date: _____ (Name/Position & Signature)

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ANNEX 3: ESMP Templates

Table A3-4: Environmental and Social Management Plan (ESMP) for Pier/Port Development

Name of the Subproject/PO/Location: _____

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|--|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Environmental Assessment | | | | | |
| Will there be localized clearing of vegetation and disturbance of marine life? | | | | | |
| Will there be safety hazards during construction? | | | | | |
| Will there be increase in solid waste generation during construction (i.e., due to improper disposal of material)? | | | | | |
| Will there be potential oil and grease contamination/oil spill from sea boats or motorized <i>bancas</i> ? | | | | | |
| Will there be obstruction of natural flow of water due to the construction of the pier? | | | | | |
| Will there be an increase in solid waste both on land and as floating debris? | | | | | |
| Will there be uncontrolled increase of micro economic activities in the area? | | | | | |
| Is the sub-project design gender, age and ability sensitive? | | | | | |
| Will there be loss of livelihood due to limited access of area for fishing? | | | | | |

ANNEX 3: ESMP Templates

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Will there be damage to cultural/archaeological sites/properties or alteration or loss of natural resource like caves, water bodies, and landmarks? | | | | | |
| Will there be negative reaction of general public due to poor information about the sub-project? | | | | | |
| Involuntary Resettlement | | | | | |
| Is there a need to acquire land for the sub-project? | | | | | |
| Will there be losses of homes, other assets or land due to the sub-project? | | | | | |
| Indigenous People | | | | | |
| Will IPs be impacted? (e.g., effect of the sub-project on food gathering and other domestic work during construction and operation of the sub-project; entry of migrants/lowland settlers in IP areas during construction and operation of the sub-project) | | | | | |
| Others (please specify other impacts on environment, people and IP) | | | | | |

ANNEX 3: ESMP Templates

Project Preparation Phase:

Prepared by: _____
(Name/Position & Signature)

Date Accomplished: _____

Project Implementation Phase:

Project Construction Phase (PO and Camp JTFCT): Monitored by: _____
Date: _____ (Name/Position & Signature) (Name/Position & Signature)

Noted by (CPST Rep): _____
Date: _____ (Name/Position & Signature)

Project Completion Phase (PO and Camp JTFCT): Monitored by: _____
Date: _____ (Name/Position & Signature) (Name/Position & Signature)

Noted by (CPST Rep): _____
Date: _____ (Name/Position & Signature)

ANNEX 3: ESMP Templates

Table A3-5: Environmental and Social Management Plan (ESMP) for Irrigation/Watershed Management Structures (rehabilitation/construction of water retaining structures, new drains including erosion protection)

Name of the Subproject/PO/Location: _____

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Environmental Assessment | | | | | |
| Will there be reduced downstream water availability in the surrounding area? | | | | | |
| Will there be flood regime change due to the sub-project? | | | | | |
| Will there be water logging (or unnecessary impoundment)? | | | | | |
| Will there be potential increase of use in pesticide? | | | | | |
| Will there be introduction of more nutrients in soil due to increase use of fertilizers? | | | | | |
| Will there be increase in salinity in the water due to the water retention? | | | | | |
| Will there be loss of livelihood due to loss of agricultural land? | | | | | |
| Will there be potential pollution from disposal of sediment accumulated in channels/structures? | | | | | |
| Will there be sedimentation in the channel or canals or in the area where water is impounded? | | | | | |

ANNEX 3: ESMP Templates

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Is there a potential increase in the incidence of diseases such as dengue, malaria, etc. due to the impoundment of water? | | | | | |
| Will there be natural obstruction of natural flow of water? | | | | | |
| Will there be damage to cultural/archaeological sites/properties or alteration or loss of natural resource like caves, water bodies, and landmarks? | | | | | |
| Will there be negative reaction of general public due to poor information about the sub-project? | | | | | |
| Involuntary Resettlement | | | | | |
| Is there a need to acquire land for the sub-project? | | | | | |
| Will there be losses of homes, other assets or land due to the sub-project? | | | | | |
| Indigenous People | | | | | |
| Will IPs be impacted? (e.g., effect of the sub-project on food gathering and other domestic work during construction and operation of the sub-project; entry of migrants/lowland settlers in IP areas during construction and operation of the sub-project) | | | | | |

ANNEX 3: ESMP Templates

| Potential Impacts | Significant Impact Assessment | | If significant impact is YES, Please indicate proposed mitigating measures | Compliance Monitoring (To be filled out only during sub-project implementation) | |
|---|-------------------------------|----|--|---|------------------|
| | Yes | No | | During Construction | After Completion |
| Others (please specify other impacts on environment, people and IP) | | | | | |

Project Preparation Phase:

Prepared by: _____
(Name/Position & Signature)

Date Accomplished: _____

Noted by (Camp JTFCT):

(Name/Position & Signature)

Date Accomplished: _____

Project Implementation Phase:

Project Construction Phase (PO and Camp JTFCT):

Date: _____

Monitored by: _____

(Name/Position & Signature)

(Name/Position & Signature)

Noted by (CPST Rep): _____

Date: _____ (Name/Position & Signature)

ANNEX 3: ESMP Templates

Project Completion Phase (PO and Camp JTFCT): Monitored by: _____
Date: _____ (Name/Position & Signature) (Name/Position & Signature)

Noted by (CPST Rep): _____
Date: _____ (Name/Position & Signature)

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ANNEX 4: VLD Protocols for MTF-RDP/2

Annex 4: Voluntary Land Donation Protocol for MTF-RDP Phase 2

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

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

1. *Determine and document that Voluntary Land Donation (VLD) is appropriate in the circumstances of the project.*

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

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

2. *Verify the requirements to transfer, and formalise the transfer of, the land*

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

3. *Conduct due diligence on who owns and uses the land*

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

- The owner or owners of the land;

ANNEX 4: VLD Protocols for MTF-RDP/2

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

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

4. *Disclosure and Consultation*

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

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

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

5. *Establishing Informed Consent*

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

- What the land is going to be used for, by whom and for how long;
- That they will be deprived of the ownership or right to use the land, and what this really means;
- That they have a right to refuse to donate the land;
- Whether there are alternatives to using this land;

ANNEX 4: VLD Protocols for MTF-RDP/2

- What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
- The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.

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

6. Documentation

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

The project team should:

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

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

ANNEX 4: VLD Protocols for MTF-RDP/2

- The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
- Records of the consultations that were held and what was discussed;
- A copy of the due diligence that was conducted;
- Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
- Copies of all documents, registrations or records evidencing the legal transfer of the land;
- A map, showing each parcel of land.

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

7. *Grievance Arrangements*

The project specifies means by which donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised. The grievance process includes participation of reviewers not directly affiliated with the project implementing agency. Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process. Alternatively, grievances may be referred to grievance mechanisms established for project purposes. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

ANNEX 4: VLD Protocols for MTF-RDP/2

1.1 VLD PROTOCOL CHECKLIST

1. The checklist should be used by TT to check the completeness of the VLD Protocol.
2. A complete VLD Protocol will have the following minimum contents:

| Contents of the VLD Protocol | Yes | No | Remarks |
|---|------------|-----------|----------------|
| ✓ Clear justification provided on the appropriateness of VLD in the project context | | | |
| ✓ Explanation of the requirements of the donation and the formalization of the donation | | | |
| ✓ Clear and detailed due diligence on the owners and users of land donated | | | |
| ✓ Clear and detailed consultation and disclosure arrangements | | | |
| ✓ Steps taken to establish informed consent of the person donating the land explained in detail | | | |
| ✓ Details on documentation of the legal transfer of land donated provided | | | |
| ✓ Detailed and appropriate grievance redress mechanism established | | | |