



Community and Family Services International (CFSI)

Mindanao Trust Fund Reconstruction and Development Project Phase III Project ID: P174480

Environmental and Social Management Framework (ESMF)

06 November 2020

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ABBREVIATIONS AND ACRONYMS

BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BDA	Bangsamoro Development Agency
CDD	Community-Driven Development
CFSI	Community and Family Services International
CMO	Central Management Office
CO	Community Organizer
CPST	Camps Project Support Team
DENR	Department of Environment and Natural Resources
ESMF	Environmental and Social Management Framework
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
IP	Indigenous People
IR	Involuntary Resettlement
JTFCT	Joint Task Forces on Camps Transformation
LGU	Local Government Units
MILF	Moro Islamic Liberation Front
MTF-RDP	Mindanao Trust Fund-Reconstruction & Development Project
M&E	Monitoring and Evaluation
PMT	Project Management Team
PO	People's Organization
PPA	Program Partnership Agreement
RIE	Regional Infrastructure Engineer
SP	Subproject
TFR	Trust Fund Recipient
WB	World Bank

Preface

This Environmental and Social Management Framework (ESMF) has been prepared to guide the development of sub-projects and other project related activities that will be identified by the selected communities during project implementation, and will be funded under the Mindanao Trust Fund - Reconstruction and Development Project Phase III (RDP/3). This ESMF will ensure that impacts of specific sub-projects and/or activities, prepared and will be implemented under RDP/3, are assessed and mitigating measures will be implemented following the relevant Philippine environmental and social laws and the World Bank's Environmental and Social Standards (ESS) policies identified for RDP/3 under the World Bank's Environmental and Social Framework (ESF).

This ESMF lays down the general parameters and guidelines on safeguards for the MTF-RDP/3. It is designed to guide sub-project implementers, and the community-proponents to comply with the project's environmental and social safeguards requirements.

The importance of safeguards and where these are applicable in the project preparation steps are presented in this document. The roles and responsibilities of the various stakeholders in the development, implementation and monitoring of the environmental and social management plans are also discussed.

With the enhancement of the World Bank's Environmental and Social Framework (ESF) requirements, some provisions of MTF-RDP/3's environmental and social safeguards will be embedded in Project Partnership Agreements and Work Contracts with Contractors and/or Third Party Service Providers (TPSP) to ensure compliance and to minimize any adverse effects of the project.

This document is divided into three parts:

- a. **Introduction to the Project.** This part details the context of the MTF-RDP/3, its objectives and the component structure. This section also discusses the scope of the program and the area covered.
- b. **Safeguard Policies and Procedures.** This section enumerates the major policies of the Philippines and the World Bank on environmental and social standards. 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 Environmental and Social Safeguards Framework (ESSF) during the initial phases of the MTF-RDP.
- c. **Annexes and Forms.** This section presents the templates for the Environmental and Social Safeguards Checklist (ESSC), the Environmental and Social Management Plan (ESMP) and other forms that will be used during preparation, appraisal, implementation and monitoring of the various subprojects in relation to safeguards. These forms were updated to consider the adjustment in the ESS policies of the project, the current pandemic, and the new project partners.

Part A

INTRODUCTION

Mindanao Trust Fund - Reconstruction and Development Project Phase III (MTF-RDP/3) Environmental and Social Management Framework

I. Introduction

The Mindanao Trust Fund – Reconstruction and Development Project Phase Three (MTF-RDP/3) will be implemented for five (5) months, from November 2020 through March 2021. The RDP/3 is expected to improve the socio-economic situation of communities affected by armed conflict, reduce risks and improve resilience associated with the COVID-19 crisis, help build social cohesion as well as confidence in the peace process, and establish links with government entities at various levels, including select ministries, thereby better ensuring the sustainability of project outcomes. RDP/3 will pursue a highly-participatory, inclusive, Community Driven Development (CDD) approach, promote the participation and empowerment of women, and of Indigenous Peoples.

The operational context for RDP/3 is the Framework Agreement on the Bangsamoro (FAB), Annex on Normalization, Comprehensive Agreement on the Bangsamoro, and Republic Act No. 11054 or the Bangsamoro Organic Law (BOL), signed in 27 July 2018, and ratified via plebiscite conducted on 21 January 2019 and 06 February 2019 across the former ARMM provinces and communities in North Cotabato. The results of the plebiscites ushered a new political entity -- Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), which will be led by the appointed Bangsamoro Transition Authority (BTA) until elections are held in 2022.

The Social Justice section of the BOL states: “The BARMM Government shall provide, maintain, and ensure the delivery of basic and responsive health programmes, quality education, appropriate services, livelihood opportunities, affordable and progressive housing projects, power and electricity, and water supply, among others, to the Bangsamoro people and other inhabitants of the Bangsamoro Autonomous Region.” In addition, it is expected to be prepared for disasters, able to provide immediate and effective relief, and “...ensure the rehabilitation of calamity-affected areas and victims of calamities.” To help meet these expectations, the BARMM Government has both requested and welcomed the assistance of both Development Partners and Humanitarian Partners. The RDP/3 is a response to this call.

The RDP/3 will build on the gains of RDP/2, scheduled to be completed in December 2020. Simultaneous implementation will allow for fast-tracking of certain processes like recruitment and third-party contracting, as well as synergies between the two projects, resulting in greater impact as well as value for money. Informed by the Sustainable Development Goals (SDG) of the Philippines and the priorities and the recently approved Bangsamoro Regional Development Plan 2020-2022, RDP/3 will seek to foster participatory governance mainstreaming through purposeful engagement with several line ministries of the transition government. To help save lives, prevent suffering, and mitigate the health system and socio-economic impact of the COVID-19 crisis, RDP/3 will be carried out in accordance with public health guidelines specific to this pandemic, as well as best practices in the prevention and management of infectious diseases.

II. Project Background

A. Project Development Objective

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 development objective of the MTF-RDP/3 is to enable identified communities in the conflict-affected area of Mindanao to access socio-economic opportunities as well as basic services and engage select ministries of the BARMM in participatory governance mechanisms.

B. Project Description

The RDP/3 will support activities organized under three components: (1) community development assistance, (2) institutional capacity and partnership building for mainstreaming, and (3) project administration, monitoring, and evaluation.

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. This component includes three categories of sub-projects: Community Sub-Project (CSP), Health Sub-Projects (HSP), and Skills Sub-Projects (SSP). As mentioned earlier, this component will utilize the CDD approach and as such is expected to finance a wide range of small community infrastructure sub-projects.

Community Sub-Projects (CSPs), which are largely socio-economic in nature, are expected to increase income; improve travel times; provide safe drinking water and reduced vulnerability to economic shocks. The economic benefits will result to larger and better quality crop yields, diversified agricultural products, and/or more fish and processed fish products. These outcomes may be achieved through a range of assistance available which might include, for example, the construction of socio-economic infrastructure (SEI), such as water systems, access roads, and post-harvest facilities, combined with equipment, training, and/or other forms of technical assistance related to enhanced production, such as seeds and planting techniques for higher yield crops from the BARMM Ministry of Agriculture, Fisheries, and Agrarian Reform (MAFAR). The dual aim from such an assistance package would be to ensure new socio-economic infrastructures, designed to be both disaster-resilient and compliant with COVID risk reduction advisories, are continuously utilized to foster productive activity in the community that ensures sufficient food at the household level and, ideally, excess that can be sold or traded to meet other basic household needs.

The expected outputs of Health Sub-Projects (HSPs), best measured over time, include efforts in place to prevent illness as well as loss of life, and improved scores on basic health indicators. Addressing the risks and impact of COVID-19 will be the top priority. Likewise, the Expanded Programme on Immunization (EPI) of the Ministry of Health (MOH), focused on infants and children under five years of age. The range of assistance will be guided in part by the approach of the National and BARMM Governments to the COVID-19 crisis, will include the construction of Community-Based Infrastructure (CBI) in the camps, such as hand-washing stations in strategic locations, properly furnished and equipped health centers or health stations, and possibly even isolation facilities, all designed to comply with the minimal standards of the MOH. In addition: training of community-based health volunteers; COVID-related information, education, and communication campaigns (IEC); provision of Personal Protective Equipment (PPE); and mechanisms for two-way communications between communities and health authorities for infectious disease control and in support of referral pathways.

The outputs of the Skills Sub-Project (SSP) are expected to include more food on the table, restored opportunities to earn an income, and productive engagement in community initiatives. Designed specifically for graduates of the ALS under RDP/2, the range of assistance under SSP will be informed by the interests and prior experience of the expected participants, but might include, for example: training, seeds, and tools for backyard gardening; training and equipment for home-based food production activities; sewing machines for tailors; fishing nets and supplies for fisherfolk; carpentry sets for carpenters; and training and supplies for hollow block making, etc. Information and education about COVID-19 will be provided for all the participants of the SSP, which will be carried out in accordance with social distancing advisories, and delivered in a manner consistent with the Learning Continuity Plan (LCP) of the Ministry of Basic, Higher, and Technical Education (MBHTE), released in early June 2020. For the SSP, the courses will provide practical knowledge and skills enhancement activities complemented with start-up kits for each learner.

Table 1: Typical Examples of Projects to be Funded under MTF-RDP/3 Community Development Assistance

Camp	Community Sub-Projects	Health Sub-Projects	Skills Sub-Projects
Camp Abubakar	water systems, access roads, and post-harvest facilities, combined with equipment; training, and/or other forms of technical assistance related to enhanced production,	hand-washing stations in strategic locations, properly furnished and equipped health centers or health stations, and possibly even isolation facilities.	training, seeds, and tools for backyard gardening; training and equipment for home-based food production activities; sewing machines and cloth for tailors; fishing nets and
Camp Bilal			
Camp Badr			
Camp Bushra			
Camp Omar			
Camp Rajamuda			

	such as seeds and planting techniques for higher yield crops	training of community-based health volunteers; COVID-related information, education, and communication campaigns (IEC); provision of Personal Protective Equipment (PPE); and mechanisms for two-way communications between communities and health authorities for infectious disease control and in support of referral pathways.	supplies for fisherfolk; carpentry sets for carpenters; etc.
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Institutional Capacity and Partnership Building

This component will support the strengthening of key institutions for project implementation. Technical and practical assistance will be provided to the Camp JTFCTs, as they are expected to play major coordinating and facilitation roles throughout the RDP/3. As provided in the Annex on Normalization, Camp level JTFCTs are the ones who will assess the needs, plan appropriate programs, and undertake necessary measures to transform these previously acknowledged MILS camps into peaceful and productive communities. The works of the camp level JTFCTs are coordinated and supervised by four Coordinators, 2 each from the Government and the MILF. Camp JTFCTs will be trained and coached to help ensure inclusivity as well as compliance with safeguards, prevent and address COVID-19, foster greater accountability on the part of all stakeholders, and promote sustainability in all camp activities. Skills necessary for building linkages, fostering coordination, and nurturing relationships with the communities, People’s Organizations, Local Government Units (LGUs), select BARMM ministries, and other development partners will further be strengthened.

Under this component, BDA, building on their project management capacity and in close partnership with CFSI, will be the party responsible for strengthening the capacities of the camps JTFCTs through experiential learning processes. BDA will be provided with the technical and practical assistance required to effectively carry out, in the context of “learning while doing”, its project implementation and reporting responsibilities, further develop its institutional capacity, and build meaningful partnerships with select ministries of the BARMM Government and various development partners.

To help build social capital, promote mainstreaming, and better ensure the sustainability of project outcomes, the BDA, JTFCTs, and local POs will be expected to establish effective working relationships with Local Government Units (LGUs), both at the Municipal and Barangay levels.

Linkages or different levels of partnership with select ministries of the BARMM Government¹ will also be established and formalized to ensure RDP/3’s alignment with the Bangsamoro Development Plan (BDP), obtain technical

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- (i) ¹ Ministry of Basic, Higher, and Technical Education (MBHTE), which is responsible for education and training programmes, including the Alternative Learning System (ALS);
 - (ii) Ministry of Agriculture, Fisheries, and Agrarian Reform (MAFAR), for inputs on agricultural production and fishing activities;
 - (iii) Ministry of Health (MOH), which, in addition to providing a range of health services is playing a lead role vis-à-vis the COVID-19 crisis;
 - (iv) Ministry of Indigenous People’s Affairs (MIPA), to help develop a strategy for greater engagement with Indigenous Peoples and better ensure the Free, Prior, and Informed Consent safeguard is applied, where relevant;
 - (v) Ministry of Social Services and Development (MSSD) which is responsible for social protection and provides assistance to indigent and poor households, persons with disabilities, and other persons with special needs;
 - (vi) Ministry of Interior and Local Government (MILG), whose mission is to ensure the “transformation of local government units into inclusive, accountable, responsive and transparent institutions and promote conflict-free and disaster-resilient communities”;
 - (vii) Ministry of Public Works (MOPW), which determines what infrastructure is essential if/when quarantines are imposed;
 - (viii) Ministry of Environment, Natural Resources and Energy (MENRE); and

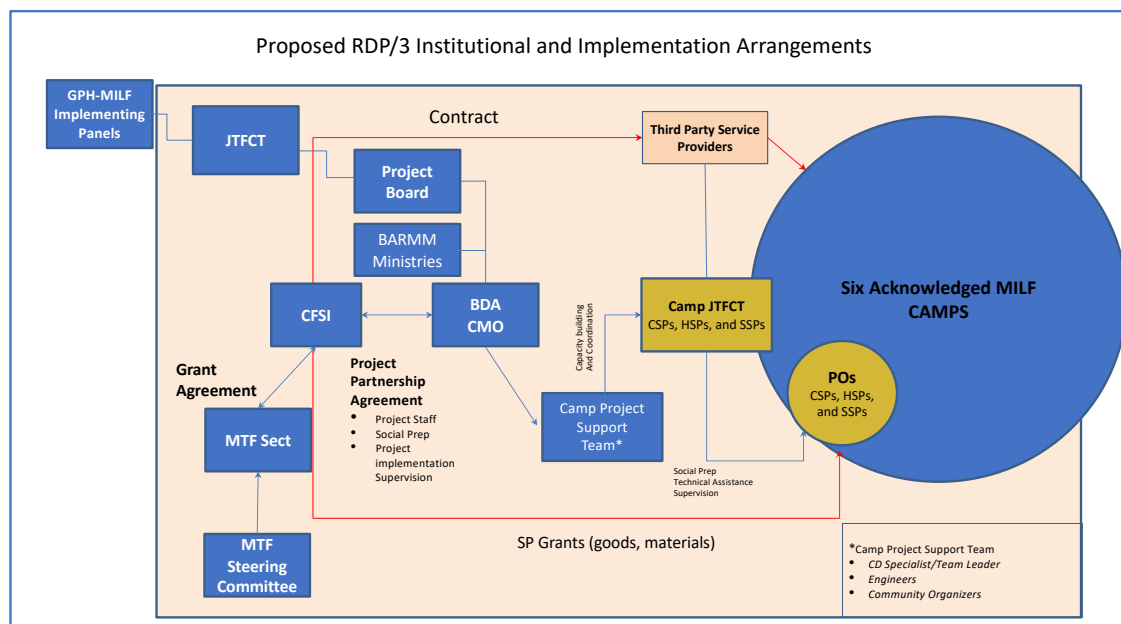
assistance and relevant inputs, foster synergies with other relevant development initiatives, and promote the mainstreaming of the key principles and processes advanced by MTF-RDP funded projects.

Project Administration, Monitoring and 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 Feedback and Grievance Redress System.

C. Institutional Arrangements for RDP/3

Figure 1. Proposed RDP/3 Institutional and Implementation Arrangements



The institutional and implementation arrangements for RDP/3 follows that of RDP/2, as reflected in Figure 1 above. Briefly described as composed of the following key partners:

- a. MTF Steering Committee, co-chaired by the Office of the Presidential Advisor on the Peace Process (OPAPP), BDA on behalf of the MILF, and the World Bank, is the peak body for the programmes and projects funded by the MTF. Its members include contributing donors to the facility.
- b. The World Bank, as Administrator of the MTF, will sign a Grant Agreement with CFSI, which will serve as Trust Fund Recipient (TFR) and Grant Manager for RDP/3. CFSI has worked in partnership with the World Bank in the Philippines since 2001 and served as a TFR for the MTF since 2005. Strategic directions, policy development, programme support, fiduciary oversight, and ultimate accountability for the RDP/3 will be the responsibility of CFSI Headquarters in Metro Manila. A Project Management Unit (PMU) will be established by CFSI for project operations in Mindanao, with a variety of responsibilities, including but not limited to field-level leadership, procurement, capacity-building, provision of technical assistance, monitoring and evaluation, communications, accounting, and reporting.
- c. The Bangsamoro Development Agency (BDA) will be engaged by CFSI as the Project Implementation Unit (PIU) for the RDP/3, through a Project Partnership Agreement (PPA) signed by both parties. As the development

(ix) Bangsamoro Planning and Development Authority (BPDA) of the Office of the Interim Chief Minister, for guidance and coordination on development initiatives.

arm of the MILF, the BDA is mandated to determine, lead, and manage relief and rehabilitation in the conflict-affected area in Mindanao. It has also been tasked by the Central Committee of the MILF to be the coordination unit for activities funded under the MTF. CFSI and the BDA have collaborated on a wide range of initiatives continuously since 2004 and through projects funded by the MTF since 2005. In late November 2019, it registered as a non-stock, non-profit corporation with the Securities and Exchange Commission (SEC) of the Philippines as “BDA Inc.”, with the aim of playing a greater roles in the future of the Bangsamoro.

- d. The Project Board, co-chaired by the representatives of the GPH and the MILF, will be the governing body for the implementation of the RDP/3, and will report to the GPH-MILF Implementing Panels. The Terms of Reference (TOR) is informed, broadly, by the Annex on Normalization and, specifically, the TOR for the Project Board signed by the same parties in 2016 for an earlier MTF initiative and re-affirmed, in 2018, for RDP/2. The TOR for the Project Board is expected to be updated by the Panels for RDP/3 and likely to reflect essentially the continuance of the same roles and responsibilities. These include: setting policies relevant to implementation; approving the proposed project sites and sub-projects; approving the Work and Financial Plan (WFP); approving the Operations Manual; providing guidance to the JTFCTs in each of the six camps; and providing guidance to, and where appropriate, problem-solving support for BDA and CFSI.

In view of the mainstreaming agenda of the RDP/3, CFSI will propose the membership of the Project Board be expanded to include representatives at high-levels of select ministries of the BARMM Government, with the World Bank as Observer.

The Project Board may decide, in addition to, or in lieu of, expanding its membership, that the establishment of a Technical Working Group (TWG) is warranted. A TWG, linked to the Project Board, would likely encourage greater engagement at the technical level between select ministries and those parties directly involved in the management and implementation of the RDP/3, including the POs and communities, thus helping to advance mainstreaming. The roles and responsibilities of the TWG would need to be formulated but might include, for example, RDP/3 performance assessment and quality assurance, based on field visits and dialogues with CFSI, BDA, the JTFCTs, POs, and communities.

In terms of implementation arrangements for the RDP/3, the PMU established by CFSI and led by the Project Coordinator, will work closely with the PIU established by BDA, likewise led by a Project Coordinator. Both parties will work closely with the Coordinators of the JTFCTs, the JTFCTs in each of the six camps, and the People’s Organizations (POs). However, their roles and responsibilities will differ. In this context, CFSI will sign a performance-based PPA with the BDA that details the implementation roles and responsibilities, including responsibilities that will ensure compliance with the ESCP, project deliverables, conditions for fund transfers, and Work and Financial Plans for defined periods.

CFSI has primary responsibility for the effective and efficient implementation of the RDP/3. It is tasked with procurement, environmental and social safeguards, managing the finances, supporting program management, and providing capacity-building services that enable the BDA, JTFCTs and the POs to manage and implement the various sub-projects. In addition, CFSI serves as financial intermediary, with direct responsibility for receiving grants, procuring the services of Third Party Service Providers (TPSP) in accordance with World Bank standards, managing disbursements, and accounting for the use of funds, goods, and assets. This includes, but is not limited to, monitoring disbursements and fund utilization, evaluating financial and procurement transactions, and providing recommendations for more effective and efficient implementation of the RDP/3. CFSI, as signatory to the Environmental and Social Commitment Plan (ESCP), will ensure that material measures and actions will be executed so that the project is implemented in accordance with the Environmental and Social Standards (ESS) of the Bank. CFSI, working in close collaboration with BDA and JTFCTs, will take all reasonable measures to ensure the sustainability of project results; identify and mitigate risks; and comply with World Bank standards related to finance, procurement, environmental and social safeguards, visibility, and feedback as well as grievance redress mechanisms. Special attention will be given to recently released World Bank advisories and guidance notes related to COVID-19, including, but not limited to, those pertaining to building on community capacities, procurement, safeguards, such as those related to construction sub-projects, and audits.

BDA has primary responsibility for field-level implementation, specifically within each of the six camps. Its Project Coordinator will lead the Camp Project Support Team (CPST) that will carry out project activities in the six MILF Camps, supported by the CMO of BDA. In each camp, the CPST will be responsible for providing technical

assistance and supporting the JTFCT in working with the POs and the community throughout the sub-project cycle, from social preparation to needs assessment to construction to training to sub-project turn-over. The CPST will help monitor the construction activities of Third Party Service Providers, facilitate the delivery of the skills training sub-project for those who completed the ALS during RDP/2, and generally ensure all activities in the camps are carried out in close consultation with CFSI and in accordance with guidance set forth in the project's ESF and COVID-19 prevention, management, and recovery.

In both PMU (CFSI) and PIU (BDA), a Safeguards Team will be established to monitor and ensure compliance with all environmental and social safeguards provision of the project and of the sub-projects. The team will also be tasked to implement measures necessary to mitigate an E&S risk for the project. The Safeguards team will be tasked to generate the necessary safeguard reports and documentations requested by the donors and/or other partners, and project decision makers/policy making bodies.

Once sub-projects ideas have been proposed by the JTFCTs and validated by communities, sub-project proposals, utilizing the guidelines and tools provided for in the ESMF, will be developed by BDA for rigorous review and approval by CFSI. For those sub-projects involving the construction of infrastructure, be it socio-economic or health-related, Third Party Service Providers (i.e., contractors) will be procured by CFSI, in accordance with the approved procurement policies of the World Bank. They will be required to prioritize the hiring of labour from the local community, whenever possible, and comply with guidelines stated in the ESMF, and related to COVID-19 measures, including safeguards on labor management. POs and community volunteers will be trained by BDA, specifically the CPSTs, to help monitor and maintain sub-project investments, which will be turned over to POs that are registered with the appropriate government entities. Third Party Service Providers may also be engaged by CFSI for training and technical assistance elements of sub-projects.

D. Project Location and Salient Physical Characteristics

The RDP/3 will be carried out in the “six previously acknowledged” camps of the MILF, in accordance with the Annex on Normalization of the Framework Agreement on the Bangsamoro (FAB), signed by the GPH and the MILF in 2012. Spanning four provinces—Maguindanao, North Cotabato, Lanao del Sur and Lanao del Norte. All four provinces are poverty- and conflict-stricken areas, with camps in Lanao del Sur province having a 73% poverty incidence. The camps are a 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. Location of the six camps are reflected in Figure 2.

The Camps vary in size and scale from a few thousand to hundreds of thousands of people, in some cases cutting across multiple villages, municipalities, and provinces. With guidance from the GPH and MILF Peace Implementing Panels, the RPD/3 will support selected communities, known as *barangays*, in each of the six Camps. It is likely many of the sites selected for RDP/3 implementation will be in, or adjacent to, barangays covered by RDP/2, increasingly referred to as the “heart” or “core” of the respective camp. Refer to Table 2 for the Camp Core Areas or the Heart of the Camp. In addition to being consistent with preliminary camp development planning efforts undertaken in RDP/2, this will promote field-level synergies, foster cost-efficiencies, and allow for the rapid scaling-up of RDP/3 activity. The latter is particularly important owing to the short period available for implementation.

Of the 6 major acknowledged camps of the MILF, 5 of these share hilly and mountainous terrains, with the exception of Camp Rajamuda located in the plains and around the peripheries of the Liguasan Marshland. Transportation networks to and from these camps traverse the main national, provincial and municipal roads that are mostly paved, however going to the innermost center of the camps would entail using non-conventional road networks that are categorized as dirt-rough roads with the exception of Camp Abubakar that has concrete roads from the main highway to the camp's center. Approximate distance of the 6 camps to its nearest economic and government town centers are between 15-20 kilometers. With the distance from the main highway to the camps' centers from 9-15 kms. The camps do not have specific zones for residential / human settlements core; commercial for livelihood/business centers; institutional for educational and government institutions; road networks are not properly delineated, etc. Residential areas in the camps are scattered around the camps' area of jurisdiction.

Figure 2. Map of the six (6) Previously Acknowledged MILF Camps

Map of the Six Previously Acknowledged Camps of the MILF



- a) Camp Abubakar as-Siddique in Maguindanao - Camp Abubakar was the first camp of late MILF Chair Ustadz Hashim Salamat that served as the main training camp of the MILF. Camp Abubakar includes the eastern most municipalities of Maguindanao and western most municipalities of Lanao del Sur;
- b) Camp Bilal in Lanao del Norte and Lanao del Sur - Camp Bilal is the base of the North Western Mindanao Front (NWMF) of the MILF. Camp Bilal served as the tactical camp of the MILF and is the first frontline defense command of the MILF during the armed conflict in 2000, 2003, and 2008. Camp Bilal covers agricultural land with highlands in the western interior part of Lanao del Sur, up to the coastal areas of Lanao del Norte;
- c) Camp Omar ibn al-Khattab in Maguindanao - Camp Omar was established in the early 70's covering areas of Talayan Municipality up to the mountains of Daguma Range, Isulan in Sultan Kudarat. It has more than 20,000 forces compose of Teduray, Manubo, Lambangian, Dulang'n, Ranaon and Maguindanaon. Most of the commanders of this Camp are "Ulama"(Islamic Scholars), for which they named the Camp after the most powerful and influential Muslim Caliph, Omar ibn Al-Khattab;
- d) Camp Rajamuda in North Cotabato and Maguindanao - Camp Rajamuda is the birthplace of the late Ustadz Hashim Salamat. Camp Rajamuda includes valleys across regions of BARMM particularly in Maguindanao province and North Cotabato in the municipalities of Pikit, Aleosan and Datu Montawal. These communities are predominantly Maguindanaon with some population of settlers and indigenous peoples.
- e) Camp Badre in Maguindanao - Camp Badre was named after the battle 'Gazhuatul' Bad'r of the Prophet Mohammad (s.a.w). Camp Badre is surrounded by the municipalities of Talayan up to the mountainous areas of Upi in Maguindanao. These communities are predominantly Maguindanao with some population of settlers and indigenous peoples; and

- (1) Camp Busrah Somiorang in Lanao del Sur - Camp Bushra is the base of the Eastern Mindanao Front (EMF) of the MILF and of the late MILF Vice Chair Aleem Azis Mimbantas. Camp Bushra also served as a sanctuary of the late MILF Chair Ustadz Hashim Salamat during the all-out-war in 2000. Camp Bushra geographically covers part of the highlands of Bukidnon, and the agricultural areas and some uplands of Lanao del Sur.

Table 2: Camp Core Areas or the Heart of the Camp

CAMP	CORE AREA	COVERED AREAS
Camp Abubakar	Sitio, Bembaran, Brgy. Tugaig, Barira, Maguindanao	Barira, Buldon, Matanog, Parang (Maguindanao) Balabagan, Kapatagan, Marogong (Lanao del Sur) Alamada (North Cotabato)
Camp Badr	Brgy. Ahan, Municipality of Guindulungan	Guindulungan, Datu Saudi, Datu Salibo, Mother Kabuntalan (Areas of Sheik Bashir) Talayan, Datu Anggal Midtimbang, Talitay, Datu Odin Sinsuat, North Upi, South Upi, Datu Blah Sinsuat, Lebak, Kalamansig, Palimbang, Maitum, Kiamba, Ninoy Aquino, Cotabato City (104 th BC, Castro Emran)
Camp Bilal	Sitio Kura-kura, Brgy. Tamparan, Munai, LDN	Munai, Tangkal, Kauswagan, Bacolod, Piagapo, Madalum, Poona Piagapo, Balo-I, Pantar, Taguluan, Part of Marawi City, Matanggaw, Pantao a Ragat, Sapad, Salvador, SND, Picong, Nunungan, Bacolod, Maigo, Kulambugan, Linamon
Camp Bushra	Brgy. Sandab, Butig, LDS	Butig, Lumbayanague, Lumbatan, Sultan dumalondong, Masiu, Poona Bayabao, Tamparan, Lumba Bayabao, Maguing, Buadi Puso, Ragain, Kapai, Taguluan 2, Bayang, Binidayang, Lumbak Unayan, Bubong, Balindong, Wao, Amai Manabilang and some portion of Marawi City
Camp Omar	Brgy. Limpongo, Datu Hoffer, Maguindanao	Datu Hoffer, Datu Abdullah Sangki - Ampatuan, Shariff Aguak, Datu Unsay, Datu Saudi, Guindulungan, Mamasapano, Rajah Buayan, Sultan sa Barongis, Datu Salibo, Datu Piang, Shariff Saydona Mustapha (Maguindanao) Esperanza, Isulan (Sultan Kudarat) Lambayong, Tacurong, Tantangan, Mangilala, Norala, Surallah, Tupi, Marbel, Midsayap, Aleosan, Pigkawayan, President Quirino
Camp Rajamuda	Brgy. Rajahmudrah, Pikit, North Cotabato	Banisilan, Pikit, Aleosan, Carmen, Kabacan, Roxas, Arakan, Magpet, Makilala, Kidapawan, Mlang, Tulunan, Matalam (North Cotabato) Pagalungan, Datu Montawal, Paglas, Buluan, Paglat, Pandag, Gen. Salipada K. Pendatun, Manguda Datu (Maguindanao) Culombio (Sultan Kudarat)

E. Previous MTF-RDP Interventions in the Six (6) Previously Acknowledged MILF Camps

Operating inside the six previously acknowledged MILF, is not new for CFSI, even for the MTF-RDP. MTF-RDP was able to enter the camps in 2016-2017, under the Camps Project. The Camps Project was able to implement a number of socio-economic infrastructure (SEI) sub-projects, livelihood support projects, and the alternative learning system (ALS) subproject. The range or types of assistance provided is reflected in Table 3 below.

With the completion of the MTF-RDP/1 in March 2017, the Philippine government and donors agreed to support phase 2 of a particular project from that program to keep the development momentum in MILF communities while the government put in place a longer-term development financing facility. Thus, the Government of the Philippines

(GPH), the Moro Islamic Liberation Front (MILF) and the World Bank worked together to establish Mindanao Trust Fund-Reconstruction and Development Project Phase 2 (MTF-RDP/2) which became effective on 10 April 2018. The development objective of MTF-RDP/2 is to empower communities in targeted conflict-affected areas to achieve improved access to basic socio-economic infrastructure and functional literacy. The geographical focus of the project is the six previously acknowledged Moro Islamic Liberation Front (MILF) Camps.

MTF-RDP/2 ran from 10 April 2018 – 31 August 2019 and delivered a number of SEIs and ALS completers in the camps. Additional Financing for MTF-RDP/2 was provided in September 2019. The purpose of this additional financing and extension of closing date was to ensure continued access to basic services in communities within MILF camps while the newly established Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) is in transition. The additional financing served as an opportunity to consolidate the lessons learned from implementing a community-based strategy in peacebuilding. To date, MTF-RDP/2, is still on-going and is expected to be completed by 31 December 2020.

Table 3: MTF-RDP Camps Project and RDP/2 Stage 1 Completed Assistance in the Six (6) Previously Acknowledged MILF Camps 2016-2019, by Type of Facility

MILF Camp	Types MTF-RDP Assistance			
	Camps Project Socio-Economic Infrastructure	RDP/2 Socio-Economic Infrastructure	Livelihood	Alternative Learning System
Camp Abubakar	Coco Pugon/Grill Water System	Road Projects (One lane, concrete);	Cattle/Carabao/ Goat Dispersal	Camps Project: Basic Education and A&E
Camp Bilal	Level II with Tap points	Level II Water System;	Likos/sewing	RDP/2: Basic Literacy Program; Primary; Secondary;
Camp Badre	Warehouse and Solar Drier	Solar Dryer and Warehouse (with corn sheller/rice mill);	Vegetable farming	
Camp Bushra	Tire Path/Road/Walkway	Tribal Halls;		
Camp Omar	Boxed culvert with pavement	Solar Panels;		
Camp Rajamuda	Suspension Bridge/Walkway (84 meters)	Hanging Bridge with walkway (0.200 km)		
Total				

Table 4: MTF-RDP/2 Additional Financing On-Going SEI Sub-Project in the Camps, by Type of Facility

MILF Camp	Warehouse & Solar Dryer with Machineries	Concrete Road	Multi-Purpose Center	Water System (Level II)
Camp Abubakar		1		
Camp Badre		1		
Camp Rajamuda				2
Camp Omar	2			
Camp Bilal			1	
Camp Bushra	2			
Total No. of Sub-Projects	4	2	1	2

III. Select Demographic, Socioeconomic, and Environmental Trends Mentioned in the 1st BARMM Bangsamoro Development Plan 2020-2022

The Bangsamoro region has the fastest growing population in Mindanao with an average annual growth rate of 2.9% from 2010 – 2015. Economic activity is largely dependent on Agriculture, forestry, and fishing with 55.6%, followed by the services sector at 38.5% and the industry sector at 5.9%. The vast agricultural lands are utilized for the production of food and commercial crops such as palay/rice, cassava, corn/white corn, banana, coffee, tree crops – rubber, cacao, and oil palm.

The poverty incidence among families in the Bangsamoro stood at 53.6 percent (2018 PSA Official Poverty Statistics), higher than the 53.3 percent in 2015. The three poorest provinces are all found in the Bangsamoro region: Sulu at 74.3%, Basilan at 65.7% and Lanao del Sur at 64.1%. Two of the six previously acknowledged MILF camps are located in Lanao del Sur, mainly Camp Bilal and Camp Bushra.

The delivery of social services in far-flung areas remain inadequate. A number of barangays still do not have access to social facilities like day care centers, school buildings, and health stations. Other barangays lack the personnel to cater to the health and education needs of the communities.

Infrastructure support facilities such as roads, bridges, ports, and sea ports remain inadequate or in poor condition and are among the development challenges of the BARMM government. The lack of or limited access to potable water systems and the absence of facilities to support agri-fishery production poses a major challenge to the growth and development socioeconomic opportunities in the region. Irrigation facilities are limited, serving on 25% of the total potential irrigable land in the region.

Continuing peace and security issues and concerns: The region is affected by recurring peace and security problems brought about by local terrorist groups, the private armed groups (PAGs). Incidents of family feud or *rido* also results in the displacement of people due to fear of being caught between warring families.

While the situation does not reflect the entirety of the region, the challenge of the fragile peace and security situation if not addressed will affect the progress and development not only of the Bangsamoro and Mindanao but also of the whole country.

Vulnerability to disaster and climate change: In the recent years, the Bangsamoro region has become vulnerable to the harsh effects of climate change. Natural calamities become recurring and more intense such as flooding in low-lying areas which displaces thousands of families and also incurring damages to properties.

Environmental degradation also poses threat to the entire region losing the natural barriers and the natural cover of the protected forests. Sub-projects will not be within any protected forests or forest reserves. It is in the project's negative list. Forest deterioration, river siltation, illegal fishing, pollution, and settlements in hazard-prone area contribute to the deteriorating condition of the environment. MTF-RDP/3 sub-projects will not contribute to the further degradation of the environmental conditions in the camps. Instead the sub-project proposals will be subjected to an eligibility pre-qualification which includes a negative list and a site selection criteria which will be strictly observed and will be stated in the environmental and social management plans (ESMP) of each proposed sub-project.

Part B

ENVIRONMENTAL AND SOCIAL SAFEGUARDS POLICIES AND PROCEDURES

SECTION I: ESMF for RDP/3

I. Environmental and Social Risks Assessment (*Note: Annex X: Risk Table Prepared for RDP/3*)

The context of the MTF-RDP/3 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 to sustain the initiatives of the 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 of CDD 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.

The environmental risks are considered moderate as the community structures and facilities are small-scale and will not generate significant adverse environmental impacts and are not located in environmentally critical areas. Majority of the sub-projects under MTF-RDP/3 will be identified through the community-driven development (CDD) approach. Sub-project identification and prioritization will be done once sub-projects ideas have been proposed by the JTFCTs and validated by communities, sub-project proposals, utilizing the guidelines and tools provided for in the ESMF, will be developed by BDA for rigorous review and approval by CFSI. The subprojects will be subjected to an Environment and Social Screening Checklist where proposed community sub-projects are evaluated based on the type of impact it will have to the environment (natural and social). Based on the environmental assessment of possible impacts of the selected sub-project, an Environmental and Social Management Plan (ESMP) will be prepared identifying proposed mitigating measures for the identified impact. (Refer to Annex 3 for the ESSC template; and Annex 4 for the ESMP Template.) There may be SEIs/CBIs sub-projects per camp, or across communities such as tire-paths/roads or foot/pedestrian bridges, and level II water systems. However, is still 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 not be allowed inside forests or protected areas. Outside these areas, the communities will have to seek the approval from the BARMM Ministry of Environment, Natural Resources and Energy (BARMM-MENRE), the primary agency responsible for the exploration, utilization, management, conservation, protection and sustainable development of the region's environment, natural resources and potential energy sources. Necessary government permits will have to be secured from MENRE prior to tree cutting or quarrying activities.

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 (CDD) 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; and (v) strengthening partnerships with line agencies of BARMM ministries and the LGUs.

As earlier mentioned, the project will finance community-based and small-scale infrastructure subprojects, with corresponding productivity trainings (for SEIs); health-related trainings (for CBIs); and a skills training for Alternative Learning System graduates, 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. Skills trainings (productivity, health, skills) will be implemented to improve the quality of life, reduce the risks associated with COVID-19 as well as other disasters, and promote social cohesion in the selected communities in the six MILF camps, and to ensure the sustainable use of the built infrastructures.

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 almost 15 years. BDA as mandated by the MILF to “determine, lead, and manage relief, rehabilitations, and development programmes in the conflict-affected areas in Mindanao,” has been involved with MTF-funded activities since 2005. BDA benefitted from extensive capacity-building activities, including training, exposure trips, “learning while doing” activities and “twinning” with CFSI in the 15 years of MTF implementation.

Lastly, there are other support services such as the crisis monitoring system and the enhanced Feedback, 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 all target areas (new and old project sites) 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. World Bank Environmental and Social Safeguards Policies Applicable to the MTF-RDP/3

The World Bank Environmental and Social Framework identified nine (9), out of the ten (10), environmental and social standards that apply to the MTF-RDP/3. Table 6 below shows the ESS standards, the corresponding Philippine legislations, and their applicability to the project:

Table 6: Screening of World Bank Environmental and Social Standards

World Bank Environmental and Social Standard	Applicable to MTF-RDP/3		Relevant Philippine Laws and Regulations
	Yes	No	
ESS1 – Assessment and Management of Environmental and Social Risks and Impacts	√		<ul style="list-style-type: none"> - Presidential Decree (PD) 7160 : Local Government Code of 1991 - Presidential Decree (PD) 1586 (1978): The Philippine Environmental Impact Statement (EIS) System - Presidential Proclamation (PP) No. 2146 (1981): Proclaiming Certain Areas and Types of Projects as Environmentally Critical and within the scope of the Environmental Impact Statement System established under PD 1586. <ul style="list-style-type: none"> o DENR Administrative Order 2003-30: Implementing Rules and Regulations of the Philippine EIS System

<p>ESS2 – Labor and Working Conditions</p>	<p>√</p>	<ul style="list-style-type: none"> - Philippine Constitution, Section 3 - PD 442: The Labor Code of the Philippines - Republic Act (RA) No. 9710 (2009) or the Magna Carta of Women - RA 7610: Special Protection of Children Against Abuse, Exploitation and Discrimination - RA No. 7277 (1992) and amended by RA 9442 (2008), or The Magna Carta for Disabled Persons - RA 8371 or the Indigenous Peoples’ Rights Act - RA 10911 or the Anti-Age Discrimination in Employment Act - RA 7877 or the Anti-Sexual Harassment Act - RA 10364 or the Expanded Anti-Trafficking in Persons Act of 2012 - RA 9231 or the Anti-Child Labor Law - RA11058: Occupational Safety and Health Standards - OSH protocols related to COVID-19 to date include: <ul style="list-style-type: none"> <i>Interim Guidelines of the Department of Trade and Industry (DTI) and Department of Labor and Employment (DOLE) dated 30 April 2020</i> <i>DPWH Department Order 35 (2020): Guidelines on the Implementation of Community Quarantine in the Philippines</i> <i>Labor Advisory No. 18, Series of 2020 dated 16 May 2020 from the DOLE</i>
<p>ESS3 – Resource Efficiency and Pollution Prevention and Management</p>	<p>√</p>	<ul style="list-style-type: none"> - PD1152 : Philippine Environmental Code - RA8749: Philippine Clean Air Act - RA9275: Philippine Clean Water Act - RA 9003: Ecological Solid Waste Management Act of 2000 - RA 6969: Toxic Substances, Hazardous and Nuclear Waste Control Act of 1990 - Presidential Decree 1144: Creating the Fertilizer and Pesticide Authority)

<p>ESS4 – Community Health and Safety</p>	<p>√</p>	<ul style="list-style-type: none"> - PD No. 856 (1975): Code of Sanitation of the Philippines - E.O No. 489 s. 1991 - The Interagency Committee on Environmental Health - DOH AO 2010-0021 Sustainable Sanitation as a National Policy and a National Priority Program of DOH - DOH AO 2014-0027 – National Policy on Water Safety Plan (WSP) for all Drinking Water Service Providers - DOH AO 2017-0006 Guidelines on the Review and Approval of the Water Safety Plans of Drinking Water Service Providers - DOH AO 2017-0010 – Philippine National Standards for Drinking Water of 2017 - Republic Act No. 11469 – <i>Bayanihan</i> to Heal as One Act <p>Related Issuances to RA 11469:</p> <ul style="list-style-type: none"> - DOH AO 2020-0013 – Revised AO 2020-0012 (Guidelines for the Inclusion of Coronavirus Disease 2019 (COVID-19) in the List of Notifiable Diseases for Mandatory Reporting to the Department of Health” dated March 17, 2020. - DOH AO-2020-0015 – Guidelines on the Risk-Based Public Health Standards for COVID-19 Mitigation - DOH AO 2020-0016 (4 May 2020) Minimum Health System Capacity Standards for COVID-19 Preparedness and Response Strategies - IATF Memorandum Circular No.4 (2020): Interim Protocols for Humanitarian Assistance During Community Quarantine - DOH Memorandum 2020-0208 – Interim Guidelines on Enhancing the Infection Prevention and Control Measures through Engineering and Environmental Controls in all Health Facilities and Temporary Treatment and Monitoring Facilities during the COVID-19 Pandemic. - DOH Memorandum 2020-0157 – Guidelines on Cleaning and Disinfection in Various Settings as an Infection Prevention and Control Measure Against COVID-19 - DOH and DILG Joint Administrative Order 2020-001 – Guidelines on Local Isolation and General Treatment Areas for COVID-19 cases (LIGTAS COVID) and the Community-Based Management of Mild COVID-19 Cases - DOH Memorandum 2020-0167 Interim Guidelines on the Proper Handling and Disinfection of Non-critical Items Used in the Management of COVID-19 Patients in All Health Facilities and Temporary Treatment and Monitoring Facilities
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ESS5 – Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement	√		<ul style="list-style-type: none"> - Article III, Section 9 of the Philippine Constitution: Constitutional provisions that private property shall not be taken without just compensation - RA 10752: The Right-of-Way Act - RA 386 The Civil Code of the Philippines - PD 1529 Property Registration Decree
ESS6 – Biodiversity Conservation and Sustainable Management of Living Natural Resources	√		<ul style="list-style-type: none"> - PD 705 Revised Forestry Reform Code - RA3571 An act to prohibit the cutting, destroying, or injuring of planted or growing trees, flowering plants, shrubs or plants of scenic value along public roads - RA4190 Lanao del Sur National Parks - RA7586 National Integrated Protected Areas System (NIPAS) - RA 11038 Expanded NIPAS (2018) - RA 9175 Chain Saw Act of 2002 - RA 9147 Wildlife Resources Conservation and Protection Act (2001) - RA8550 The Philippine Fisheries Code of 1998
ESS7 – Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Communities	√		<ul style="list-style-type: none"> - RA 8371 Indigenous People’s Rights Act - Muslim Mindanao Autonomy Act (MMAA) No. 241 or the Tribal People’s Rights Act of 2008 - RA 11054 Organic Law for BARMM Article IV Section 9 and Article IX Sections 3 & 4. -
ESS8 – Cultural Heritage	√		<ul style="list-style-type: none"> - RA 10066 Philippine Cultural Heritage Act <i>Section 8. Cultural Property Considered Important Cultural Property. - For purposes of protecting a cultural property against exportation, modification or demolition, the following works shall be considered Important Cultural Property:</i> - RA 11054 Organic Law for BARMM Article IV Section 9 and Article IX Sections 3 & 4.
ESS9 – Financial Intermediaries		√	
ESS10 – Stakeholder Engagement and Information Disclosure	√		<ul style="list-style-type: none"> - Participatory Provisions in various legislations: - BP 344 (1983) Accessibility Law - RA 8371 IPRA, Chapter IV – Right to Self-Governance and Empowerment - RA 9710 Magna Carta of Women; - RA 7277 – Magna Carta for Disabled Persons - R.A 7607 (1992) Magna Carta of Small Farmers

III. Environmental and Social Safeguards Framework (ESF) for MTF-RDP/3

A. Philippine Laws and Policies Relevant to the ESF

CFSI will ensure that MTF-RDP/3 implementation will abide by the various legislations and policies of the Philippine government in ensuring that environmental and social safeguards are properly observed throughout project implementation. A brief overview of these laws are attached as Annex A.

B. CFSI Policies Relevant to the ESF

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 Operational Policies of World Bank for the MTF-RDP and strictly implemented it during the 11 years of project implementation, in partnership with BDA (December 2005 – March 2017). Thus, reaching 332 barangays in 114 municipalities in 19 provinces 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 April 2018, 2nd phase of MTF-RDP started (MTF-RDP/2), this intervention was designed specifically for the “six previously acknowledged” camps, the largest within the span of influence of the MILF. Through MTF-RDP/2, CFSI, in partnership with BDA, will ensure the inclusive development in the Camps through participatory approaches, 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.

The MTF-RDP/2, delivered 30 socio-economic sub-projects and a basic literacy training programme in the six camps by 31 August 2019, benefitting at least 42,321 persons, 52% of whom were female. The Additional Financing that started in September 2019, is still on-going, with expected completion date in 31 December 2020.

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

CFSI personnel, including TPSPs, (Contractors, vendors, consultants/trainors) and interns, are required to comply with the United Nations special measures for the prevention of sexual exploitation and abuse (PSEA); and to the CFSI Child Protection Policy. The 2 documents are explicitly stated and are part of the service and work contract of MTF-RDP/3.

In 23 April 2020, CFSI adopted the CFSI Policy on Preventing Sexual Exploitation and Abuse. Below is a copy of the Policy on PSEA:

CFSI has a zero-tolerance policy towards sexual exploitation and abuse. This policy applies to employees, consultants, and interns—known more broadly as Staff Members—as well as to partners, contractors, and any others officially engaged by, or associated with, CFSI. These constitute acts of gross misconduct and are, therefore, grounds for termination of employment, contracts, and association.

Sexual activity with children (persons under the age of 18) is prohibited, under any and all circumstances. The failure to correctly assess the age of the child is not an acceptable defense.

The exchange of humanitarian assistance, money, goods, or services for sexual favors or other forms of exploitative and degrading behavior, while on official duty for CFSI and/or during one's private time, is prohibited.

Sexual relationships between CFSI Staff Members responsible for providing humanitarian assistance and persons expected to be, and/or already benefitting from, the assistance of CFSI are prohibited, as they involve power differentials and undermine the integrity of CFSI.

CFSI Staff Members must immediately report to the designated PSEA Focal Point at CFSI any concerns or suspicions about possible sexual exploitation or abuse by a CFSI colleague and/or any other humanitarian worker.

To help create and sustain an environment which prevents sexual exploitation and abuse, CFSI will support and develop appropriate mechanisms. These include, but are not limited to: rigorous screening processes that include PSEA background checks; appointing properly qualified PSEA Focal Points at each duty station; requiring and enabling all CFSI Staff Members to successfully undertake PSEA training courses; expanding and enhancing internal PSEA investigative capacities; and participating in global, national, and sub-national interagency bodies on PSEA.

How to report SEA?

- All CFSI staff members have a mandatory duty to report any suspected incident of sexual exploitation and abuse of children and vulnerable adults to: the immediate supervisor; PSEA focal point; or to the Executive Director. Failure to report such matters will result in disciplinary action. All employees, volunteers, board members are encouraged to raise genuine concerns of children and vulnerable persons who may be at risk.
- Those who receive reports from staff on allegations of PSEA shall promptly report to the PSEA focal point or to the Executive Director, using the incident report form, without starting an investigation/inquiry of their own.
- Responding to Complaints: Upon receipt of a report or complaint, CFSI shall take all measures to ensure the safety of the alleged victim but also offender, and complainant from any retaliation.
- The incident report shall be reviewed by Intake Committee. CFSI can take the following measures, based on the information included in the preliminary report:
 - o Open an investigation , if it is thought that there may have been a breach or organizational policy or standards. The meeting will designate an investigation officer or investigation team.
 - o Close the case, if not sufficient grounds for investigationDecision will be taken in 24 hours after receipt of Report by Intake committee
- Feedback on intake decision to the survivor will be provided by the PSEA local focal point.

CFSI Guiding Principles in Handling SEA Complaints:

- **Safety and Well-Being:** The safety of the survivor shall be ensured at all times. CFSI shall avoid creating or exacerbating risks for those reporting allegations or concerns. The psychosocial well-being of the survivor must be prioritized and the choices, wishes, rights and dignity of the survivor must be respected.
- **Confidentiality:** CFSI Staff shall always keep all SEA-related information confidential and ensure the survivor fully understands the process, what information will be collected and how it will be used. Informed consent of beneficiaries must be sought and documented through proper channels (details further below). This means that interviews with any SEA complainant need to take place in an appropriate setting, ensuring confidentiality.
- **Transparency:** CFSI staff collecting complaints/responding to complaints or conducting PSEA orientations should ensure that the process for submitting SEA complaints is made clear to the beneficiaries, and the information on the services/referral pathways must be transparent. . All complainants should be made aware of confidentiality procedures. Best practices in terms of data protection principles shall be observed.
- **Accessibility:** CFSI staff should schedule regular consultations with beneficiaries to ensure that the reporting mechanism is accessible to people of different ages, genders, etc.

In cases that a PSEA complain will be received under MTF-RDP/3, a separate confidential report will be provided to the Bank by the Executive Director within 24 hours upon learning about the incident.

CFSI's Child Protection Policy (took effect on 28 July 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. CFSI also seek to empower children to take full advantage of their rights.

- *Survival*: All children have the right to life. All children have the right to their basic needs, such as food, water, shelter, and medical care.
- *Development*: All children have the right to education and the right to experience all that contributes to a healthy development into adulthood.
- *Protection*: All children have the right to protection from all forms of exploitation, abuse, and neglect. Children who have experienced these violations have the right to rehabilitation.
- *Participation*: All children have the right to fully participate in society, and to actively participate in matters that affect them according to their developmental level.

In accordance with this policy:

- all candidates for engagement at CFSI will undergo a rigorous screening process;
- all staff members of CFSI will be provided with education and training specific to child protection that is inclusive of CFSI's reporting and response procedures;
- all of CFSI's activities – as well as those of sub-contractors- will be continually assessed to identify and minimize risks to Persons of Concern, especially children;
- CFSI staff members are required to comply with the CFSI Child Protection Code of Conduct (2016); CFSI's Personnel Policies Manual, the Covenant of the People of CFSI, the CFSI's Code of Ethics, and the UN Special Measures for Protection from Sexual Exploitation and Abuse;
- This policy also applies to vulnerable adults, such as those with significantly impaired or diminished physical or mental capacities, or may be unable to take care of themselves or unable to protect themselves against significant harm or exploitation.
- There will be zero tolerance of any violation of this policy. Suspected violations will be investigated promptly and confidentially. Violation of this policy will be grounds for termination from the services and those involved will be prosecuted to the fullest extent of the law.

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.

All contracts entered into under MTF-RDP, consultant and work contracts, included, as part of the Annexes, CFSI's Policy on PSEA and Policy on Child Protection for the contractors to acknowledge and sign the Statement of Commitment as part of the terms of the project contract.

A separate confidential report exclusively for concerns and actions taken related to Child Protection violations, should a case arise, will be shared with the Bank by the Executive Director within 24 hours upon learning about the incident.

b. CFSI Staff Security

CFSI's lessons learned in implementing projects in the six previously acknowledged camps of the MILF and the broader conflict-affected areas of Mindanao proves that security is best managed through proper and timely coordination with local stakeholders and by following the coordination protocols set by the parties of the peace process. For the implementation of the RDP/3, CFSI will continue managing security risks through regular coordination with the camp JTFCTs, MILF and government counterparts, UN agencies, Civil Society Organizations, and community members that understand the local dynamics in the area. CFSI will revisit its security policy, orient project workers, and monitor compliance.

All CFSI staff are also oriented on the UN Security Awareness Policy upon joining the organization and a staff security orientation is regularly provided to all. Security updates are also provided to all staff to ensure staff's awareness on the latest security status in their respective areas of operations.

Each office of CFSI has designated security focal point to monitor, receive and report the security incidents to respective Operations Management Team (OMT) then to the overall focal point up to the CFSI Senior Management Team (SMT). The reported security incident was disseminated to staff for reference and action. For those staff on travel/on field mission, they send regular messages to the assigned security focal point upon arrival to the area. The security officer is monitoring the whereabouts of the staff on field. A staff locator chart is also updated and maintained in the office for reference.

c. Environmental Safeguards

In general, most sub-projects under the MTF-RDP/3 are categorized as non-environmentally critical projects and not located in environmentally critical areas, thus, are exempted in securing environmental compliance certificates (ECC). For some community infrastructures 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/3 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 POs and JTFCTs will be properly trained and provided with ESMF so they will be guided accordingly at the outset of selecting and preparing their Sub-Project Proposals. An orientation on the projects ESS policies are given to the POs and JTFCTs as part of the project orientation process to ensure that they know the limitations of sub-project selection based on the project's ESMF, and the proper use of the Environmental and Social Safeguards Screening Checklist (ESSC) tool developed for assessing the environmental and social impacts of the proposed sub-projects.

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/3 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 socio-economic infrastructure (SEI) and community-based infrastructure (CBI) sub-projects based on an 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 2** 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 SEI and CBI sub-projects are selected and designed. Each infrastructure sub-project will be evaluated using the ESSC tool. An Environmental and Social Management Plan (ESMP) or for minor environmental impacts an Environmental Code of Practice (ECoP), will be prepared and submitted for the selected sub-project stating the measures to be put into place to minimize the possible impacts of the sub-project to the environment and to the community. ESMPs and ECoPs are regularly monitored by the project team and updates to the ESMP are also possible based on current site conditions/ situations. (Refer to Annexes 2-4 for the Negative List; ESSC; and ESMP/ ECoP Templates)

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 infrastructure sub-project with minimal disruption to the daily life of community members and to environment.

Compliance with Philippine Environmental Policies; Philippine Environment Code; Philippine Environmental Impact Statement System (PEISS) (PD1586), Philippine Clean Air Act (RA8749), Philippine Clean Water Act (RA9275); Ecological Solid Waste Management Act (RA9003); Toxic, Hazardous and Nuclear Waste Control Act (RA6969) and other legislations, standards and regulations aimed to protect and improve the quality of the Philippine environment will be strictly observed. Government permits and clearances as required by other laws will also be secured.

d. Involuntary Resettlement

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 ESS5 since experiences under MTF-RDPs showed that some community sub-projects involved acquisition of a small parcel of land which were

voluntarily donated. Thus, MTF-RDP/3 would continue to ensure that any acquired small parcels of land are voluntarily donated, and no compensation is charged under project funds (Negative List).

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/3 is attached as Annex 4** that outlines the processes that must be observed for land donations for MTF-RDP/3 sub-projects.

Any activity that would involve voluntary land acquisition requires an early special approval from the project implementing unit (Central Management Office of BDA). In case agreement is reached with families regarding the transfer of land, (i) land acquisition assessment documentation (**Annex Table A2-2: Land Acquisition Assessment**), (ii) a recording of the confirmation by the donor that he/she has either willingly donated the land/asset (**Annex Table A2-3: Documentation for Transfer of Assets**), and (iii) release of funds for sub-project implementation once land donation documents had been properly complied and submitted. 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/3, 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 donor is the legitimate owner of the land and is fully informed of the nature of the sub-project and the implications 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 no person had been adversely affected 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/Land;
- 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., if applicable);
- g) Compliance with the provisions of the Civil Code on Private Land Donations and Usufruct Agreements.

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 land owner before any sub-project construction commences.

e. Indigenous Peoples Participation Framework

MTF-RDP/3 will continue, what had been started in MTF-RDP/2, to ensure that Indigenous Peoples (IP) groups are part of the beneficiaries in the overall project and that they are active participants in the social assessment, community planning and sub-project identification and management processes. The baseline survey of the project community collects ethnic affiliation information which helps the community design its sub-projects.

While the MTF-RDP/3 does not anticipate negative impacts on IPs, an IP Planning Framework will be prepared as a safeguard for IPs and to provide further guidance to project staff when working on developmental aspects with IPs. Being demand-driven in character, the exact location and nature of the community sub-projects are still undetermined. MTF-RDP/3 will be implemented using a community-driven development (CDD) approach with a highly participatory character where communities are fully involved in management and implementation of their own sub-projects.

Framework Objectives. The IP Planning Framework seek to ensure that Indigenous Peoples are informed, meaningfully consulted and mobilized to participate in the identification, planning, implementation, monitoring and evaluation of sub-projects to be supported by MTF-RDP/3. Their participation can provide them benefits with more certainty and/or protect them from any potential adverse impacts of sub-projects that will be funded.

Definitions

For purposes of this policy, the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

- a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- d) an indigenous language, often different from the official language of the country or region.

Under the Project, the indigenous peoples are mostly Tedurays, other IP groups include Lambangian, Manobo, Hiligaynon, and B’laan, who are also present in some areas of the camps, MTF-RDP/2’s IP sites mainly covered Teduray areas.

Legal Framework

The IP Planning Framework supports the priority given to Indigenous Peoples by the Government of the Philippines, embodied foremost in the 1987 Constitution, which recognizes the rights of the IPs to their ancestral domains and their power of dominion over their lands and resources. Among its pertinent provisions are:

Section 17, Art. XIV: *“customary laws governing property rights or relations shall be applied in determining the ownership and extent of ancestral domains; and*

Section 22, Art. II, Section 5, Art. XII: *“...the rights of indigenous peoples to natural resources pertaining to their lands shall be specially safeguarded...”* These rights include the right of the IPs to participate in the use, management and conservation of natural resources.

The right to stay in their territory and not be removed therefrom except when relocation is necessary as an exceptional measure, as in the case of an ecological disaster or armed conflict. IPs have a right to return to their territories once the ground for relocation ceases.

Another nationally legislated instrument protecting the rights of IP is the Indigenous Peoples Rights Act (IPRA or RA 8371), which state certain requirements in activities and programs affecting Indigenous Peoples. Some relevant provisions include:

Chapter III, Section 7b: *“...IPs have the right to an informed and intelligent participation in the formation and implementation of any project, government or private, that will impact on their ancestral domain...”*;

Chapter IV, Section 16: *“...IPs have the right to participate in decision-making, in all matters which may affect their rights, lives and destinies, through procedures determined by them as well as to maintain and develop their own indigenous political structures...”*

The Bangsamoro Organic Law, R.A 11054, provides through:

Section 3 (Indigenous People’s Rights), Article IX (Basic Rights) that *“the Bangsamoro Government recognizes the rights of the indigenous peoples and shall adopt measures for the promotion and protection of*

the following rights: a. Native titles or fusaka inged; b) Indigenous customs and traditions; c) Justice systems and indigenous political structures; d) Equitable share in revenues from the utilization of resources in their ancestral lands; e) Free, Prior and Informed consent; f) Political participation in the Bangsamoro Government including reserved seats for the non-Moro indigenous peoples in the Parliament; g) Basic services; and h) Freedom of choice as to their identity ... ”

The BOL also provides for the establishment of a ministry for the indigenous peoples with the primary responsibility of formulating and implementing policies, plans, and programs to promote the well-being of all indigenous peoples in the BARMM. This new law, as well as pertinent provisions in the 1987 Constitution and in the IPRA, attempt to correct centuries of oppression and marginalization of the indigenous populations in Mindanao.

Additionally, the Bangsamoro Government and the national government supported various international agreements and conventions to protect the rights and culture of IPs, among them: United Nations Declaration of the Rights of Indigenous Peoples and the United Nations Declaration on Human Rights, and other laws pertaining to indigenous peoples in the Bangsamoro Region.

The IPs in Mindanao are also governed and protected by the Muslim Mindanao Autonomy Act (MMAA) No. 241 otherwise known as the Tribal Peoples' Rights Act of 2008. (Refer to Annex 1 for details)

The Project's approach to achieve the objectives of ensuring (a) IP participation in project activities, so that IP are in a position to receive culturally compatible social and economic benefits, (b) that IP are not adversely affected by the project by ensuring their inclusive participation in the decision-making processes of the project, and (c) determine their own development priorities, through their indigenous political structures, for projects intended/located in IP communities, where applicable.

Guiding Principles:

- a) MTF-RDP/3 shall ensure that 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/3 must ensure that IPs do not suffer any adverse effects during and after sub-project implementation, as well as receive culturally compatible social and economic benefits;
- b) MTF-RDP/3, LGUs, and other partners must ensure that development processes implemented by the project will foster full respect for the IPs' dignity, human rights and cultural uniqueness;
- c) Consensus of all IP members affected must be determined in full 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 sub-project activity, in a language and process understandable to the IP community;
- d) The process of obtaining the Free and Prior 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 and Prior Informed Consent) of NCIP Administrative Order No.3, series of 2002.
- e) MTF-RDP/3 will ensure that none of its socio-econ infrastructure (CSP/SEI) and/or community-based infrastructures (HSP/CBI) will damage non-replicable cultural property. In cases where infrastructure sub-project will pass through sites considered as cultural properties/heritage of the IPs, the MTF-RDP/3 must request, through the negative list, to relocate or redesign the sub-projects, so that the sites can be preserved and remain intact.
- f) On infrastructure sub-projects:
 - a. If the IP community wishes to have an eligible small infrastructure project in the community located on its ancestral domain and an FPIC is obtained from the group, then the subproject will be considered for funding.
 - b. For IP communities that are in the process of securing an ancestral domain title for an area where a potential small infrastructure can be located, the community will be advised to begin with a soft skills/capacity building activities (non-infrastructure) until an ancestral domain title had been secured, then and only then can the small infrastructure proposal proceed.)
 - c. For rehabilitation of community infrastructure, an approved subproject can be implemented at any time.
- g) Sub-Project designs must, at all times, consider the traditional and cultural practices of the IP group in the area (***cultural acceptability***).
- h) IPs shall also be capacitated as active agents of peace and reconciliation to help unify their community.

Operational Strategies

In barangays where IPs are present, the Project shall ensure that technical assistance is provided to enable the IPs to participate meaningfully in the project planning process. This may mean deployment of competent and committed program partners/facilitators who can work with IP communities and ensure that IPs understand the project and what the IP community is bringing into the project meetings for consideration -- prioritized IP projects for possible funding. To better coordinate activities with IPs, BDA (and other Program partners) shall strive to forge partnership agreements with the Ministry of Indigenous People's Affairs (MIPA) for BARMM areas and with the National Commission on Indigenous Peoples (NCIP) in non-BARMM areas.

The Project design promotes equitable inclusion of ethnic/tribal indigenous peoples in decision-making and as beneficiaries. The procedure for selection of community representatives is expected to ensure that indigenous peoples are represented in project activities and decision-making activities. 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 sub-project proposal information on the inclusion of ethnic/indigenous peoples as beneficiaries in the 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 of different indigenous people's 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 IP participation 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. The BDA and implementing partners shall not proceed with subproject endorsements or appraisal processes, unless the corresponding documentation of meetings with the IP communities are 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 the IP communities, IPs must be informed of such impacts and their right to compensation. Should IPs give their approval for such subprojects, affected IP communities must be part and parcel of development of mitigating measures. The BDA, with close guidance and coordination from CFSI, 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.

Project Steps and IP Participation

MTF-RDP/3 Steps	Main Activities
Step 1: Institutional Preparation	<ul style="list-style-type: none"> - Coordination with the MIPA on MTF-RDP/3 IP project - Identification of the IP community - Coordination with the IP elders on the processes that MTF-RDP/3 will undertake - Consent of Leaders and Elders for the conduct of the Baseline data gathering activity

Step 2: Social Preparations and Community Validations	<ul style="list-style-type: none"> - IP Community Orientation on MTF-RDP/3, with focus on IP sub-project - Orientation and Conduct of the FPIC - Identification of the IP small infrastructure to help improve socio-economic and health conditions in the IP community - Identification of possible positive and negative Impacts of the SP - Acceptance and Consent for the selected IP small sub-project
Step 3: Sub-project Proposal Preparation and Approval	<ul style="list-style-type: none"> - Training and Guided Preparation of the IP Sub-project Proposal, - Preparation of the ECoP for the selected IP SP - Technical assessment of the proposed IP SP site with representatives of the IP community - Securing Land documentation for the proposed IP sub-project site - Consent of IP Leaders and Elders for the submission of the IP Sub-Project
Step 4: Procurement	<ul style="list-style-type: none"> - IPs oriented on the different procurement processes of the project, especially those applicable in community level procurement
Step 5: Sub-Project Implementation and Turn-Over	<ul style="list-style-type: none"> - IP SP construction, qualified IPs involved in the list of workers for the SP construction - IP practices on construction to also be observed - IPs play a key role in maintaining and operating their IP sub-project. - IPs involved in maintaining and operating the community SP

Grievance Mechanism for IP sub-project:

Complaints or grievances from stakeholders are inevitable and must be discussed in the specific IP community or locality where the sub-project is implemented using the IP-practiced traditional conflict resolution procedures. Tribal leaders of the area will be asked to facilitate negotiations to resolve or provide redress to complaints received. Should the formal GRM be required, meaning the issue had not been resolved and is elevated to another level, the project team will discuss with the IP leaders/elders how to implement the project’s GRM with respect to the IPs cultural traditions.

A project staff will observe and document all the proceedings of the discussions or negotiations. If negotiations are stalled, or if the IP communities disagree with the resolutions and all the possible options presented to them, they should be allowed to elevate such complaints to another appeal process (3rd level), the final appeal process to the MIPA, with copies furnished to the Project team. (Note: This should be consulted with the IP group, if acceptable to them.)

f. Cultural Property

Cultural property includes historical sites and structure (monuments, works of art, ritual and grave sites) having historical, architectural, archaeological, or paleontological significance, and natural sites with cultural values. The small-scale civil work sub-projects undertaken under the program are unlikely to pose much risk of damaging cultural property. However the subprojects may lead to chance finds, and procedures needed to be followed to assist identification and protection from theft of such finds.

In case of a chance find or movable or immovable historical or cultural artifact, the PMU/PIU is responsible for securing the artifact from theft, pilferage and damage until the responsibility has been taken over by the relevant authorities. The procedures must be referred to as standard provisions in construction contracts, when applicable.

Chance find procedure will ensure that the chance find item will not be disturbed until responsible authorities/specialists arrived in the area. The procedure details the actions to be taken when a previously unidentified or potential heritage site/item is found during construction activities.

Chance Find Procedure:

- Stop all work in the vicinity of the find, until a solution is found for the preservation of these artifacts, or advise from the relevant authorities is obtained;
- Immediately notify a foreman. The foreman will then notify the Construction Manager and the Safeguards Officer assigned in the area;

- Record the details in the Incident Report and take photos of the find;
- Delineate the discovered site or area; secure the site to prevent any damage or loss of any removable objects;
- Once representatives of responsible authorities arrive, a proper “site turn-over” should be documented. Decisions on how to handle the finding shall then be taken by the responsible authorities. This could include changes in the layout, conservation, preservation, restoration and salvage.
- Construction works can resume only after permission is granted from the responsible authorities (World Bank, CFSI, and BDA)

Once the chance find site boundaries has been delineated, an attempt to redesign the proposed sub-project may be initiated to avoid the site or opt to move the sub-project to a totally new site/location, following the VLD procedures for the new project site/location, should project implementation time allow.

MTF-RDP/3 must ensure that none of its SEIs and/or CBIs 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.

g. Labor Management Procedures (LMP)

The labor management procedures (LMP) enables identification of main labor requirements and risks associated with the project and help CFSI to determine the resources necessary to address labor issues. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project. Accordingly, the LMP details out the type of workers likely to be deployed by the project and the management thereof. The LMP provides an assessment of key potential labor risks, an overview of labor legislation, including those related to occupational health and safety (OSH), and the corresponding policies and procedures on worker management. The LMP will also reflect the current COVID 19 protocols and guidelines.

h. Resource Efficiency and Pollution Prevention and Management (Ecological Waste Management Plan)

This will basically comply with the provisions of the Ecological Solid Waste Management Act and the Environmental Code of the Philippines. Refer to Section C for additional details.

Proper disposal of medical related wastes (esp. face masks), will also be strictly observed as stated in issuances released by DOH, also stated under ESS4.

i. Community Health and Safety

Community health and safety concerns will all be in compliance with the Ministry of Health, and the Department of Health, protocols/guidelines in response to possible outbreaks of pandemics, epidemics and other infectious diseases in the community. Coordination with the Department of Labor and Employment is also necessary to ensure that a responsive Occupational Health and Safety program is in place for the project workers, and to the community in general.

In line with the current COVID-19 Pandemic, the IATF, DOH, DOLE, DILG and other government line agencies issue guidelines and protocols to mitigate the spread of COVID-19.

The Expanded Program on Immunization (EPI) of the Ministry of Health, as well as other community health programs will also be tapped as part of the health risk mitigation measures for the project.

Construction safety practices as stated in the SEI Field Guide, prepared for MTF-RDP/2, and in the Occupational Safety and Health Standards (RA11058) will be observed in construction sites, including the use of proper safety signages and use of appropriate PPEs.

j. Biodiversity Conservation and Sustainability Management of Living Natural Resources (Biodiversity Risks and Impacts)

Implementation of MTF-RDP/3 will be in compliance with the provisions of RA7586 or the National Integrated Protected Areas System Act of 1992, protected areas are “identified portions of land and water set aside by reason of

their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.”

In 2018, an Expanded NIPAS Act of 2018 (RA 11038), was signed into law putting the protected areas under the control and supervision of the Department of Environment and Natural Resources, through the Biodiversity Management Bureau, as well as expanding the list of national parks and protected areas.

Prohibited acts in the protected areas are:

- poaching and disturbing any wildlife; hunting, taking or collecting any wildlife or by-products; cutting, gathering or removing timber without permit.
- Possessing or transporting any timber, forest products, wildlife or by-products; using any fishing and indulging in practice that destroys marine life; dumping toxic chemicals, untreated sewage or animal waste.
- The practice of “kaingin,” or causing forest fires; damaging and leaving roads and trails; littering; possessing or using blasting caps or explosives.
- Occupying or dwelling in any public land; building any structure, fence or enclosure; conducting any business enterprise without permit; and purchasing or leasing.

k. Stakeholder Engagement Plan

A Stakeholder Engagement Plan (SEP) is prepared for MTF-RDP/3 to ensure open and transparent engagement between/among project stakeholders by keeping them involve in project processes and voicing their heir opinion on decisions for the project. The SEP lays down the engagement schedule for the various stakeholders, to ensure proper stakeholder representation and to slowly build into the stakeholders the sense of project ownership.

Involvement of various stakeholders are also supported by various Philippine legislations, such as, but not limited to the IPRA, Magna Carta of Women, Magna Carta for Disabled Persons, and the Accessibility Law, and the Magna Carta of Small Farmers.

SECTION II: RDP/3 IMPLEMENTATION DURING COVID-19 PANDEMIC

I. Project Implementation during COVID-19 Pandemic

In the late quarter of 2019, a novel coronavirus disease (COVID-19), a highly transmittable and pathogenic viral infection caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), emerged from Wuhan, China in late 2019 and spread around the world in a matter of months. The World Health Organization declared COVID-19 as a pandemic on 11 March 2020. With numbers of confirmed COVID-19 cases rapidly rising and deaths continually increasing in all continents. *“COVID-19 marks the return of a very old - and familiar – enemy. Throughout history, nothing has killed more human beings than the viruses, bacteria, and parasites that cause disease. Not natural disasters like earthquakes or volcanoes. Not war – not even close.”* (BBC Future COVID-19: The history of Pandemics, by Bryan Walsh, 26 March 2020, BBC.com)

The current COVID-19 scenario brought much disruption in the lives of people, in society, and in the economy. The evolving new realities have changed regular interactions and behaviors. A new normal is being defined.

II. Adjustments in Project Implementation Activities in line with COVID-19 Mitigating Measures

In light of the current COVID-19 pandemic, project implementation will all be in strict compliance with the minimum public health standards issued by the national/regional government and by the local government units to mitigate and stop the spread of COVID-19, and other emergencies or disasters that may occur. The World Bank also provided supplemental guidelines on safeguards, finance, and procurement that must be considered and complied with by the project team in the implementation of MTF-RDP/3.

Implementation of activities, capacity-building and infrastructure development, will still follow the steps identified in the Project’s Operations Manual. It should be emphasized that prior to engaging the community in the conduct of project activities, an assessment of the community must first be conducted either: a) through using reliable secondary sources of information (to avoid physical visits to the community), and; b) conduct of interviews and/or surveys over the phone (especially where contacts have already been previously established) and other available technology applicable. With proper community assessment information, prior to engagement/re-engagement, the team will have knowledge on what conditions exists in the area/chosen community, and can do an informed decision of either to proceed or not to proceed to the site.

The *list of Minimum Public Health Standards* (Outpatient Primary Care) below is culled-out from the Department of Health, Administrative Order 2020-0016.

- 1) Increase Physical and Mental Resilience:
 - a) Respiratory Hygiene and Cough Etiquette
 - Practice respiratory etiquette at all times. Use tissue or the inner portion of the elbow to cover the nose and mouth when sneezing/coughing. Practice proper disposal of tissue after use.
 - Placement of temporary plastic barriers in front desks and other points of contact between staff and patients (or clients);
 - Cloth mask for general public or surgical mask for symptomatic individuals.
 - b) Promote Mental Health
 - Health emergencies can put people in extreme stress. Individuals may reach out to families and friends or a mental health professional through the telemedicine hotlines;
 - Department of Health (DOH) Emergency Hotlines:
02 894-26843; 02 894-COVID
For PLDT, Smart, Sun, and TnT Subscribers: 1555
 - Ministry of Health (MOH) – BARMM Emergency Operations Center
COVID-19 Hotline Numbers
Globe/TM: 0975 7654700
Smart/TNT/SUN: 0951 6839197

- Lanao and Marawi
 COVID-19 Public Hotlines
 Provincial Ligtas COVID-19 Center: 0910 615 3324
 Provincial DRRM Office: 0995 223 2463
 Integrated Provincial Health Office – Lanao Del Sur: 0926 833 6368
 City Health Office – Marawi: 0917 259 6890
 Amai Pakpak Medical Center: 0995 5632 722 / 0999 1909 488
 - c) Reduce exposure of vulnerable individuals (e.g., senior citizens, individuals with underlying health conditions) to prevent infection
 - Vulnerable individuals or Most at Risk Population (MARP) for COVID-19 are advised to stay at home and limit their travel outside the house, unless the travel is to attend to medical needs or other essential matters.
 - Designate a special area for exclusive use of vulnerable individuals or MARP;
 - Specify visiting hours, or provide house visitation services for vulnerable individuals or MARP
 - Cloth mask for general public or surgical mask for symptomatic individuals.
 - d) Provision of support for essential workforce in the health setting (financial, lodging, shuttle, food, etc.)
 - Provision of benefits to health care workers (e.g, special risk allowance, hazard pay, etc.)
 - LGUs may further extend their support
 - e) Provision of support for vulnerable groups
 - Provision of PhilHealth benefit package for COVID-10 patients
- 2) Reduce Transmission
- a) Personal Hygiene (e.g. handwashing with soap and water, sanitizing with disinfectants, etc.)
 - Individuals and health care workers must wash their hands with soap and water regularly or use hand disinfectants;
 - Placement of makeshift hand washing facilities or dispensers with an alcohol-based solution in entrances and other strategic areas;
 - Routine refilling of dispensers, soaps, and other disinfectants within the facility;
 - Cloth mask for general public or surgical mask for symptomatic individuals.
 - b) Environmental Hygiene (e.g. disinfecting surfaces and objects)
 - Disinfection of frequently touched surfaces such as but not limited to tables, doorknobs, pens, equipment, among others using 0.5% bleach solution (100mL Bleach, 900 mL water);
 - Placement of foot baths in all entrances (1:10 bleach solution; 1 liter bleach mixed with 9 liters of clean water);
 - Placement of signs reminding the general public to minimize touching of surfaces and objects;
 - Routine cleaning of facilities and replacement of disinfectants in dispensers and foot baths;
 - Cloth mask for general public or surgical mask for symptomatic individuals.
 - c) Use of PPEs and other medical-grade protective apparel
 - Cloth mask for general public or surgical mask for symptomatic individuals.
- 3) Reduce Contact
- a) Practice physical distancing
 - Practice physical distancing
 - Installation of temporary barriers and placement of red marking tapes on the floor to remind the general public to maintain a safe distance from each other
 - Limitation of the number of people /patients allowed inside a facility
 - Cloth mask for general public or surgical mask for symptomatic individuals
 - b) Restriction on Mass Gatherings
 - Limitation on the number of companions per patient allowed within the facility
 - Implement specific schedules or offer house visitation services and online medical consultation (if possible)
 - Cloth mask for general public or surgical mask for symptomatic individuals
- 4) Reduce Duration of Infection
- a) Detection and Isolation of Symptomatic Individuals (at home or in designated community quarantine facilities)

- Health care workers must refer symptomatic individuals to the appropriate facility within their healthcare provider network to ensure provision of responsive services that are needed by the patient.
- Cloth mask for general public or surgical mask for symptomatic individuals

III. Interim Protocols for Humanitarian Assistance During Community Quarantine

The *Interim Protocols for Humanitarian Assistance During Community Quarantine*, Memorandum Circular No. 04, series of 2020 issued by the National Disaster Risk Reduction and Management Council (NDRRMC) also provided certain protocols for humanitarian agencies to conduct their operation during the duration of this health crisis. Some relevant Delivery Modalities protocols for consideration in to MTF-RDP operation include:

- 1) Home Delivery (In-Kind Assistance)
 - a) Avoid entering the house, apartment, entrance hallway if feasible, propose beneficiaries to meet outside;
 - b) If recommended, physical distancing is not possible, consider alternative methods to deliver the assistance, such as drop-off at the front door, street or household level distributions.
 - c) When handing over any item, put down the item, wipe it with an antiviral wipe, then stand back and ask the beneficiary to pick it up. If such wipes are not available, clean the item with soap and water and wipe dry with a disposable towel before handing it over with clean hands or gloves. Proper disposal protocols of PPEs must also be followed.
- 2) Delivery of Service Assistance
 - a) Consider utilizing technology to facilitate remote service provision as feasible as possible such as consultation by phone.
 - b) If physical visit to communities is absolutely necessary, ensure the venue is safe/fit (spacious enough) for use and establish a clear route of traffic to avoid congestion, e.g. screening of body temperature, establish a queue where people are separated by at least 1.5 meter distance while waiting, putting in place a referral pathway in case a beneficiary presents flu-like symptoms or fever.
 - c) Set-up hand washing area with adequate supply of hand wash solution. Alcohol-based hand sanitizer may be most practical.
 - d) All staff are mandatorily required to wear mask, avoid touching their face, perform hand sanitation regularly and follow general hygiene practices.
- 3) Delivery of Construction Services
 - a) Adherence to the guidelines that the DPWH may issue relative to the construction works and DOH minimum health standards shall be strictly enforced.
- 4) Common Requirements and Procedures for All Types of Activities and Delivery Modalities
 - a) Humanitarian Assistance Actors (HAAs) en route to their area of operations shall at all times adhere to physical distancing measures – limit passengers consistent with the number allowed by the guidelines issued by the Department of Transportation (DOTr) for Road Transport Sector, carry official identification, and wear masks and face shields.
 - b) HAAs shall not undertake any action or activity that is in contravention with government’s COVID-19 protocols and procedures.
 - c) All HAAs shall ensure that their activities will enhance the safety, dignity and rights of their beneficiaries and avoid exposing them to further harm.
 - d) All activities should be accompanied by COVID-19 related awareness raising information.
 - e) Ensure that community engagement and participation, clear communication and feedback mechanisms are in place.
 - f) Limit administrative documentation requirements

IV. Adjustments in Information Dissemination and Public Consultations (from World Bank Supplemental Guidelines)

1. Identify and review planned activities under the project requiring stakeholder engagement and public consultations.
2. Assess the level of proposed direct engagement with stakeholders, including location and size of proposed gatherings, frequency of engagement, categories of stakeholders (international, national, local) etc.

3. Assess the level of risks of the virus transmission for these engagements, and how restrictions that are in effect in the country / project area would affect these engagements.
4. Identify project activities for which consultation/engagement is critical and cannot be postponed without having significant impact on project timelines.
5. Assess the level of ICT penetration among key stakeholder groups, to identify the type of communication channels that can be effectively used in the project context.
6. Based on the above, the Project Team needs to identify the specific channels of communication that should be used while conducting stakeholder consultation and engagement activities. The following are some considerations while selecting channels of communication, in light of the current COVID-19 situation:
 - Avoid public gatherings (taking into account national restrictions), including public hearings, workshops and community meetings;
 - in situations where smaller gatherings are permitted as per local guidelines and cannot easily be replaced by other means of communication, groups should be kept small and if possible meetings should take place outdoor, appropriate distancing between participants should be maintained, participants should all be wearing masks and alcohol-based sanitizer made available.
 - If even small gatherings are not permitted, make all reasonable efforts to conduct meetings through online channels, including webex, zoom and skype;
 - Diversify means of communication and rely more on social media and online channels. Where possible and appropriate, create dedicated online platforms and chatgroups appropriate for the purpose, based on the type and category of stakeholders;
 - Employ traditional channels of communications (TV, newspaper, radio, dedicated phone-lines, and mail) when stakeholders do not have access to online channels or do not use them frequently. Traditional channels can also be highly effective in conveying relevant information to stakeholders, and allow them to provide their feedback and suggestions;
 - Where direct engagement with project affected people or beneficiaries is necessary, such as would be the case for Resettlement Action Plans or Indigenous Peoples Plans preparation and implementation, identify channels for direct communication with each affected household via a context specific combination of email messages, mail, online platforms, dedicated phone lines with knowledgeable operators;
 - Each of the proposed channels of engagement should clearly specify how feedback and suggestions can be provided by stakeholders;
 - An appropriate approach to conducting stakeholder engagement can be developed in most contexts and situations. However, in situations where none of the above means of communication are considered adequate for required consultations with stakeholders, consider if the project activity can be rescheduled to a later time, when meaningful stakeholder engagement is possible.

V. Civil Works: Community Infrastructure projects

Community infrastructure projects (SEIs and CBIs) will comply with the guidelines issued by the DPWH and the BARMM Ministry of Public Works (MPW) relative to the construction works and DOH and MOH for health related concerns. Minimum health standards will be strictly enforced and the use of appropriate PPEs will be observed in all construction areas. A section of the Simplified Construction Field Guide for Socio-Economic Infrastructure, prepared for MTF-RDP/2 and will be adopted for RDP/3, tackled the current guidelines and safeguard considerations for construction projects during COVID-19. It specifically focused on the DPWH Department Order No. 35, or “the Type of Construction Projects that may be Implemented Pursuant to Omnibus Guidelines on the Implementation of

the Community Quarantine in the Philippines,” dated 29 April 2020, and from the supplemental Safeguards Consideration for Project Implementation during COVID-19 issued by the World Bank.

A Revised Omnibus Guidelines on the implementation of Community Quarantine in the Philippines issued on 15 May 2020 to harmonize and codify existing policies of the IATF and member-agencies pertaining to community quarantine, which shall be applied to all regions, provinces, cities, municipalities and barangays placed under community quarantine. Thus, community quarantine classifications issued by the national government and that of the local government units administering the project site, as well as municipalities/provinces that will be traversed, going to and going back from the project sites, must also be considered in the preparation and planning of all CDA activities.

A. Responsibilities of the Project Team (from World Bank Supplemental Guidelines)

1. The Project Team should request details in writing from the main Contractor of the measures being taken to address the risks. The construction contract should include health and safety requirements, and these can be used as the basis for identification of, and requirements to implement, COVID-19 specific measures. The measures may be presented as a contingency plan, as an extension of the existing project emergency and preparedness plan or as standalone procedures. The measures may be reflected in revisions to the project’s health and safety manual.
2. The Project Team should require the Contractor to convene regular meetings with the project health and safety specialists and medical staff (and where appropriate the local health authorities), and to take their advice in designing and implementing the agreed measures.
3. Where possible, a senior person should be identified as a focal point to deal with COVID-19 issues. This can be a work supervisor or a health and safety specialist. This person can be responsible for coordinating preparation of the site and making sure that the measures taken are communicated to the workers, those entering the site and the local community. It is also advisable to designate at least one back-up person, in case the focal point becomes ill; that person should be aware of the arrangements that are in place.
4. The Project Team may provide support to projects in identifying appropriate mitigation measures, particularly where these will involve interface with local services, in particular health and emergency services. In many cases, the Project Proponent can play a valuable role in connecting project representatives with local Government agencies, and helping coordinate a strategic response, which takes into account the availability of resources. To be most effective, projects should consult and coordinate with relevant Government agencies and other projects in the vicinity.
5. Workers should be encouraged to use the existing project grievance mechanism to report concerns relating to COVID-19, preparations being made by the project to address COVID-19 related issues, how procedures are being implemented, and concerns about the health of their co-workers and other staff.

B. Responsibilities of the Contractor/ Community Labor

1. The Contractor/Community Labor should prepare a detailed profile of the project work force, key work activities, schedule for carrying out such activities, different durations of contract and rotations (e.g. 4 weeks on, 4 weeks off). This should include a breakdown of workers who reside at home (i.e. workers from the community), workers who lodge within the local community and workers in on-site accommodation. Where possible, it should also identify workers that may be more at risk from COVID-19, those with underlying health issues or who may be otherwise at risk.
2. Consideration should be given to ways in which to minimize movement in and out of site. This could include lengthening the term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas.
3. Workers accommodated on site should be required to minimize contact with people near the site, and in certain cases be prohibited from leaving the site for the duration of their contract, so that contact with local communities is avoided.

4. Consideration should be given to requiring workers lodging in the local community to move to site accommodation (subject to availability) where they would be subject to the same restrictions.
5. Workers from local communities, who return home daily, weekly or monthly, will be more difficult to manage. They should be subject to health checks at entry to the site and at some point, circumstances may make it necessary to require them to either use accommodation on site or not to come to work.
6. Entry/exit to the work site should be controlled and documented for both workers and other parties, including support staff and suppliers. Possible measures may include:
 - Establishing a system for controlling entry/exit to the site, securing the boundaries of the site, and establishing designating entry/exit points (if they do not already exist). Entry/exit to the site should be documented.
 - Training security staff on the (enhanced) system that has been put in place for securing the site and controlling entry and exit, the behaviors required of them in enforcing such system and any COVID -19 specific considerations.
 - Training staff who will be monitoring entry to the site, providing them with the resources they need to document entry of workers, conducting temperature checks and recording details of any worker that is denied entry.
 - Confirming that workers are fit for work before they enter the site or start work. While procedures should already be in place for this, special attention should be paid to workers with underlying health issues or who may be otherwise at risk. Consideration should be given to demobilization of staff with underlying health issues.
 - Checking and recording temperatures of workers and other people entering the site or requiring self-reporting prior to or on entering the site.
 - Providing daily briefings to workers prior to commencing work, focusing on COVID-19 specific considerations including cough etiquette, hand hygiene and distancing measures, using demonstrations and participatory methods.
 - During the daily briefings, reminding workers to self-monitor for possible symptoms (fever, cough) and to report to their supervisor or the COVID-19 focal point if they have symptoms or are feeling unwell.
 - Preventing a worker from an affected area or who has been in contact with an infected person from returning to the site for 14 days or (if that is not possible) isolating such worker for 14 days.
 - Preventing a sick worker from entering the site, referring them to local health facilities if necessary or requiring them to isolate at home for 14 days.
7. Requirements on general hygiene should be communicated and monitored, to include:
 - Training workers and staff on site on the signs and symptoms of COVID-19, how it is spread, how to protect themselves (including regular handwashing and social distancing) and what to do if they or other people have symptoms.
 - Placing posters and signs around the site, with images and text in local languages.
 - Ensuring handwashing facilities supplied with soap, disposable paper towels and closed waste bins exist at key places throughout site, including at entrances/exits to work areas; where there is a toilet, canteen or food distribution, or provision of drinking water; in worker accommodation; at waste stations; at stores; and in common spaces. Where handwashing facilities do not exist or are not adequate, arrangements should be made to set them up. Alcohol based sanitizer (if available, 60-95% alcohol) can also be used.

- Setting aside part of worker accommodation for precautionary self-quarantine as well as more formal isolation of staff who may be infected.
 - Conducting regular and thorough cleaning of all site facilities, including offices, accommodation, canteens, common spaces. Review cleaning protocols for key construction equipment (particularly if it is being operated by different workers).
 - Providing cleaning staff with adequate cleaning equipment, materials and disinfectant.
 - Reviewing general cleaning systems, training cleaning staff on appropriate cleaning procedures and appropriate frequency in high use or high-risk areas.
 - Where it is anticipated that cleaners will be required to clean areas that have been or are suspected to have been contaminated with COVID-19, providing them with appropriate PPE: gowns or aprons, gloves, eye protection (masks, goggles or face screens) and boots or closed work shoes. If appropriate PPE is not available, cleaners should be provided with best available alternatives.
 - Training cleaners in proper hygiene (including handwashing) prior to, during and after conducting cleaning activities; how to safely use PPE (where required); in waste control (including for used PPE and cleaning materials).
 - Any medical waste produced during the care of ill workers should be collected safely in designated containers or bags and treated and disposed of following relevant requirements (e.g., national, WHO). If open burning and incineration of medical wastes is necessary, this should be for as limited a duration as possible. Waste should be reduced and segregated, so that only the smallest amount of waste is incinerated.
8. Consider changes to work processes and timings to reduce or minimize contact between workers, recognizing that this is likely to impact the project schedule. Such measures could include:
- Decreasing the size of work teams.
 - Limiting the number of workers on site at any one time.
 - Changing to a 24-hour work rotation.
 - Adapting or redesigning work processes for specific work activities and tasks to enable social distancing, and training workers on these processes.
 - Continuing with the usual safety trainings, adding COVID-19 specific considerations. Training should include proper use of normal PPE. While as of the date of this note, general advice is that construction workers do not require COVID-19 specific PPE, this should be kept under review.
 - Reviewing work methods to reduce use of construction PPE, in case supplies become scarce or the PPE is needed for medical workers or cleaners. This could include, e.g. trying to reduce the need for dust masks by checking that water sprinkling systems are in good working order and are maintained or reducing the speed limit for haul trucks.
 - Arranging (where possible) for work breaks to be taken in outdoor areas within the site.
 - Consider changing canteen layouts and phasing mealtimes to allow for social distancing and phasing access to and/or temporarily restricting access to leisure facilities.
 - At some point, it may be necessary to review the overall project schedule, to assess the extent to which it needs to be adjusted (or work stopped completely) to reflect prudent work practices, potential exposure of

both workers and the community and availability of supplies, taking into account Government advice and instructions.

9. Consider whether existing project medical services are adequate, taking into account existing infrastructure (size of clinic/medical post, number of beds, isolation facilities), medical staff, equipment and supplies, procedures and training. Where these are not adequate, consider upgrading services where possible, including:
 - Expanding medical infrastructure and preparing areas where patients can be isolated. (Guidance on setting up isolation facilities is set out in WHO interim guidance on considerations for quarantine of individuals in the context of containment for COVID-19). Isolation facilities should be located away from worker accommodation and ongoing work activities. Where possible, workers should be provided with a single well-ventilated room (open windows and door). Where this is not possible, isolation facilities should allow at least 1 meter between workers in the same room, separating workers with curtains, if possible. Sick workers should limit their movements, avoiding common areas and facilities and not be allowed visitors until they have been clear of symptoms for 14 days. If they need to use common areas and facilities (e.g. kitchens or canteens), they should only do so when unaffected workers are not present, and the area/facilities should be cleaned prior to and after such use.
 - Training medical staff/community health volunteer, which should include current WHO advice on COVID-19 and recommendations on the specifics of COVID-19. Where COVID-19 infection is suspected, medical providers/community health volunteers on site should follow WHO interim guidance on infection prevention and control during health care when novel coronavirus (nCoV) infection is suspected.
 - Training medical staff/ qualified barangay health volunteer in testing, if testing is available.
 - Assessing the current stock of equipment, supplies and medicines on site, and obtaining additional stock, where required and possible. This could include medical PPE, such as gowns, aprons, medical masks, gloves, and eye protection. Refer to WHO guidance as to what is advised.
 - If PPE items are unavailable due to world-wide shortages, project team, in consultation with medical experts, should agree on alternatives and try to procure them. Alternatives that may commonly be found on constructions sites include dust masks, construction gloves and eye goggles. While these items are not recommended, they should be used as a last resort if no medical PPE is available.
 - Ventilators will not normally be available on work sites, and in any event, intubation should only be conducted by experienced medical staff. If a worker is extremely ill and unable to breathe properly on his or her own, they should be referred immediately to the local hospital.
 - Review existing methods for dealing with medical waste, including systems for storage and disposal.
10. Given the limited scope of project medical services, the project may need to refer sick workers to local medical services. Preparation for this includes:
 - Obtaining information as to the resources and capacity of local medical services (e.g. number of beds, availability of trained staff and essential supplies).
 - Conducting preliminary discussions with specific medical facilities, to agree what should be done in the event of ill workers needing to be referred.
 - Considering ways in which the project may be able to support local medical services in preparing for members of the community becoming ill, recognizing that the elderly or those with pre-existing medical conditions require additional support to access appropriate treatment if they become ill.
 - Clarifying the way in which an ill worker will be transported to the medical facility, and checking availability of such transportation.

- Establishing an agreed protocol for communications with local emergency/medical services.
 - Agreeing with the local medical services/specific medical facilities the scope of services to be provided, the procedure for in-take of patients and (where relevant) any costs or payments that may be involved.
 - A procedure should also be prepared so that project management knows what to do in the unfortunate event that a worker ill with COVID-19 dies. While normal project procedures will continue to apply, COVID-19 may raise other issues because of the infectious nature of the disease. The project should liaise with the relevant local authorities to coordinate what should be done, including any reporting or other requirements under national law.
11. WHO provides detailed advice on what should be done to treat a person who becomes sick or displays symptoms that could be associated with the COVID-19 virus (for further information see WHO interim guidance on infection prevention and control during health care when novel coronavirus (nCoV) infection is suspected)? The project should set out risk-based procedures to be followed, with differentiated approaches based on case severity (mild, moderate, severe, critical) and risk factors (such as age, hypertension, diabetes) (for further information see WHO interim guidance on operational considerations for case management of COVID-19 in health facility and community). These may include the following:
- If a worker has symptoms of COVID-19 (e.g. fever, dry cough, fatigue) the worker should be removed immediately from work activities and isolated on site.
 - If testing is available on site, the worker should be tested on site. If a test is not available at site, the worker should be transported to the local health facilities to be tested (if testing is available).
 - If the test is positive for COVID-19 or no testing is available, the worker should continue to be isolated. This will either be at the work site or at home. If at home, the worker should be transported to their home in transportation provided by the project.
 - Extensive cleaning procedures with high-alcohol content disinfectant should be undertaken in the area where the worker was present, prior to any further work being undertaken in that area. Tools used by the worker should be cleaned using disinfectant and PPE disposed of.
 - Co-workers (i.e. workers with whom the sick worker was in close contact) should be required to stop work, and be required to quarantine themselves for 14 days, even if they have no symptoms.
 - Family and other close contacts of the worker should be required to quarantine themselves for 14 days, even if they have no symptoms.
 - If a case of COVID-19 is confirmed in a worker on the site, visitors should be restricted from entering the site and worker groups should be isolated from each other as much as possible.
 - If workers live at home and has a family member who has a confirmed or suspected case of COVID-19, the worker should quarantine themselves and not be allowed on the project site for 14 days, even if they have no symptoms.
 - Workers should continue to be paid throughout periods of illness, isolation or quarantine, or if they are required to stop work, in accordance with national law.
 - Medical care (whether on site or in a local hospital or clinic) required by a worker should be paid for by the employer.
12. Ensure continuity of supplies and project activities with the following measures:

- Identify back-up individuals, in case key people within the project management team (PIU, Supervising Engineer, Contractor, sub-contractors) become ill, and communicate who these are so that people are aware of the arrangements that have been put in place.
 - Document procedures, so that people know what they are, and are not reliant on one person's knowledge.
 - Understand the supply chain for necessary supplies of energy, water, food, medical supplies and cleaning equipment, consider how it could be impacted, and what alternatives are available. Early pro-active review of international, regional and national supply chains, especially for those supplies that are critical for the project, is important (e.g. fuel, food, medical, cleaning and other essential supplies). Planning for a 1-2 month interruption of critical goods may be appropriate for projects in more remote areas.
 - Place orders for/procure critical supplies. If not available, consider alternatives (where feasible).
 - Consider existing security arrangements, and whether these will be adequate in the event of interruption to normal project operations.
 - Consider at what point it may become necessary for the project to significantly reduce activities or to stop work completely, and what should be done to prepare for this, and to re-start work when it becomes possible or feasible.
13. Ensure proper training and communication with workers through the following:
- Workers need to be provided with regular opportunities to understand their situation, and how they can best protect themselves, their families and the community. They should be made aware of the procedures that have been put in place by the project, and their own responsibilities in implementing them.
 - It is important to be aware that in communities close to the site and amongst workers without access to project management, social media is likely to be a major source of information. This raises the importance of regular information and engagement with workers (e.g. through training, town halls, toolboxes) that emphasizes what management is doing to deal with the risks of COVID-19. Allaying fear is an important aspect of work force peace of mind and business continuity. Workers should be given an opportunity to ask questions, express their concerns, and make suggestions.
 - Training of workers should be conducted regularly, providing workers with a clear understanding of how they are expected to behave and carry out their work duties.
 - Training should address issues of discrimination or prejudice if a worker becomes ill and provide an understanding of the trajectory of the virus, where workers return to work.
 - Training should cover all issues that would normally be required on the work site, including use of safety procedures, use of construction PPE, occupational health and safety issues, and code of conduct, taking into account that work practices may have been adjusted.
 - Communications should be clear, based on fact and designed to be easily understood by workers, for example by displaying posters on handwashing and social distancing, and what to do if a worker displays symptoms.
14. Relations with the community should be carefully managed, with a focus on measures that are being implemented to safeguard both workers and the community. The community may be concerned about the presence of non-local workers, or the risks posed to the community by local workers presence on the project site. The project should set out risk-based procedures to be followed , which may reflect WHO guidance (for further information see WHO Risk Communication and Community Engagement (RCCE) Action Plan Guidance COVID-19 Preparedness and Response). The following good practice should be considered:
- Communications should be clear, regular, based on fact and designed to be easily understood by community members.

- Communications should utilize available means. In most cases, face-to-face meetings with the community or community representatives will not be possible. Other forms of communication should be used; posters, pamphlets, radio, text message, electronic meetings. The means used should take into account the ability of different members of the community to access them, to make sure that communication reaches these groups.
 - The community should be made aware of procedures put in place at site to address issues related to COVID-19. This should include all measures being implemented to limit or prohibit contact between workers and the community. These need to be communicated clearly, as some measures will have financial implications for the community (e.g. if workers are paying for lodging or using local facilities). The community should be made aware of the procedure for entry/exit to the site, the training being given to workers and the procedure that will be followed by the project if a worker becomes sick.
 - If project representatives, contractors or workers are interacting with the community, they should practice social distancing and follow other COVID-19 guidance issued by relevant authorities, both national and international (e.g. WHO).
15. Contractors to submit regular monthly updates on project status, emphasizing measures taken to minimize COVID-19 transmission in the project site and measures taken to ensure compliance with the project's Environmental and Social Management Framework. In cases where an incident happen, an Incident Report, including measures adopted, will be submitted to the Bank within 24hours upon learning of any incident/accident. Subsequent reports will be provided as agreed with the Bank.

SECTION III: ESMF Implementation and Monitoring Procedures

I. Procedures for Environmental and Social Safeguards Compliance

To ensure compliance, safeguards procedures and requirements are embedded in the process of MTF-RDP/3.

All subproject proposals are required to have an assessment of impacts, using an environmental and social screening checklist (ESSC) that describes the potential negative impacts. The PO, with assistance from the PMU/PIU, 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 ESSC will be used as one of the decision-making tools in evaluating the feasibility of a proposed subproject.

After screening and selecting the sub-project, the PO, with assistance from the Project Team, 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 ESMF. Specific ESMPs developed for different types of small infrastructure projects (Irrigation and Water Management Structures, Buildings, Road Structures, and Water Supply) used in previous MTF-RDPs had been enhanced to consider the new ESS policies of the Bank. The ESMPs are shown in **Annex 3**. Review and approval of the ESMPs are done by the BDA Central Management Office (CMO) and CFSI prior to starting project procurement process.

Table 7 presents the detailed operational guidelines for environmental and social safeguards with respect to the project development steps of MTF-RDP/3.

Table 7. 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; Project Partnership Agreement (PPA) Signing	Designation of Safeguards Focal Persons: CFSI-PMU and BDA-PIU (CMO and CPSTs)		BDA Executive Director CFSI Executive Director
	Environmental and Social Safeguards Orientation / Training for Safeguards Focal Person and the entire Project Team (CFSI and BDA CMO and CPSTs)		World Bank Safeguards Specialists
	Incorporation of safeguard provisions into the PPA		CFSI-PMU and BDA-PIU
Step 1: Institutional Preparation	Safeguards Orientation for the Camp JTFCTs	Negative list Brief Project Description emphasizing environmental conditions and baseline environmental characteristics (ecosystems) on	CFSI-PMU, in close coordination with BDA-PIU
	Designate focal person at the Camps level – JTFCT as safeguards focal		

		<p>the proposed sub-project site</p> <p>Certificate of Non-Coverage for the SP</p> <p>List of Required attachments for Land Donations</p>	
Step 2: Social Preparation & Community Needs Validation	Community Orientation on the Project and on Environmental and Social Safeguard provisions of the project		CFSI-PMU, in close coordination with BDA-PIU Team
	Environmental scanning and Mapping Exercise - POs and JTFCT, with assistance of CPST, to include environmental and social baseline conditions in the base map and prepare various thematic maps	<p>Base Map</p> <p>Thematic Maps (showing hazard areas; flood-prone areas; areas susceptible to landslide/ erosion, protected zones/environment ally critical areas; conflict mapping, cultural heritage sites mapping, etc.)</p> <p>Map of biodiversity sites and local species of flora and fauna;</p> <p>Landforms and water bodies (Elevation Map)</p> <p>Land Use Map</p>	POs and JTFCTs with the assistance of CPST
	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; LGU and relevant BARMM Ministry (as signatory to the SP Proposal)
	Complete the environmental and social management plan (ESMP) for the selected SP	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 with all the necessary safeguard documents attached.	Safeguards designated staff of the CPST & Camp JTFCT, BDA-CMO, CFSI-PMU
Step 4: Sub-project Procurement	Preparation of Bid Documents and draft Work contracts incorporating the environmental and social safeguards provisions	List of Bid Documents and Draft Work Contracts for Bank's NOL	CFSI-PMU, in close coordination with BDA-PIU Procurement Team
	Contractor Orientations on the Environmental and Social Safeguards adopted by the MTF-RDP/3	Contractor signed work contract including provisions on Environmental and Social Safeguards.	CFSI-PMU, in close coordination with BDA-PIU Procurement Team
Step 5: Sub-project Implementation and Turn-Over	Monthly Safeguards Monitoring Report from Contractors	Monthly Safeguards Monitoring Report	Contractors Monitored by: the CFSI-PMU, in close coordination with BDA-PIU Project Team
	Implement and monitor commitments in the ESMPs and conduct compliance monitoring	Same Approved ESMP submitted in Step 3 Compliance Monitoring of ESMP: pre- during - post construction	PO and JTFCT with the assistance of CPSTs and CFSI-PMU
	Monitor compliance of all subprojects to safeguards requirements		PO and JTFCT with guidance from the CPST & CMO, CFSI-PMU
	Safeguards Compliance Completion Report from Contractors	Safeguard Compliance Completion Report	Contractors Attested by: the Community/ PO and JTFCT and CPST

*All steps are guided by the CFSI Project Management Unit (CFSI-PMU)

II. Institutional Arrangement for Safeguards Compliance

CFSI is the institution in-charge of and accountable for implementing the environmental and social safeguards of MTF-RDP/3. To help ensure that these safeguards are properly observed across sub-projects throughout the MTF-RDP/3 processes, BDA, as project implementing unit, will help monitor that these are strictly adhered too in the target communities. To ensure that safeguards are implemented, a Safeguards Team will be established in the PMU and PIU, who will work in tandem, to ensure compliance with MTF-RDP/3 safeguards provisions.

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 Camps Project Support Team (CPST) (a member of the safeguards team) 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 (members of the safeguards team) 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 8 defines the roles and responsibility of the various stakeholders in ensuring that subprojects comply with all the environmental and social requirements.

Table 8. Safeguards Responsibility

Stakeholders	Responsibilities	Duration
PO and 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 completion, and recommend/suggest possible enhancements to the ESMP based on actual monitoring results. 	Minimum Requirements: For CPST and Camp 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: Throughout the project implementation.

Note: Tasks mentioned above will be headed/guided by members of the Safeguards Team.

III. Grievance Redress Mechanism

The Grievance Redress Mechanism (GRM), Figures 3 Grievance Redress Mechanism, 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 in the prescribed period or within reasonable time in the absence of specified period for action.

Basic Info for GRS Reporting:

CFSI:

CFSI Headquarters

Address: : 8/F Gam Building, 210 EDSA Extension, Pasay City, Metro Manila, Philippines

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

Email address: headquarters@cfsi.ph

Website: www.cfsi.ph

BDA:

Bangsamoro Development Agency (BDA)

Address: Diversion Road, Purok Islam, Barangay Datu Balabaran (MB Tamontaka), Cotabato City, Mindanao, Philippines

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

Email address: bmcd11@gmail.com or bda.grs@gmail.com,

Website: www.bangsamorodevelopment.org

A leveled approach on complaints and grievances received will be developed and adopted under the MTF-RDP/3. (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 complaint/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 complaint 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.

The Table 9 shows the possible types of grievances that the Project foresees.

Table 9 : Projected Types of Grievances

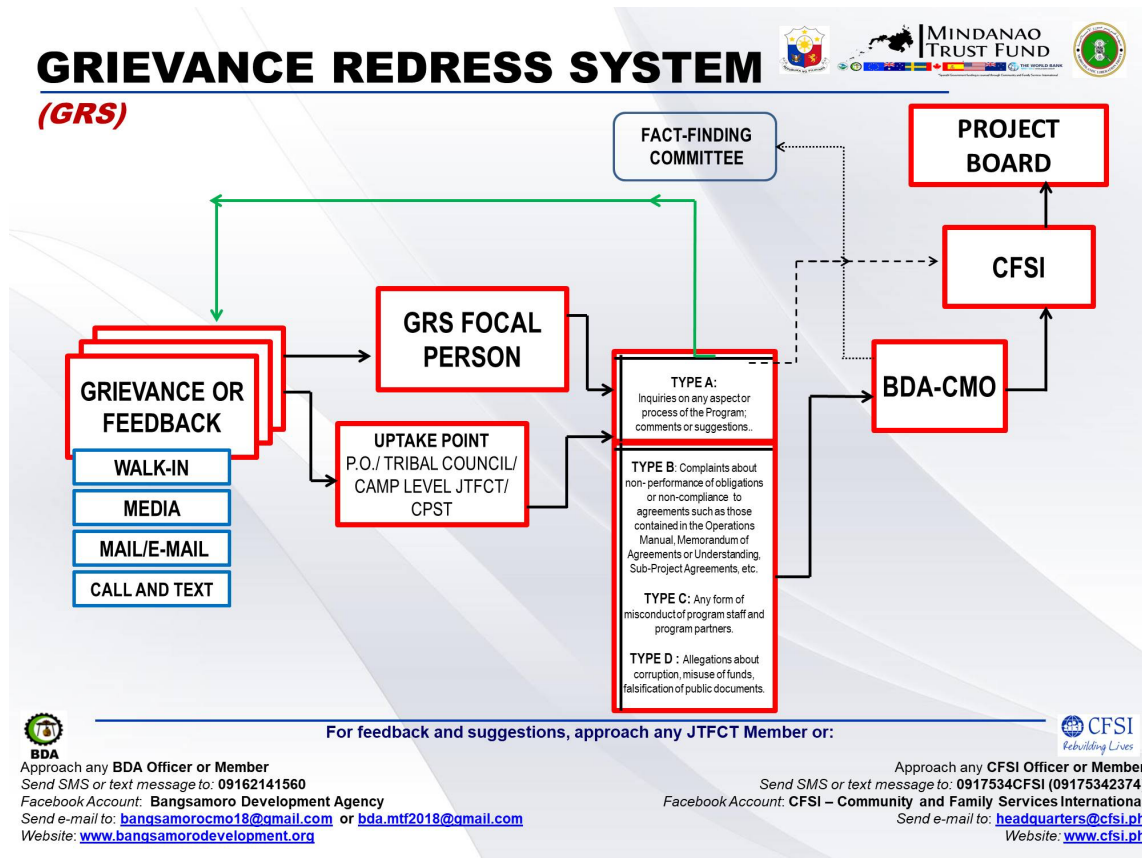
Types of Grievance	Description	Resolved at Level of	Possible Range of Actions	Responsible
Type A: Queries, Comments, Suggestions	Inquiries on any aspect or process of the Program; comments or suggestions, solicited or not.	Uptake (Local Bodies such as POs, JTFCT, and CPST)	Immediate feedback to provide clarification, provision of IEC materials, referral to appropriate individuals or bodies	Local bodies, CPST Staff, GRS Focal Person
Type B: Performance of Obligation	Complaints about non-performance of obligations or non-	Local Bodies/CPST/ Executive Director	Emphasize strict compliance with project policies	Local bodies,

	<p>compliance to agreements such as those contained in the operations manuals, memorandum of agreements/ understanding (MOA/U), sub-project agreements, etc.</p> <p>Examples: exclusion of some sectors like IPs or IDPs in program activities, failure to provide counterpart funding, delayed release of fund, etc.</p>		<p>and standards</p> <ul style="list-style-type: none"> • Persuasive dialogue • Issue warning • Suspend until correct procedures are followed; • Cancellation/ Termination of Assistance 	<p>Executive Director; CPST Team Leaders</p>
<p>Type C: Misconduct of Program Staff and Program Partners</p>	<p>Any form of misconduct of program staff and program partners outside of Type D.</p>	<p>BDA Executive Director; BOD if subject of complaint is ED</p>	<p>Emphasize strict compliance with BDA Policies and Core Values</p> <ul style="list-style-type: none"> • Warning • Reprimand • Suspension • Disqualification for the entire Project Implementation 	<p>Executive Director</p>
<p>Type D: Violation of Law</p>	<p>Allegations about corruption, misuse of funds, falsification of public documents</p>	<p>BDA Board of Directors</p>	<p>Create Fact-Finding Committee to validate the complaint, Restitution of funds, Filing of appropriate charges if there is falsification of public documents, Recommend for conduct of Special Audit</p>	<p>BDA Board of Directors</p>

Safeguards related types of grievances 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 will be recorded and reported as part of the regular sub-project progress reports.

Figure 3 : Grievance Redress Mechanism



Note: Refer to MTF-RDP GRS System Manual for detailed processes.

IV. 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.

V. Information Disclosure of ESS Documents

CFSI disclosed the Environmental and Social Safeguards documents, such as the Environmental and Social Commitment Plan (ESCP), Stakeholder Engagement Plan (SEP), Labor Management Plan, and the Environmental and Social Management Framework (ESMF), immediately upon the approval of the World Bank. CFSI posted on its website the ESCP on 5 October 2020 and its further revised, final version on 20 October, as advised by the Bank. The draft versions of the SEP, LMP, and ESMF were also posted on 20 October, with a note that they will be finalized after the project grant agreement is signed.

Aside from disclosing on CFSI website, CFSI – in collaboration with BDA – will conduct Multi-Stakeholder Consultations (MSCs) in order to present the safeguards documents and solicit feedback from the stakeholders. Prior to the conduct of the MSCs, CFSI will share the online links to the ESCP, SEP, LMP, and ESMF to enable pre-MSCs review by the stakeholders. CFSI will also solicit their feedback, in advance, through online survey form via Google Forms or Survey Monkey. CFSI will process the responses during the MSCs.

The two MSCs to be conducted by CFSI, in collaboration with BDA, are the (1) Community-Wide Assemblies in each of the six previously acknowledged camps of the MILF and (2) the First Technical Working Group Meeting, involving primarily the select Ministries of the BARMM that are also part of the Mainstreaming element of the RDP/3. While the Ministry of Environment, Natural Resources, and Energy (MENRE) is not part of the Mainstreaming element of the RDP/3, it will be included in the consultations to provide guidance on the environmental aspect of the project. The timelines of the MSCs are within the first 2 weeks of project implementation. These MSCs will be conducted in accordance with public health standards associated with the COVID-19 pandemic.

Part C

ANNEXES AND FORMS

ESMF Related Philippine Laws

ESS 1 Related Laws

- **Presidential Decree (PD) 7160 : Local Government Code of 1991:** Provides that the local government should share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction subject to national policies and other pertinent provisions of the code.

Presidential Decree 1586 (1978): The Philippine Environmental Impact Statement System (PEISS) was established to facilitate the attainment and maintenance of a rational and orderly balance between socio-economic growth and environmental protection. It introduces the concepts of environmentally critical projects (ECP) and projects within areas environmentally critical areas (ECA) as projects requiring the submission of an Environmental Impact Statement (EIS). ECPs and ECAs are required to obtain an Environmental Compliance Certificate (ECC) before operation.

Presidential Proclamation (PP) No. 2146 (1981): was issued defining Environmentally Critical Projects (ECP) and Environmentally Critical Areas (ECAs) within the scope of the PEISS established under PD 1586.

Environmentally Critical Projects includes heavy industries, resource extractive industries, infrastructure projects, golf course projects, while Environmentally Critical Areas are characterized as:

- Areas declared by law as natural parks, watershed reserves, wildlife reserves, and sanctuaries
- Areas set aside as aesthetic, potential tourist spots
- Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna)
- Areas of unique historical, archeological, geological or scientific interests
- Areas which are traditionally occupied by cultural communities or tribes
- Areas frequently visited and/or hard hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.)
- Areas of critical slope
- Areas classified as prime agricultural lands
- Recharged areas of aquifers
- Waterbodies (tapped for domestic purposes, within protected areas; which support wildlife and fishery activities)
- Mangrove areas (primary and pristine, adjoining mouth of major river systems, natural buffers etc.
- Coral reefs (50% and above, spawning and nursery, act as natural breakwater of coastlines)

ECC is required prior to the implementation of ECPs and those to be located in ECAs, hence the PEISS serves as a planning tool for incorporating environmental management measures in the project design as a mechanism of ensuring compliance with other environmental laws such as the Clean Air Act, Clean Water Act, Solid Waste Management Act and Toxic Substances and Hazardous Waste Management Act.

Environmental Compliance Certificate (ECC) is a document issued by the DENR, through the EMB, certifying that the proposed project or undertaking has complied with all the requirements of the Environmental Impact Statement (EIS) system and the proponent has committed to implement its approved Environmental Management Plan to address any environmental impacts.

ESS 2 Related Laws

Philippine Constitution, Section 3 : The Constitution of the Republic of the Philippines on labour conditions and occupational safety provides everyone the right to full protection. Workers shall be entitled to security of tenure, human conditions of work, and a living wage (Section 3).

Presidential Decree 442 (1974) The Labor Code of the Philippines : Presidential Decree 442 reiterates the State's commitment in the Constitution to safeguard its workers, promote full employment, ensure equal work

opportunities regardless of sex, race or creed and regulate the relations between workers and employers. The rights and benefits the Labor Code bestows applies to all workers. Among the rights the Code guarantees are workers' rights to self-organization, collective bargaining and humane work conditions, security of tenure, minimum wage rates, payment of wages, and employment of women. Also, The Code mandates the Secretary of Labor and Employment to set and enforce mandatory occupational safety and health standards in all work places and institute new and update existing programs to ensure safe and healthful working conditions in all places of employment.

Republic Act No. 9710 (2009) or The Magna Carta of Women, is a comprehensive women's humans rights law that seeks to eliminate discrimination through the recognition, protection and fulfillment and promotion of the rights of Filipino women, especially those belonging in the marginalized sectors of society. The law mandates the State in providing support systems to keep women safe from occupational and health hazards, as well as allow them to achieve work-life balance, guarantee union membership; and assure respect in the workplan for indigenous people's customs.

RA 7610: Special Protection of Children Against Abuse, Exploitation and Discrimination - RA No. 7610 defines "children" as "persons below eighteen (18) years of age or those over but are unable to fully take care of themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition." Children under 15 years old may not be employed, except under certain circumstances and subject to acceptable working hours. Also, the following requirements must be complied with at all times: (1) the employer must guarantee the protection, safety, health, normal development, and morals of the child; (2) the employer must establish initiatives to safeguard against the exploitation and discrimination of the child, particularly in terms of system and level of remuneration, and length and arrangement of working hours; (3) the employer shall devise and execute a program, subject to approval and supervision by the relevant authorities, for the child's training and skills acquisition. For any of the above scenarios, the employer must acquire a work permit from DOLE before employing the child. It is also the employer's duty to provide a working child access to the applicable primary or secondary education. The child's remuneration shall be owned by him/her and shall be reserved mainly for his/her support, education, or skills acquisition, and secondly for his/her family's needs. In terms of work, children are not allowed to work as models in any advertisement that explicitly or implicitly promotes alcoholic drinks, tobacco and its byproducts, gambling, or any form of violence or pornography. Additionally, children must not be made to participate in the worst forms of child labor as defined in the law.

Republic Act No. 7277 dated 1992 and amended by RA 9442 in 2008, or The Magna Carta for Disabled Persons, provides that disabled persons must not be refused access to appropriate employment opportunities.

RA 8371 or the Indigenous Peoples' Rights Act likewise considers illegal for anyone to discriminate against Indigenous Cultural Communities and Indigenous Peoples particularly with regards to recruitment and employment conditions.

RA 10911 or the Anti-Age Discrimination in Employment Act considers illegal for employers, among others, to decline any employment application because of the individual's age and discriminate against an individual in terms of compensation on account of age. It is also illegal for labor contractor or subcontractor, to refuse to refer for employment or otherwise discriminate against any individual because of such person's age.

RA 7877 or the Anti-Sexual Harassment Act specifies the responsibility of the employer or head of the work environment to prevent sexual harassment and create a policy by which employees can resolve or prosecute such acts.

RA 10364 or the Expanded Anti-Trafficking in Persons Act of 2012 states that any act that introduce or match for money, profit, or material, economic or other consideration any person for purposes of forced labor, slavery, involuntary servitude or debt bondage is prohibited. Further, trafficking for purposes of exploitation of children shall include all forms of slavery or practices of slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict.

RA11058 or the Occupational Safety and Health Standards - The State shall guarantee a safe and healthy working environment for employees by providing protection from all possible dangers in the workplace, thus minimizing the occurrences of worker injury, sickness, or death. They must make certain that employers fully comply with

the Labor Code of the Philippines, local laws, and internationally-recognized occupational safety and health (OSH) standards, and punish those who do not. RA 11058, which applies to all organization, projects, sites, or any place where work is being done, including Philippine Economic Zone Authority (PEZA) businesses, but not including the public sector. The law also states that workers have the responsibility to abide by OSH standards. Covered workplaces must also have a safety officer who is tasked with overseeing the overall management of the health and safety program; monitoring and inspecting health and safety features of the work being done; aiding government inspectors during safety and health inspections or accident investigations; and issuing work stoppage orders, if needed. They must also have certified occupational health personnel and the mandatory medical supplies, equipment and facilities. Liability for compliance with RA 11058 shall fall on the employer, project owner, general contractor, contractor, subcontractor, and anyone who is charge of or supervises the work being done.

OSH protocols related to COVID-19:

- Interim Guidelines of the Department of Trade and Industry (DTI) and Department of Labor and Employment (DOLE) dated 30 April 2020
- DPWH Department Order 35 (2020): Guidelines on the Implementation of Community Quarantine in the Philippines
- Labor Advisory No. 18, Series of 2020 dated 16 May 2020 from the DOLE

ESS 3 Related Laws

PD1152 : Philippine Environmental Code provided a comprehensive program of environmental protection and management. The Code establishes specific environmental policies and prescribed environmental quality standards.

Title I – Air Quality Management, revised by the Clean Air Act of 1999 (RA 8749)

Title II – Water Quality Management, revised by Clean Water Act of 2004 (RA 9275)

Title III- Land Use Management, includes zoning and other land use standards and regulations, review of Comprehensive Land Use Plans and zoning ordinances of LGUs; land use policies on human settlement, development permits and licenses to sell

Title IV – Natural Resources Management and Conservation, includes policies on fisheries and aquatic resources; conservation and protection of wildlife (RA 9147); forestry and soil conservation – rational exploitation of forest resources; management policy on soil conservation; use of fertilizers and pesticides; Flood Control and Natural Calamities; Energy Development; Conservation and Utilization of Surface Ground Waters; Mineral Resources (Philippine Mining Act of 1995, RA 7942)

Title V – Waste Management, amplified by the Ecological Solid Waste Management Act of 2001 (RA 9003); and responsibilities of the local government on solid waste management

Title VI – Miscellaneous provisions – Population Environment Balance; Environment Education; Environmental Research; Monitoring and Dissemination of Environmental Information of Foreign Origin; Incentives, Financial Assistance/Grant; Participation of LGUs and private individuals; Preservation of Historic and Cultural Resources and Heritage; Government Offices performing environmental protection functions; Public Hearings, Definition of Terms

RA 8749: Philippine Clean Air Act – A comprehensive policy and program for air quality management in the country. The State shall promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems. The State recognizes that the responsibility of cleaning the habitat and environment is primarily area-based. DENR Administrative Order No. 2008-81 is the Implementing Rules and Regulations of this Act.

RA 9275: Philippine Clean Water Act - The law aims to protect the country's water bodies from pollution from land-based sources (industries and commercial establishments, agriculture and community/household activities). It provides for comprehensive and integrated strategy to prevent and minimize pollution through a multi-sectoral and participatory approach involving all the stakeholders. DENR Administrative Order No. 2005-10 is the Implementing Rules and Regulations of this Act.

RA 9003: Ecological Solid Waste Management Act of 2000 – Institute measures to promote a more acceptable system which corresponds to the vision of sustainable development. Generally it aims to merge environmental protection with economic pursuits, recognizing the re-orientation of the community’s view on solid waste, thereby providing schemes for waste minimization, volume reduction, resource recovery utilization and disposal. DENR Administrative Order No. 2001-34 sets the Implementing Rules and Regulations of this Act.

RA 6969: Toxic Substances, Hazardous and Nuclear Waste Control Act of 1990 – Authorizes the DENR to establish a program to regulate, restrict or prohibit the importation, manufacture, processing, sale, destruction, use and disposal of chemical substances, and mixture that present unreasonable risks and/or injury to health or environment.

Presidential Decree 1144: Creating the Fertilizer and Pesticide Authority mandated to regulate, control and develop the fertilizer and pesticide industries. It is tasked to assure the agricultural sector adequate supply of fertilizer and pesticide at reasonable prices, rationalize the manufacture and marketing of fertilizer, protect the public from the risk inherent in the use of fertilizer and pesticides, and educate the agricultural sector in the use of these inputs.

ESS 4 Related Laws

PD No. 856 (1975): Code of Sanitation of the Philippines – The Code directs the public health services towards protection and promotion of the health of the Filipinos. It prescribes standards for water supply, sanitation requirements for food establishments, prescribed standards for markets and abattoirs, sanitation requirement for public laundry, standards for school sanitation and health services, Sanitary requirements for industrial establishments; public swimming pool and bathing places, rest areas, bus terminals, bus stops and service stations, camps and picnic grounds, dancing schools, dance halls and night clubs, tansorial and beauty establishments, massage clinics and sauna bath establishments, including refuse collections and disposal system of cities and municipalities.

Revisions to the Sanitation Code included the revision of the water quality standard following the 1993 World Health Organization (WHO) Guidelines for Drinking Water Quality. The standard is a product of the collaborative efforts of various government agencies and is designed to guide waterworks officials, operators of water supply systems; both government and private entities, health and sanitation authorities and the general public in establishing the requirements for safe and potable water. Standard parameters and values for drinking-water quality are provided.

Related Issuances to the Drinking Water Standards:

- DOH AO 2010-0021 Sustainable Sanitation as a National Policy and a National Priority Program of DOH
- DOH AO 2014-0027 – National Policy on Water Safety Plan (WSP) for all Drinking Water Service Providers
- DOH AO 2017-0006 Guidelines on the Review and Approval of the Water Safety Plans of Drinking Water Service Providers

DOH AO 2017-0010 – Philippine National Standards for Drinking Water of 2017 - Philippine National Standards for Drinking Water (PNSDW) of 2017 which prescribes the standards and procedures on drinking-water quality aiming to protect the public and consumer’s health.

The PNSDW of 2017 is applicable to all drinking-water service providers including government and private developers and operators, bulk water suppliers, water refilling station operators, water vending machine operators, and ice manufacturers. It shall also be applied to all food establishments, residential, commercial, industrial and institutional buildings that use/supply/serve drinking water; water testing laboratories; health and sanitation authorities; the general public and all others who are involved in determining the safety of public’s drinking-water.

The general guidelines conform to set standards for drinking-water quality, water sampling and evaluation of results upon examination. Furthermore, these standards are consistent with the improved framework for drinking-water safety promoted by WHO comprised of three key components namely: health-based targets established by the authority; safely managed water systems (application of water safety plan); and, a system of independent surveillance.

To ensure the safety of drinking water, there are seven guidelines that must be followed. These include: measuring the quality; water sampling and examination; other modes of distribution of drinking-water; evaluation of results; classification of quality parameters; quality assurance/quality control for water laboratories; and water safety plan (WSP) and quality surveillance.

Republic Act No. 11469 – *Bayanihan to Heal as One Act* is a law that was enacted in March 2020 granting the President additional authority to combat COVID-19 pandemic in the Philippines.

Related issuances to RA 11469:

- DOH AO 2020-0013 – Revised AO 2020-0012 (Guidelines for the Inclusion of Coronavirus Disease 2019 (COVID-19) in the List of Notifiable Diseases for Mandatory Reporting to the Department of Health” dated March 17, 2020.
- DOH AO-2020-0015 – Guidelines on the Risk-Based Public Health Standards for COVID-19 Mitigation
- DOH AO 2020-0016 (4 May 2020) Minimum Health System Capacity Standards for COVID-19 Preparedness and Response Strategies
- IATF Memorandum Circular No.4 (2020): Interim Protocols for Humanitarian Assistance During Community Quarantine
- DOH Memorandum 2020-0208 – Interim Guidelines on Enhancing the Infection Prevention and Control Measures through Engineering and Environmental Controls in all Health Facilities and Temporary Treatment and Monitoring Facilities during the COVID-19 Pandemic.
- DOH Memorandum 2020-0157 – Guidelines on Cleaning and Disinfection in Various Settings as an Infection Prevention and Control Measure Against COVID-19
- DOH and DILG Joint Administrative Order 2020-001 – Guidelines on Local Isolation and General Treatment Areas for COVID-19 cases (LIGTAS COVID) and the Community-Based Management of Mild COVID-19 Cases
- DOH Memorandum 2020-0167 Interim Guidelines on the Proper Handling and Disinfection of Non-critical Items Used in the Management of COVID-19 Patients in All Health Facilities and Temporary Treatment and Monitoring Facilities

ESS 5 Related Laws

Article III, Section 9 of the Philippine Constitution states that private property shall not be taken for public use without just compensation.

RA 10752: The Right-of-Way Act aims to facilitate the acquisition of right-of-way (ROW) site for government infrastructure projects.

RA 386 or the Civil Code of the Philippines is the product of the codification of private law in the Philippines. It is the general law that governs family and property relations in the Philippines. Enacted in 1950, and remains in force to date with some significant amendments. Specific sections of the Civil Code of particular importance for the project:

Property Ownership and its Modifications: Focuses on property, which classifies and defines the different kinds of appropriable objects, provides for their acquisitions and loss and treats the nature and consequences of real right. Ownership is independent and general right of the person to control a thing particularly in his possession, enjoyment, disposition, and recovery, subject to no restrictions except those imposed by the state or private persons, without prejudice to the provisions of the law. The section covers classifications of property; ownership,

co-ownership, special properties, possession, Usufruct, easement and servitudes, nuisance, and registry of property.

Modes of Acquiring Ownership: Ownership is acquired by occupation and by intellectual creation. Ownership and other real rights over property are acquired and transmitted by law, by donation, by testate and intestate succession, and in consequence of certain contracts by tradition. They may be also acquired by acquisitive prescription. The section also discusses occupation, intellectual creation, donation, succession, and acquisitive prescription.

Obligations and Contracts: Law of obligations is defined as juridical necessity to give, to do or not do. A Contract is a meeting of the minds between two persons whereby one binds himself with respect to the other to give something or to render some service. The section also discusses obligations, contracts, special contracts encompasses several classes of contracts as thrusts, sales, barter, lease, loan, deposit, aleatory contracts, compromises, guaranty, agency, pledges, mortgage, antichresis, and partnership; quasi-contract, and quasi-delict.

PD 1529 or the Property Registration Decree - This Presidential Decree amends and codifies the laws related to registration of land property. It aims to strengthen the Torrens system, adopt safeguards to prevent anomalous titling of real property and streamline and simplify registration proceedings and the issuance of certificates of title.

The Decree first establishes Land Registration Commission and prescribes its composition, duties and responsibilities. It then sets out rules on ordinary registration proceedings, in particular, specifying the exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership including private lands or abandoned river beds obtained by right of access and any other manner provided for by law. The Decree further lays down application requirements for the registration and certification of land title.

ESS 6 Related Laws

PD 705 Revised Forestry Reform Code – Codifies, updates and raises forestry laws in the country. It emphasizes the sustainable utilization of forest resources.

RA3571 An act to prohibit the cutting, destroying, or injuring of planted or growing trees, flowering plants, shrubs or plants of scenic value along public roads. The Act provides for the protection of flowers, plants and trees from felling and destruction in order to ensure climate preservation, and the appointed authority shall be the Director of Parks and Wildlife.

RA4190 Lanao del Sur National Parks - The Act provides for the conservation, preservation and protection of certain areas as National Parks.

RA7586 or National Integrated Protected Areas System (NIPAS) - The NIPAS encompass "outstandingly remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, biographic zones and related ecosystems, whether terrestrial, wetland, or marine". All such areas shall be designed as "protected areas" (sect. 2). Section 3 specifies the categories of protected areas: strict nature reserves, natural parks, natural monuments, wildlife sanctuary, protected landscapes and seas.

RA 11038 Expanded NIPAS (2018) strengthens protection and adds more than 100 legislated protected areas in the Philippines, including the Philippine Rise Marine Resource Reserve. It will enhance the conservation efforts undertaken of our unique but vastly threatened biodiversity and ecosystems including our marine habitats. Salient provisions of the Act include the provision for scientific and technical support for biodiversity conservation; delineation and demarcation of boundaries; deputation of support especially on enforcement to the Protected Area Superintendent (PASu); and regular reporting on the status of the Integrated Protected Area Fund (IPAF) and allocating 75% of all revenues raised to the Protected Area Management Board (PAMB). It also prohibits the use and possession of destructive fishing gears within the protected seascape.

RA 9175 Chain Saw Act of 2002 – An act regulating the ownership, possession, sale, importation and use of chain saws, penalizing violation thereof and for other purposes.

RA 9147 Wildlife Resources Conservation and Protection Act (2001) – The Act provides for the conservation, preservation and protection of wildlife species and their habitats, in order to preserve and encourage ecological balance and biological diversity; it provides, furthermore, for the control and supervision of wildlife capture, hunting and trade; finally it provides for supporting and promote scientific research on the protection of biodiversity. The provisions of this Act shall apply to all wildlife species overall, including those living in the protected.

RA8550 The Philippine Fisheries Code of 1998 – Defines the policies of the state in the protection, conservation and effective management of fisheries stock as well as identifying allowable fishing methods in Philippine coastal waters.

ESS 7 Related Laws

RA 8371 Indigenous People’s Rights Act - The Act makes provision for the promotion and recognition of the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), with a view to preserve their culture, traditions and institutions and to ensure the equal protection and non-discrimination of members. The Act is divided into the following Chapters: General Provisions (I); Definition of Terms (II); Rights to Ancestral Domains (III); Right to Self-governance and Empowerment (IV); Social Justice and Human Rights (V); Cultural.

Section 15. Justice System, Conflict Resolution Institutions, and Peace Building Processes. — The ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights.

Muslim Mindanao Autonomy Act (MMAA) No. 241 or the Tribal People’s Rights Act of 2008

An Act to recognize, protect and promote the rights, governance and justice systems, and customary laws of the Indigenous People/Tribal Peoples of the Autonomous Region in Muslim Mindanao.

RA 11054 Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao Article 9 (Basic Rights), Section 3, “ recognizes the rights of the indigenous peoples and shall adopt measures for the promotion and protection of the following rights: a) Native titles of *fusaka inged*; b) indigenous customs and traditions; c) justice systems and indigenous political structures; d) equitable share in revenues from utilization of resources in their ancestral land; e), free, prior, and informed consent; f) political participation in the Bangsamoro Government including reserved seats for the non-Moro indigenous peoples in the Parliament; g) basic services; and h)freedom of choice as to their identity.” A ministry for the IPs is also created, Ministry on Indigenous People’s Affairs (MIPA), to promote the well-being of all IPs in the BARMM in recognition of their ancestral domain as well as their rights. The BARMM also recognizes the rights and privileges granted to the IPs by virtue of the UN Declaration of the Rights of the Indigenous Peoples and the UN Declaration of Human Rights, and other laws pertaining to IPs.

Both laws, IPRA and Tribal People’s Rights Act, provided for the IPs’ Right to Free, Prior and Informed Consent or popularly known as the FPIC. Projects, programs, investments, or activities which will be implemented within an ancestral domain are required to follow the FPIC Process or the so-called Other Processes within the scope of the 2012 Revised FPIC Guidelines of the National Commission on Indigenous Peoples or NCIP – a Policy which was duly adopted by the Office for Southern Cultural Communities (OSCC).

ESS 8 Related Laws

RA 10066 Philippine Cultural Heritage Act (2009) – This Act created the Philippine Registry of Cultural Property and took other steps to preserve historic buildings that are over 50 years old. Historical markers are placed on Heritage Houses, National Shrine and National Historical Landmarks to indicate their significance.

The act defines "cultural property" as "all products of human creativity by which a people and a nation reveal their identity, including churches, mosques and other places of religious worship, schools and natural history specimens and sites, whether public or privately-owned, movable or immovable, and tangible or intangible." It deems all heritage structures, which are at least 50 years old, as presumed important cultural properties despite non-declaration by cultural agencies. Nonetheless, the government mandates all local government units to register

these presumed important cultural properties to the database of the National Commission for Culture and the Arts for cultural documentation and conservation.

The citizen retains the ownership of the house; the government is only declaring the heritage value of the structure and providing funding for its protection and preservation.

ESS 10 Related Laws

Participatory Provisions in various legislations:

BP 344 (1983) Accessibility Law stated that In order to promote the realization of the rights of disabled persons to participate fully in the social life and the development of the societies in which they live and the enjoyment of the opportunities available to other citizens, educational institutions, airports, sports and recreation centers and complexes, shopping centers or establishments, public parking places, work-places, public utilities, are required to install and incorporate in such building, establishment, institution or public utility, such architectural facilities or structural features as shall reasonably enhance the mobility of disabled persons such as sidewalks, ramps, railings and the like. Parking place of any institutions, buildings, or establishment, or public utilities, shall also reserve sufficient and suitable space for the use of disabled persons.

RA 8371 IPRA, Chapter IV acknowledged the IPs Right to Self-Governance and Empowerment.

RA 9710 Magna Carta of Women - the State affirms women’s rights as human rights and shall intensify its efforts to fulfill its duties under international and domestic law to recognize, respect and promote all human rights and fundamental freedoms of women, especially marginalized women, in the economic, social, political, cultural, and other fields without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, and ideology. This include representation and participation in policy-making or decision-making bodies in the regional, national, and international levels.

RA 7277 – Magna Carta for Disabled Persons - Chapter VII -Political and Civil Rights Section 31 states that, “to ensure the active participation of disabled persons in the social and economic development of the country, their organizations shall be encouraged to participate in the planning, organization and management of government programs and projects for disabled persons. Organizations of disabled persons shall participate in the identification and preparation of programs that shall serve to develop employment opportunities for the disabled persons.”

R.A 7607 (1992) Magna Carta of Small Farmers – The law primarily aims in realizing equitable distribution of benefits and opportunities through the empowerment of small farmers. The law recognizes the country’s responsibility for the welfare and development of small farmers by giving them support in attaining their socio-economic goals. The law encourages the participation of small farmers, farm workers, farmers cooperatives and organization to enjoin in the planning, organization, management and implementation of agricultural programs and projects.

The law aimed at improving the lives of small farmers by empowering them and harnessing their potentials and abilities. The law encourages greater participation of this marginalized sector in the government planning and program and project implementation to contribute to national development. The provision of incentives/assistance in the form of infrastructure and other physical assets, access to vital agricultural services and capacity building provide an avenue for the small farmers to improve their performance as drivers of development in the countryside.

Annex 2: 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, forest reserves and national parks;**
- 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 3A: Environmental Code of Practice: Small Civil Works

Environmental Code of Practice Environmental Safeguards Guidelines for Small Civil Works

A. Nature of Expected Civil Works

The Mindanao Trust Fund Reconstruction and Development Project Phase III (MTF-RDP/3) will be undertaking a range of civil works and construction activities in the two sub-components – Community Sub-Projects; and Health Sub-Projects—and for small IP projects. This Environmental Code of Practice (ECOP) applies to works that are small-scale and are not required to undergo a formal environmental assessment based on the Philippine EIA system and the World Bank Safeguards Policies.

B. Purpose of these Guidelines

Given the nature and small scale of the proposed civil works under the project, a full-blown environmental assessment report may not be considered necessary. However, as in most cases the construction activities are going to be undertaken in the camp communities, there are likely to be some concerns relating to inconveniences or nuisances to surrounding areas during construction will require careful construction planning and management.

The ECOP/Environmental Safeguard Guidelines for Small Civil Works aim to establish some simple rules, procedures and institutional arrangements to be utilized under the project with regard to identification, monitoring and mitigation of possible adverse environmental impacts with respect to small civil work activities undertaken in this project. The responsible parties are expected to follow these procedures and keep the records and documentation for later supervision.

This ECOP are drawn from and aligned with the overarching guidelines on safeguards with regards to construction and civil works and are consistent with the requirements of the World Bank Environmental and Social Safeguards.

C. Three-Step Procedures

These three steps involve conducting a site environmental safeguard impacts analysis, performing a checklist of some environment friendly construction design criteria, and establishing a standardized environmental and social management plan (ESMP).

Step 1: Preparation of ‘Construction Site Checklist’ to identify Key Environmental Safeguard Issues

As a first step prior to construction, the PMU-PIU Engineers, must develop and complete a simple *Construction Site Checklist* to determine possible environmental impacts/nuisances for every civil work proposal. The Construction Site Checklist aims to identify and prepare for any environmental safeguards issues incurred by the construction. The checklist will screen out and ensure the site for the civil works has appropriate conditions and characteristics of environmental, architectural, and cultural value and physical land use. In case any potential adverse environmental impacts are identified then they will require input into the ESMP (step 3 below).

A sample of the Construction Site Checklist is provided below. This should be completed by the **designated engineer in the PIU-CPST**, in charge of managing civil works in the concerned camp.

Checklist-1: Sample of Format for Construction Site Checklist

General Information	
Name of Project	<i>Name of site for SP construction</i>
Name of engineer/ technical officer	<i>Person(s) who conducted the studies</i>
Date of Site Study Completed	<i>The date on which the onsite studies were completed.</i>
Information Source	<i>Name and contact of person(s) interviewed/met</i>
Proposed Output	<i>SP construction</i>

Environmental Issues	Yes	No	Unknown	Remark/Recommended Action
Adequacy of space for construction				
Adequacy of access to the construction				
Adequacy of space to build/expand the building space in the future				
Freeness from squatters or titling conflict with local residents				
Potential interruption or limitation of access to dwelling or business on the site				
Potential impact to high architectural or cultural value on the site or within the immediate vicinity				
Potential deterioration of urban quality and/ property value in the immediate vicinity. <i>(For urban setting)</i>				
Interruption or limitation of access to sidewalks, power and telephone lines, water and sewerage, sanitation system, and other environmental services.				
Encroachment/reduction of gardens or green areas.				
Land used is Public/Government Owned* or voluntarily donated for the project (Land donations documentations are complete and filed.)				
Resettlement of families or businesses due to land use for construction**				
Flood on the site in the wet season <i>(write down how deep and how long it usually floods on the site)</i>				
Others (describe)				

Summary of Overall Assessment: *Prepare a short summary of an overall assessment basing on the site screening results above. What recommendation/suggestion is made on the specific civil works project?*

*Note that **no buildings or construction can be undertaken on land that is privately owned or on which there is any form of land dispute**. If the Construction Site Checklist reveals this then an alternative site will have to be considered by the concerned IA.

** Included in the project’s negative list.

Following the completion of this Construction Site Checklist, and after approval concerned PIU-CMO Engineer, guided by PMU Engineer, the process for preparing the detailed engineering design will proceed.

Step 2: Preparation of Checklist on Environmentally Friendly Construction Design Criteria to be Used

The second step in the environmental safeguards procedures for the civil works would involve completion of a checklist of some specific design criteria to be adopted in the process of construction by the chosen contractors. These design criteria involve certain environmentally friendly/enhancing elements that would avoid or minimizes incurrence of adverse environmental impacts. These design criteria include ensuring of appropriate ventilation, lighting and sanitation facilities, as well as recommendations on use of environmentally friendly materials. It is not expected that all of these design criteria would be adopted in each case, but the effort should be to adapt as many as possible in the engineering and architectural design of the proposed civil works.

This checklist should be completed by the PIU engineers, guided by PMU engineers, who prepared the designs to confirm the use of the environment enhancing design criteria during construction of the proposed sub-projects. A sample of the Checklist on Environmentally Friendly Design Criteria is provided below.

Checklist 2: Sample Format for Checklist on Environmentally Friendly Design Criteria

General Information				
Name of Sub-Project	<i>Name of sub-project (SP) for construction</i>			
Name of engineer/ technical officer	<i>Person(s) who prepared the designs and ensured the use of environment enhancing design criteria</i>			
Date of Site Study Completed	<i>The date on which the onsite studies were completed.</i>			
Information Source	<i>Name and contact of person(s) contacted</i>			
Proposed Output	<i>SP construction</i>			
Design Criteria	Yes	No	Unknown	Remark
Maximizing the blending of architectural design to important cultural site next or nearby to the site.				
Maximizing natural light in order to minimize artificial light needs.				
Maximizing natural ventilation systems, minimizing the necessities of air conditioning				
Maximizing rain water storage for irrigation (where applicable)				
Promoting the usage of environment-friendly materials (avoid asbestos and other hazardous or toxic materials)				
Planting of native species in gardens and green areas in the offices (where applicable)				
Stabilization of slopes using vegetative measures (where required)				
Others (describe)				

Summary of Overall Assessment: *Prepare a short summary of an overall assessment basing on the design criteria screening results above. What recommendation/suggestion is made to the project?*

The above checklist should be provided to the PIU-CPST in the concerned camp for review and subsequently to the BDA-PIU and endorsement to CFSI-PMU as part of the Sub-Project Proposal (SPP) for approval.

Step 3: Preparation of a Standardized Environmental and Social Management Plan (ESMP)

After completing the construction site and environment-friendly design criteria screening using the above checklist formats, the last step in the environmental safeguards procedures would be the development of a simple ESMP that should be treated as environmental specifications for construction. Draft ESMPs will also form part of the SPP package that will be submitted.

As the small-scale construction activities envisaged might cause impacts and nuisance to nearby surroundings, they need to be avoided or mitigated through application of good engineering practices and strict environmental safeguards measures including use of environment-friendly construction materials and equipments, waste management techniques especially for construction dust and debris, noise control, site management, safety controls, provision of clean water and sanitation facilities etc.

Issues and measures that should be covered in the ESMP covering potential adverse environmental problems and corresponding mitigation measures is provided below. It is expected that all Contractors working on civil works will adhere to this as part of the bidding specifications and the Contractor's Work Plan. This ESMP should include the environmental safeguards issues that may occur during construction and solutions or what the contractor must do to solve these problems and should draw on the two checklists developed under Steps 1 and 2.

Table 1: A sample Environmental and Social Management Plan for Small Civil Works

Phase	Issue	Measure
Site Screening	<u>Adequate space and access</u> - possible interruption within its vicinity; other issues captured in Construction Site Checklist.	The selection should avoid sensitive environment and land issues which may be caused by the construction and/or renovation; other measures recommended in the Construction Site Checklist should be adopted.
Design	<u>Drawing and planning</u> the construction of towers by adapting to adjoining physical landscape and minimizing possible environmental issues; other environmentally friendly design features identified in Step-2.	Adversely Environmental Minimization Measures should be introduced in the construction design; other environment enhancing design criteria identified in Step-2 as feasible to be incorporated
Construction	<u>Dust:</u> Dust, debris, and particulate materials from the construction will blow to surrounding structures and/ causing nuisances to surrounding families and businesses, specially to vulnerable people (children, elders).	The contractor will spray water to reduce the dust when the weather is dry and periodically clean stagnant debris.
	<u>Noise:</u> Noise from the construction machinery and equipment will disturb to others especially in areas with hospitals, homes for the elderly, and schools.	Contractor will use environment-friendly construction materials and equipment and limit construction hours to minimize possible disturbance to local livelihood. Contractor will fence off Construction site to reduce any possible annoyance to neighbors.
	<u>Construction wastes:</u> the adequate disposal of Waste materials and hazardous materials (fibro-cement, fuel, oil, cement etc.). <u>Garbage collected and dredged spoils:</u> see section on Special considerations on waste management below for complete treatment.	Contractor will reduce waste generation whenever feasible. Contractor should separate hazardous wastes from other wastes and handle them according to established environmental guidelines. Contractor should separate recyclable wastes from non-recyclable ones. All wastes should be properly handled. Any illegal waste dumping or burning will be prohibited.
	<u>Disturbance:</u> Nearby offices and residents will be disturbed by prolonged construction.	The contractor will perform construction activities within appropriate time frame which does not disturb work of officers or living of local residents.
	<u>Sanitation:</u> Sanitation for the workers at the construction site is inadequate leading to unclean working environment.	The contractor will provide temporary sanitation for the workers.
	<u>Contamination:</u> Contamination of water supply or source within the vicinity of the site is caused by the construction activities.	The contractor will implement necessary measures to prevent possible contamination to water supply or source in the surrounding area.
	<u>Pedestrian security and traffic congestion</u> – Construction site may cause safety concern for pedestrians,	The contractor will fence of the site for general safety measures; traffic re-routing (if required) should be appropriately managed and planned for.

	especially for school children, during construction. Similarly, traffic congestion during construction may be caused due to the increase of heavy traffic (of the construction itself and from traffic detours) in high traffic avenues and exit ramps.	
	<u>Interruption of services</u> - water, electricity, telephone, bus routes during construction.	The contractor will implement necessary measures to prevent any interruption to access to public services.
	<u>Informing the public</u> about construction and work schedules, interruption of services, or traffic.	The contractor will put signboard summarizing the construction activities and schedule for completion of tasks.
Post-Construction	<u>Site Clearing</u> : Cleaning the site after construction- disposing wastes properly so that they are not dangerous to the environment.	The contractor will clean the site carefully and remove all waste materials as spelled out in the construction bidding.
Others	<u>Other identified environmental safeguard issues.</u>	

All these measures **should be included in bidding document and contractor’s workplan** as part of the specifications for construction that will be followed to address any potential environmental safeguard concerns.

Special Considerations on General Waste Management in the ESMP. The sub-borrower, contractor and operator of the sub-project should ensure that a waste management system is in place to address issues linked to waste minimization, generation, transport, disposal, and monitoring.

1. Waste Management Planning

Facilities that generate waste should characterize their waste according to composition, source, types of wastes produced, generation rates, or according to local regulatory requirements. Effective planning and implementation of waste management strategies should include:

- Review of new waste sources during planning, siting, and design activities, including during equipment modifications and process alterations, to identify expected waste generation, pollution prevention opportunities, and necessary treatment, storage, and disposal infrastructure
- Collection of data and information about the process and waste streams in existing facilities, including characterization of waste streams by type, quantities, and potential use/disposition
- Establishment of priorities based on a risk analysis that takes into account the potential EHS risks during the waste cycle and the availability of infrastructure to manage the waste in an environmentally sound manner
- Definition of opportunities for source reduction, as well as reuse and recycling
- Definition of procedures and operational controls for onsite storage
- Definition of options / procedures / operational controls for treatment (if applicable) and final disposal

2. Waste Prevention

Processes should be designed and operated to prevent, or minimize, the quantities of wastes generated and hazards associated with the wastes generated in accordance with the following strategy:

- Substitute raw materials or inputs with less hazardous or toxic materials, or with those where processing generates lower waste volumes
- Institute good housekeeping and operating practices, including inventory control to reduce the amount of waste resulting from materials that are out-of-date, off- specification, contaminated, damaged, or excess to plant needs
- Institute procurement measures that recognize opportunities to return usable materials such as containers and which prevent the over ordering of materials

- Minimize hazardous waste generation by implementing stringent waste segregation to prevent the commingling of non-hazardous and hazardous waste to be managed

3. Recycling and Reuse

In addition to the implementation of waste prevention strategies, the total amount of waste may be significantly reduced through the implementation of recycling plans, which should consider the following elements:

- Evaluation of waste production processes and identification of potentially recyclable materials
- Identification and recycling of products that can be reintroduced into the manufacturing process or industry activity at the site
- Investigation of external markets for recycling by other industrial processing operations located in the neighborhood or region of the facility (e.g., waste exchange)
- Establish recycling objectives and formal tracking of waste generation and recycling rates
- Provide training and incentives to employees in order to meet objectives

4. Treatment and Disposal

If waste materials are still generated after the implementation of feasible waste prevention, reduction, reuse, recovery and recycling measures, waste materials should be treated and disposed of and all measures should be taken to avoid potential impacts to human health and the environment.

Selected management approaches should be consistent with the characteristics of the waste and local regulations, and may include one or more of the following:

- On-site or off-site biological, chemical, or physical treatment of the waste material to render it nonhazardous prior to final disposal
- Treatment or disposal at permitted facilities specially designed to receive the waste.

Examples include: composting operations for organic non-hazardous wastes; Materials Recovery Facilities in the locality near the site; in properly designed, permitted and operated landfills designed for the respective type of waste; or other methods known to be effective in the safe, final disposal of waste materials such as bioremediation.

5. Hazardous Waste Management

Hazardous wastes should always be segregated from nonhazardous wastes. If generation of hazardous waste cannot be prevented through the implementation of the above general waste management practices, its management should focus on the prevention of harm to health, safety, and the environment, according to the following additional principles:

- Understanding potential impacts and risks associated with the management of any generated hazardous waste during its complete life cycle
- Ensuring that contractors handling, treating, and disposing of hazardous waste are reputable and legitimate enterprises, licensed by the relevant regulatory agencies and following good international industry practice for the waste being handled
 - • Ensuring compliance with applicable local and national laws such as Republic Act 9003 or the Ecological Solid Waste Management Act; and Republic Act 6969: Toxic Substances, Hazardous and Nuclear Waste Control Act of 1990.

6. Waste Storage

Hazardous waste should be stored so as to prevent or control accidental releases to air, soil, and water resources in area location where:

- Waste is stored in a manner that prevents the contact between incompatible wastes. Examples

include sufficient space between incompatibles or physical separation such as walls or separate containment curb/ areas.

- Store in closed containers away from direct sunlight, wind and rain
- Secondary containment systems should be constructed with materials appropriate for the wastes being contained and adequate to prevent loss to the environment
- Provide adequate ventilation where volatile wastes are stored.

Hazardous waste storage activities should also be subject to special management actions, conducted by employees/workers who have received specific training in handling and storage of hazardous wastes:

- Provision of readily available information on chemical compatibility to employees/workers, including labeling each container to identify its contents
- Limit access to hazardous waste storage areas to employees/workers who have received proper training
- Clearly identify (label) and demarcating the area, including documentation of its location on a facility map or site plan
- Conduct periodic inspections of waste storage areas and documenting the findings
- Prepare and implement spill response and emergency plans to address their accidental release

7. Transportation

On-site and Off-site transportation of waste should be conducted so as to prevent or minimize spills, releases, and exposures to employees/workers and the public/community. All waste containers designated for off-site transport should be secured and labeled with the contents and associated hazards, be properly loaded on the transport vehicles before leaving the site, and be accompanied by a transport paper (i.e., manifest) that describes the load and its associated hazards, consistent with RA 6969 and its Implementing Rules and Regulations.

8. Treatment and Disposal of Hazardous Wastes

In addition to the recommendations for treatment and disposal applicable to general wastes, the following issues specific to hazardous wastes should be considered:

8.1. Commercial or Government Waste Contractors

In the absence of qualified commercial or government-owned waste vendors (taking into consideration proximity and transportation requirements), facilities generating waste should consider using:

- Have the technical capability to manage the waste in a manner that reduces immediate and future impact to the environment
- Have all required permits, certifications, and approvals, of applicable government authorities
- Have been secured through the use of formal procurement agreements

In the absence of qualified commercial or government-owned waste disposal operators (taking into consideration proximity and transportation requirements), sub-project proponents or sub-borrowers should consider:

- Installing on-site waste recycling processes
- As a final option, constructing facilities that will provide for an environmental sound long-term storage of wastes on-site or at an alternative appropriate location up until external commercial options become available

8.2. Small Quantities of Hazardous Waste

Hazardous waste materials are frequently generated in small quantities by many projects through a variety of activities such as equipment and building maintenance activities. Examples of these types of wastes include: spent solvents and oily rags, empty paint cans, chemical containers; used lubricating oil; used batteries (such as nickel-cadmium or lead acid); and lighting equipment, such as lamps or lamp ballasts. These wastes should be

managed following the guidance provided in the above sections.

8.3. Monitoring

Monitoring activities associated with the management of hazardous and non-hazardous waste should include:

- Regular visual inspection of all waste storage collection and storage areas for evidence of accidental releases and to verify that wastes are properly labeled and stored. When significant quantities of hazardous wastes are generated and stored on site, monitoring activities should include:
 - Inspection of vessels for leaks, drips or other indications of loss
 - Identification of cracks, corrosion, or damage to tanks, protective equipment, or floors
 - Checking the operability of emergency systems
 - Documentation of the results of testing for integrity, emissions, or monitoring stations (air, soil vapor, or groundwater)
 - Documentation of any changes to the storage facility, and any significant changes in the quantity of materials in storage
- Regular audits of waste segregation and collection practices
- Tracking of waste generation trends by type and amount of waste generated
- Characterization of waste at the beginning of generation of a new waste stream, and periodically document the characteristics and proper management of the waste, especially hazardous wastes
- Keeping manifests or other records that document the amount of waste generated and its destination
- Periodic audit of third party treatment and disposal services including re-use and recycle facilities when significant quantities of hazardous wastes are managed by third parties. Whenever possible, audits should include site visits to the treatment storage and disposal location
- Regular monitoring of groundwater quality in cases of hazardous waste on site storage and/or pretreatment and disposal
- Monitoring records for hazardous waste collected, or stored, should include:
 - Name and identification number of the material(s) composing the hazardous waste
 - Physical state (i.e., solid, liquid, gaseous or a combination of one, or more, of these)
 - Quantity (e.g., kilograms or liters, number of containers)

D. Institutional Arrangements

As noted above, each concerned camp should designate PIU-CPST Engineer, with guidance from PMU Engineer, who will manage the proposed civil works under their respective components. Separately a designated Safeguards Officer should be appointed in each camp who will be responsible for scrutinizing the environmental safeguards issues involved in each civil works project. The ultimate responsibility for approvals and ensuring adherence to these Environmental Safeguards Guidelines lies with the Project Coordinators in BDA-PIU and CFSI-PMU, with the latter the primary responsible party to ensure safeguards compliance for the whole of RDP/3.

A summary of the institutional arrangements for following the above procedures is given below:

1. Construction Site Checklist: The PIU-CPST engineers, with guidance from PMU Engineers, in the camps are responsible for completing and sending results of the environmental safeguards issues screening done in the Construction Site Checklist with an explanation of his or her recommendation to the BDA-PIU and CFSI-PMU, for review and endorsement. The final review and clearance should be performed by the CFSI-PMU in consultation with the designated Safeguards Officer(s).

2. Checklist for Environmentally Friendly Design Criteria: The designated Safeguard Officer(s) from the PIU-CPST, in partnership with the PMU Engineer, should complete the Environmentally Friendly Design Criteria checklist for each piece of civil works. These design criteria should be reviewed and cleared with the BDA-PIU and CFSI-PMU Project Coordinators and approved by CFSI and should form part of the bidding documents and Contractor Work Plan.

3. EMP Development and Clearance: The designated Safeguards officer(s) and PIU-CPST are jointly responsible for ensuring which elements of the sample ESMP provided above are to apply in specific civil works projects. They should analyze and make a summary of the findings from the Construction Site and Design Criteria checklists above and provide their recommendation on any of a few simple bases:

- The construction will not have any unacceptable impact on the environment;
- The construction design should be changed to avoid unacceptable impact on the environment;
- The construction should not be implemented, because the impact on the environment will be bigger than the benefit from the project.

Oversight and final clearance for the ESMP will be provided to the PMU and PIU Project Coordinators. The ESMP will then become part of the Contractor Work Plan and shall be referred to in their contracts for each piece of civil works.

E. Monitoring, Supervision and Reporting

The selected contractor(s) must submit their completed work plans to the PMU prior to initiating their contract for each piece of civil works. The Contractor's Workplan should have incorporated the agreed Environmentally Friend Design Criteria being used as well as the agreed EMP described above, clearly listing:

- (a) environmental problems that may occur during construction;
- (b) solutions or what the contractor must do to solve these problems

The PIU and PMU concerned engineers and Safeguards Officer(s) will help the Contractor to make the workplan. The CFSI-PMU must approve the work plan before signing the contract.

The PIU-CPST Engineer and Safeguards Officer(s) are responsible for supervising the adherence to the agreed ESMP by the selected contractors in each civil works project through periodic audits. The PIU-CPST Engineer and Safeguards Officer(s) should update/improve the site and construction design criteria checklists and ESMP table above on annual basis (or even semester period) basing on experience and findings from the project implementation and supervision. Environmental Safeguards specialist in the Bank will separately review adherence to the Environmental Safeguards guidelines in the civil works projects during their Implementation Support Mission. All records of the above Environmental Safeguards procedures, including the relevant checklists and ESMPs, shall be kept by the PMU and PIU for review during these supervision missions.

ANNEX 3B: Environmental and Social Screening Checklist

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 A3-1. 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, exclude from the project
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 and also from interviews with the local communities.
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 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:							

Table A3-1. 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	
2.0 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?							
2.3 Will there be losses of shelter?							
If yes, how many households will be affected?	HH		HH		HH		If yes, please provide mitigating measures in the ESMP.
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

Table A3-1. 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	
							Check Activity Report on 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:							
4. Community Health and Safety							
4.1 Are the endemic/common diseases in the community? (Existing prior to project implementation)							
What are these diseases (currently being experienced)?							
Are there confirmed/suspected COVID-19 cases in the community?							

Prepared by (PO Chairperson):

—

Date: _____

Reviewed by (CPST Rep.):

Date: _____

Noted by: (Camp JTFCT Rep): _____

Date: _____

Table A3-2: 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

Table A3-3: 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 4: Environmental and Social Management Plan Templates

Table 4-1: 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 there be trees that need to be cut with the construction of this sub-project?			Avoid or minimize cutting of trees to the extent possible; Secure the Tree cutting permit from MENRE and compensate for any tree that needs to be removed in compliance with the requirements of MENRE;		
Will the sub-project potentially trigger landslides during and after construction?			Install suitable slope protection measures – installation of wire mesh/slope mesh; avoid excessive cutting at the toe of the slope; use of geosynthetic textiles and fibers to stabilize the slopes; turfing (grass/shrubs, small trees planting); grouting; shotcrete (application of concrete with force on slopes)		

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 the sub-project contribute to air and noise pollution during construction period?			<p><i>Air Pollution Mitigating Measures (mainly from construction dust):</i> Use water sprays or sprinklers to control dust and stop it from spreading. Enclosing the construction area. Covering up the construction materials during transit to site. Wear appropriate PPEs.</p> <p><i>Noise Pollution Mitigating Measures:</i> Schedule work during sociable hours rather than when residents are likely to be sleeping or praying. Notify residents of working hours and keep them updated on the project. Switch off (noisy) equipment when not in use. Use environment-friendly construction materials and equipment and limit construction hours to minimize possible disturbance to local livelihood. Putting up sound shields or noise barriers; fence-off construction site to reduce any possible annoyance to surrounding community. Ensure workers wear the correct PPEs.</p>		
Will there be pollution from associated activities like preparation of asphalt, crushing of aggregate, concrete mixing, etc.?			Apply appropriate air and noise pollution mitigating measures.		

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 increase in soil erosion downstream of channels being crossed by the project?			Soil removed during construction would be stockpiled to reuse where possible; Provide soil erosion control measures such as silt traps and sediment fences, undertake earthmoving activities during the dry season.		
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?			<i>Water Pollution Mitigating Measures:</i> Minimize land disturbance; cover up all drains on the construction site; cover construction materials so the risk of being washed away during rain is minimized; Prohibit discharge of concrete residues in drains and waterways to avoid clogging of canals, provide oil pits for oil tanks.		
Will there be risks of accidents due to construction activities?			Hoarding or construction barriers/fence to be installed; Safety signages and with proper lighting/reflectors to be put-up; Conduct of safety orientation to the workers, as well as to the community; GRS mechanisms to be in place		

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?			Installation of road safety signages with proper lighting/reflectorized; Coordination with the local authorities especially during delivery of materials/heavy equipment to the site to prevent any accident; contractor to fence of the site for general safety measures; traffic re-routing (if required) should be appropriately managed and planned;		
Will there be damage to cultural/archaeological sites/properties?			Avoidance through proper design and layout on site to avoid any impact to cultural/archaeological sites/properties. Implementation of chance find procedures in case of accidental discovery of artifacts and orientation of workers on the chance find procedures;		
Will there be uncontrolled increase and improper location of micro economic activities?			None. Construction period is short.		
Is the design sensitive to gender needs, age and disability?			Accessibility needs of vulnerable groups should have been considered in the design stage. Contractor to submit design variation application, for the design adjustment of the SP.		

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 reaction of general public due to poor information about the sub-project?			Conduct project disclosure and consultation prior to implementation and continue regular community consultations throughout project implementation.		
Involuntary Resettlement					
Is there a need to acquire land for the sub-project?			Only a small portions of land is required by the sub-project; land is voluntarily donated or through usufruct agreements by community members. Donation is notarized and supporting land donation documents are filed.		
Will there be losses of homes, other assets or land due to the sub-project?			None. Negative list.		
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)			IPs within or near the sub-project sites will be consulted/informed and must be represented in all SP related activities that concerns/impacts them. If the SP is in the IP community, orient the outsiders/contractors on the IPs cultural practices. SP designs should be culturally sensitive to the IPs. Design variations may be submitted by the contractors.		
Others (please specify other impacts on environment, people and IP)					

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
Community Health and Safety					
Measures to be adopted to ensure community's exposure to diseases and COVID-19 is minimized.			Appropriate training and supervision of workers on safety policies in accordance with regulatory standards – construction and health safety protocols, especially protocols for COVID-19 mitigation.		

Project Preparation Phase:

Noted by (Camp JTFCT): _____

Prepared by (PO Rep): _____

 Name/Position & Signature

 Name/Position & Signature

Date Accomplished: _____

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)

Table A4-2: 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 trees that need to be cut with the construction of this sub-project?			Avoid or minimize cutting of trees to the extent possible; Secure the Tree cutting permit from MENRE and compensate for any tree that needs to be removed in compliance with the requirements of MENRE;		
Will there be potential landslides during and after construction?			Install suitable slope protection measures – installation of wire mesh/slope mesh; avoid excessive cutting at the toe of the slope; use of geosynthetic textiles and fibers to stabilize the slopes; turfing (grass/shrubs, small trees planting); grouting; shotcrete (application of concrete with force on slopes)		

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 pollution during construction activities (i.e., solid wastes, human wastes)?			Contractor will reduce waste generation whenever feasible. Contractor should separate hazardous wastes from other wastes and handle them according to established environmental guidelines. Contractor should separate recyclable wastes from non-recyclable ones. All wastes should be properly handled. Any illegal waste dumping or burning will be prohibited.		
Will there be removal of vegetation or will there be potential loss of flora and fauna?			NONE, Negative list		
Will there be potential risk for spread of water-borne diseases due to improper siting of construction equipment and facilities?			Pre-implementation meeting agreements on siting of storage area bunkhouses;		
Will there be potential increase in dust generation during construction?			<i>Air Pollution Mitigating Measures (mainly from construction dust):</i> Use water sprays or sprinklers to control dust and stop it from spreading. Enclosing the construction area. Covering up the construction materials during transit to site. Wear appropriate PPEs.		

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 increase in noise due to construction activities?			<p><i>Noise Pollution Mitigating Measures:</i> Schedule work during sociable hours rather than when residents are likely to be sleeping or praying. Notify residents of working hours and keep them updated on the project. Switch off (noisy) equipment when not in use. Use environment-friendly construction materials and equipment and limit construction hours to minimize possible disturbance to local livelihood. Putting up sound shields or noise barriers; fence-off construction site to reduce any possible annoyance to surrounding community. Ensure workers wear the correct PPEs.</p>		
Will there be potential public and private property damage due to structural damage caused by substandard materials, nonconformance to sub-project design?			Regular construction quality monitoring; Orientation to contractors in Quality Assurance Plan (QAP)		

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.)?			Conduct proper site validation and consult with concerned authorities about landslide and flood-prone areas; Encourage the contractors to conduct their own site validation of the selected project site and submit a copy of their report to the PMU/PIU.		
Will there be risks of accidents involving construction materials, pollution of watercourses and agricultural lands?			Pre-implementation meeting agreements on siting of storage area bunkhouses; Provide materials recovery facility, proper drainage and toilets with septic tank; discharge of wastewater should be away from water courses 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?			Avoidance through proper design and layout on site to avoid any impact to cultural/archaeological sites/properties or alteration and loss of natural resource; Implement chance find procedure in case of accidental discovery of artifact.		
Is the design sensitive to gender needs, age and disability?			Accessibility needs of vulnerable groups should have been considered in the design stage. Contractor to submit design variation application, for the design adjustment of the SP.		

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 reaction of general public due to poor information about the sub-project?			Conduct project disclosure and consultation prior to construction; Continuous orientation and updating with the community; project information signages be installed;		
Involuntary Resettlement					
Is there a need to acquire land for the sub-project?			Only a small portions of land is required by the sub-project; land is voluntarily donated or through usufruct agreements by community members. Donation is notarized and supporting land donation documents are filed.		
Will there be losses of homes, other assets or land due to the sub-project?			None. Negative list.		
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)			IPs within or near the sub-project sites will be consulted/informed and must be represented in all SP related activities that concerns/impacts them. If the SP is in the IP community, orient the outsiders/contractors on the IPs cultural practices. SP designs should be culturally sensitive to the IPs. Design variations may be submitted by the contractors.		
Others (please specify other impacts on environment, people and IP)					

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
Community Health and Safety					
Measures to be adopted to ensure community's exposure to diseases and COVID-19 is minimized.			Appropriate training and supervision of workers on safety policies in accordance with regulatory standards – construction and health safety protocols, especially protocols for COVID-19 mitigation.		

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)

Table A4-3: 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 trees that need to be cut with the construction of this sub-project?			Avoid or minimize cutting of trees to the extent possible; Secure the Tree cutting permit from MENRE and compensate for any tree that needs to be removed in compliance with the requirements of MENRE;		
Will there be submergence of areas due to water impoundment?			Must be considered in the design stage to include elevated designs and drainage system		
Will there be safety hazards during construction?			Safety signages and barriers for construction areas and proper use of PPEs; Health and safety orientation training for all workers;		
Will there be increase in solid wastes during sub-project construction?			Contractor will reduce waste generation whenever feasible. Contractor should separate hazardous wastes from other wastes and handle them according to established environmental guidelines. Contractor should separate recyclable wastes from non-recyclable ones. All wastes should be properly handled. Any illegal waste dumping or burning will be prohibited.		

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 for increased breeding of mosquito in case of inadequate drainage near water abstraction point / locations?			Must be considered in the design stage to include elevated designs and drainage system		
Will there be pollution of the impounded water from leaves, dust and other nuisance due to open surface?			Plant vegetation in the surrounding area; Conduct removal/clearing of leaves and other materials at community ponds to prevent pollution of raw water supply;		
Will there be unnoticed contamination of the water source or impoundment by wastes during operation?			Regular potability tests; regular cleaning of the intake box and surrounding areas (near the water source); educate the community and the Barangay LGU on proper care of water facilities; prohibit communities from dumping wastes into the water source;		
Will there be obstruction of natural flow of water when the source of water is developed?			No. Negative List.		
Will there be uncontrolled increase of micro economic activities in the area?			None. Construction period is short.		
Will there be negative impact to household from construction works and inconvenience in the use of river downstream for domestic work?			Agree during the Pre-Implementation meeting, where water for construction can be sourced without disruption/ inconvenience to the community.		

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 the design gender, age and ability sensitive?			Accessibility needs of vulnerable groups should have been considered in the design stage. Contractor to submit design variation application, for the design adjustment of the SP.		
Will the sub-project benefit shared by all community members?			Ensure consultation participation and involvement of most of the community households.		
Will there be damage to cultural/archaeological sites/properties or alteration or loss of natural resource like caves, water bodies, and landmarks?			Avoidance through proper design and layout on site to avoid any impact to cultural/archaeological sites/properties or alteration and loss of natural resource; Implementation of chance find procedures in case of accidental discovery of artifacts and orientation of workers on the chance find procedures;		
Will there be negative reaction of general public due to poor information about the sub-project?			Continuous orientation and updating with the community; project information signages be installed;		
Involuntary Resettlement					
Is there a need to acquire land for the sub-project?			Only a small portions of land is required by the sub-project; land is voluntarily donated or through usufruct agreements by community members. Donation is notarized and supporting land donation documents are filed.		

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 losses of homes, other assets or land due to the sub-project?			None. Negative list.		
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?			IPs within or near the sub-project sites will be consulted/informed and must be represented in all SP related activities that concerns/impacts them. If the SP is in the IP community, orient the outsiders/contractors on the IPs cultural practices. SP designs should be culturally sensitive to the IPs. Design variations may be submitted by the contractors.		
Others (please specify other impacts on environment, people and IP)					
Community Health and Safety					
Measures to be adopted to ensure community's exposure to diseases and COVID-19 is minimized.			Appropriate training and supervision of workers on safety policies in accordance with regulatory standards – construction and health safety protocols, especially protocols for COVID-19 mitigation.		

Project Preparation Phase:

Noted by (Camp JTFCT):

Prepared

by:

Name/Position & Signature)

Name/Position & Signature)

Date Accomplished: _____

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 5: Voluntary Land Donation Protocol for MTF-RDP Phase 3

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 formalize 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;
- 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 neighbors.

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;
- 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:

- 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.

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			