



# TANZANIA PORTS AUTHORITY (TPA)

## TERMS OF REFERENCE (TOR)

### FOR

## CONSULTING SERVICES FOR ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) FOR REHABILITATION OF BERTHS 8-11

### 1.0 INTRODUCTION

- 1.1 Tanzania Ports Authority (TPA) was established by the Act of Parliament No. 17 of 2004 as a Port Authority in Tanzania. The roles of TPA as provided in the Act are to develop, manage, operate and promote the Port Sector in Tanzania.
- 1.2 TPA as an Implementing Agency of The Government of the United Republic of Tanzania, received a loan from the International Development Association (IDA) towards the cost of the Dares salaam Maritime Gateway Project (DMGP) and intends to apply part of the proceeds of this loan to undertake a detailed **Environmental and Social Impact Assessment (ESIA) for rehabilitation of berth 8-11.**
- 1.3 In view of this, TPA intends to procure a consultant to conduct an **Environmental and Social Impact Assessment (ESIA) for rehabilitation of berth 8-11.**
- 1.4 Upon appointment of the Consultant, TPA shall sign a Contract with the Consultant to provide the above Consultancy Services.

## DESCRIPTION OF THE PROJECT

- 2.1 The DMGP has been developed as a multi-development partner initiative to improve the effectiveness and efficiency of the Port of Dar es Salaam. The following list of components are included in the DMGP
- (i) Deepening and strengthening of existing Berths 1 to 7 to 14.5 m below CD, and constructing a new multipurpose berth at Gerezani Creek;
  - (ii) Deepening and widening the entrance channel and turning basin in the port to the end of Berth 11 to 15.5 m below CD;
  - (iii) Improving the rail linkages and platform in the port;<sup>27</sup> and
  - (iv) Deepening and strengthening of existing Berths 8-11, to 14.5 m below CD.
- 2.2 DMGP is classified as Category A according to World Bank policy on Environmental Assessment (OP/BP 4.01) and was also judged to have triggered the World Bank's Natural Habitat Policy (OP/BP 4.04) and Physical Cultural Resources Policy (OP/BP 4.11). Due to its classification, each project activity must have an independent ESIA to determine the impact the component will have on the social and environment aspects.
- 2.3 A comprehensive ESIA was undertaken for the initial capital works proposed in the Project, and to guide the preparation of subsequent ESMPs. The main potential environmental negative impacts identified were:
- (i) Extraction of raw materials from quarry sites;
  - (ii) Increased demand on existing infrastructure and utilities in Temeke Municipal;
  - (iii) Potential flooding of upper Gerezani Creek area due to accidental blocking of water flow into the harbor during the construction period;
  - (iv) Reduced berth space at Malindi Wharf impacting existing users transporting goods to Zanzibar;
  - (v) Increased vehicular traffic;
  - (vi) Changes in marine water quality due to the potential release of chemicals and heavy metals while dredging or backfilling;
  - (vii) Marine pollution from the disposal of dredged materials in the ocean;
  - (viii) Occupational risks and accidents;

- (ix) increase in invasive species from increased shipping traffic;
- (x) Increased marine pollution from improper disposal of waste from marine vessels;
- (xi) An increase in HIV/AIDS/STD infection rates due to the influx of construction workers;
- (xii) Accidental vessel collisions during dredging;
- (xiii) Accidental collisions of vehicles and trains within the port area; and
- (xiv) Accidental spills of oils, and other oil-based liquids.

2.4 The ESIA included a detailed analysis of alternatives and specific mitigation measures for each component of the project in order to select the best option from the technical, economic, environmental and social point of view. Appropriate consultation was undertaken on the terms of reference to ensure that they are consistent with the domestic legislation and the World Bank's operational policies. A number of rounds of consultations were undertaken between August 2015 and February 2016. The final version of the ESIA was disclosed at Infoshop on February 26, 2016, and in country on the TPA website on February 26, 2016. This ESIA covers the construction of the multipurpose berth at Gerezani Creek, and the rehabilitation and strengthening of Berths 1-7 with a climate resilient design.

2.5 TPA initiated a Green Port initiative by conducting the Green Port Study and a green port policy is now ready available. Whilst the adaptation and mitigation of the climate change co-benefits appear modest at this stage, the Green Port Study identified ways in which TPA can minimize and mitigate the negative impact of climate change and the environment risks in its operations and enhance the climate change and environmental opportunities in its future work. These focus on exploring climate resilient and low carbon opportunities in design, planning and development of port infrastructure and investment. The recommendations will be implemented in parallel to the project. The action plan has also been prepared and will be followed while implementing the recommendations of the study.

2.6 In addition, an ESIA has just been completed for dredging of the entrance channel and port turning basin at Dar-es Salaam port. Based on extensive water and sediment quality monitoring programs and mathematical models, This report provides a comprehensive assessment and mitigation measures for all dredging activities including the disposal of dredged materials.

- 2.7 TPA would like now to undertake an independent ESIA for rehabilitation and strengthening of berths 8-11 to determine the impact that the project activity will have in terms of social, economic and environment aspects. The ESIA should give a detailed analysis of social, economic and environment impact that the rehabilitation is likely to cause and suggest alternatives and specific mitigation measures in order to select the best option from the technical, economic and environmental point of view.
- 2.8 The assignment and documentation should be consistent with the relevant legislation in Tanzania, including the Environmental Management Act (EMA) of the United Republic of Tanzania (2004), the Environmental Impact Assessment and Audit Regulations of Tanzania (2005), and relevant World Bank's Safeguard Policies (See Annexes 1, 2 and 3 of this ToR). The Bank's safeguard policies and procedures triggered for the proposed project include: OP/BP 4.01 on Environmental Assessment (Category A project); OP/BP 4.12 on Involuntary Resettlement (if land acquisition or involuntary resettlement is needed during the works); whilst whether OP/BP 4.04 on Natural Habitats and OP/BP 4.11 Physical Cultural Resources are triggered will be confirmed as a result of the consultant's work.

### 3.0 OBJECTIVE OF THE CONSULTANCY SERVICES ASSIGNMENT

#### 3.1 General Objective of the Consultancy Services

The primary objective of the assignment is to prepare a **full Environmental and Social Impact Assessment (ESIA), including an Environmental and Social Management Plan (ESMP) and Environmental and Social Monitoring Program** for rehabilitation and strengthening of berths 8-11 of Dares salaam port.

#### 3.2 Specific Objectives of the Consultancy Services

3.2.1 Specifically the aim of the study is to identify and assess impacts resulting from the proposed rehabilitation of berth 8-11 to the biophysical, social and economic environment.

3.2.2 The ESIA is intended in particular to also ensure that the project complies with the requirements of category A projects.

3.2.3 Another specific objective is to ensure that, the proposed investments implemented through the Program comply with the existing environmental protection laws, regulations and standards in Tanzania as well as with the World Bank's Safeguards Policies for category A projects; and will not have a lasting adverse impact on the country's population, the

natural environment or assets of particular cultural heritage value.

3.2.4 Moreover, the separate ESIA for rehabilitation of berth 8-11 will specifically:

- (i) determine the environmental baseline condition at the four(4) berths project locations;
- (ii) assess the environmental and social impacts of the design, construction and operation of the selected infrastructure investment at berth 8-11;
- (iii) identify cost related prevention, mitigation and/or compensation measures and monitoring activities, and
- (iv) consult the public and main stakeholders in relation with the project benefits and the related environmental and social issues.

3.2.5 The ESIA for rehabilitation of berth 8-11 must also ensure that,

- (i) all ancillary infrastructure necessary for full performance such as access roads, water and sanitation systems among others; are covered by the ESIA, the effect of Climate change to the coastal infrastructure and port related structures has to be considered;
- (ii) contract for an ESIA is undertaken by independent experts unaffiliated with the project; and
- (iii) the consultants carry out public consultations at least twice during the EA process with the first consultation held shortly after beginning the assessment in order to present the ToRs and the Inception Report, while second consultation should be when the draft ESIA is completed.
- (iv) The ESMP shall be prepared in such a manner that environmental requirements including mitigation measures and monitoring as well as the technical specifications related to the construction phase could be incorporated in the bidding and contract documents. The draft and final ESMP report will be revised in consideration of the comments of the authorities in Tanzania and the World Bank. The content of the final ESMP should include (for details

see Annex 1 which includes the Bank's requirements for OP 4.01 and Annex 2):

- (v) A mitigation plan that identifies and summarizes all expected potentially environmental and social impacts; describes each prevention and mitigation with technical details such as designs, equipment description and related operating procedures including the type of impact to which it relates and the condition under which it is required; and provides linkages with any other plans required for the Program.
- (vi) A monitoring plan including a specific description of monitoring measures affiliated with the mitigation measures proposed in the mitigation plan, with the parameters to be measured, methods to be used, sampling locations, frequency of measurements; specific description of institutional arrangements, and the reporting procedures; and
- (vii) An implementation schedule for mitigation and monitoring measures proposed in the above plans and cost estimates and sources of funds for implementing the ESMP.

#### **4.0 SCOPE OF THE ASSIGNMENT**

- 4.1 The main task of the ESIA Consultant is to assist TPA in fully integrating the environmental and social factors into the proposed rehabilitation of Berth 8-11 under the DMGP consistent with Category A investment projects under OP/BP 4.01. For the tasks detailed below, the ESIA Consultant will be expected to visit the project location and coordinate with relevant City and National Government Authorities including Municipalities, Water, Environment, Agriculture and research institutes for collecting necessary environmental and social information including noise; air, water, and soil quality; shipping flows; land use, cultural heritage aspects and land ownership, among others that could allow an understanding of the environmental and social aspects related to rehabilitation of berth 8-11. During the project site visit, a particular attention should be paid to the identification of Project Affected People (PAPs) views on environmental and social effects imposed during rehabilitation, and the extent, if any, of land take, involuntary resettlement, or labor retrenchment, or loss of income and livelihoods to casual laborers in the port.

Given the wealth of information that is available in the ESIA for Berths 1 - 7 and ESIA for dredging the entrance channel and turning basin plus extensive water and sediment quality monitoring programs, it is expected that the consultants will optimize the preparation of the ESIA by utilizing all existing information in these reports. In addition, the consultants will assess the effectiveness of the ESMPs for Berths 1 - 7 and propose additional mitigation measures and controls as needed.

The consultant then shall:

- Assess all construction activities that have been carried out and are being implemented in the port at the other berths
- Identify and assess the ESMPs that have been designed/implemented for berths 1-7, the adequacy mitigation measures and institutional arrangements, etc. and propose improvements as needed.
- Assess the institutional arrangements and reporting for the construction of the berths 1 - 7 and propose strengthening measures as needed.
- Carry out a due diligence to identify any site-specific issues in the areas of Berths 8 - 11 and then propose any additional mitigation measures that are not already included in the improved ESMPs.

## 5.0 SPECIFIC TASKS FOR THE ASSIGNMENT

The specific tasks and services to be provided by the Consultant for this assignment shall include, but not necessarily be limited to:

- 5.1 **Task (I): Brief on Project Background.** The Consultant shall provide the description or profile of the developer, background to the project proposal and its justification, need and purpose of undertaking the study, ESIA study methodologies and approaches applied and structure of the report.
- 5.2 **Task (II): Description of the Proposed Project.** The Consultant shall describe the project activities to be implemented covering the pre-construction or mobilization, construction, operation and post-construction or demobilization phases. This part is meant to give a general idea of what the program will entail. To avoid unnecessary details, the Consultant shall focus on the activities related to the rehabilitation of berth 8-11. The description shall include the following information:
  - (i) **Background information- Background information shall include:** Title of the proposed project activity and developer; Project justification and objectives; funds and source of funding

or financier(s); project location including maps of appropriate scale; project design, size, and capacity; area of influence of the project activity works; project activity, life span and activity components and land size required as well as the extent, if any, of land expropriation, required under the project activity.

- (ii) **Project activities:** Description of project activities shall be based on phases of project life cycle, i.e. mobilization or pre-construction, construction, operation and maintenance, demobilization and decommissioning phases:
- (iii) **Mobilization or Pre-construction activities:** Describe activities pertaining to land acquisition if any; construction camp and site workshop; project design; land dispossession and property valuation; relocation and compensation arrangements;
- (iv) **Construction activities:** Describe all associated activities during construction works such as extraction of construction materials and water indicating its types and sources; blasting; cut and fill; land clearance; soil and gravel compaction and leveling, demolition of structures along the project reserve; types, sources and amount of liquid and solid waste generation and including their disposal; dust etc.
- (v) **Operation and maintenance activities:** Identify and describe all the associated activities to be conducted during project operation and maintenance such as project health and safety measures, operation and management of project facilities along the project such as public toilets, etc.
- (vi) **Demobilization Activities:** Identify and elaborate on the activities to be conducted during demobilization or decommissioning of the project including movement and demolition of construction facilities, restoration of borrow pits, termination of the temporary workers' employment, waste management, etc.
- (vii) **Project Requirements:** Identify all types, sources and quantities of construction materials, equipment and chemicals required by the project. Source and quantities of water, energy, manpower (Staffing and support) and other facilities and services required in each phase of project life etc.

- 5.3 **Task (III): Provide Baseline Condition or Description of the Environment.** The Consultant will review, evaluate and present baseline data on the relevant environmental and social characteristics within the project area taking into account the present river and port activities. At the port and its surroundings, the consultant will rely on existing information in previous ESAs and

monitoring programs already carried out by TPA. Specifically, the baseline conditions should include information on:

- a. **Physical environment:** geology, topography, sediments/soils, surface and ground water hydrology, land pollution, water quality, air quality and sources of air emissions, noise emissions, and climate change aspects;
- b. **Meteorology:** wind patterns, monthly average temperatures, rainfall, snowfall and runoff characteristics; extreme storm and precipitation events;
- c. **Marine-biological environment:** existing terrestrial flora, avifauna, and fauna, at the site; particular rare and endangered species; sensitive habitats, likely to be affected by works, or the dumping of dredged materials; species of commercial importance; and
- d. **Socio-economic and cultural environment:** population land use; planned development activities community structure; employment; distribution of income, goods and services; recreation; public health; Gender issues and HIV/AIDS, cultural / historic properties; tribal peoples; and customs, aspirations, and attitudes to the project.
- e. **Baseline conditions of area for berths 8-11:** a detailed survey of the environmental baseline condition at the four(4) berths project locations;

In addition, the consultant shall also address and include the following issues within the ESIA, as recommended by the Environmental Scoping Investigation (2013):

- (i) location of the final disposal of dredged material if it could be the same as the disposal area used for consideration of the berths 1 to 7;
- (ii) potential of increased sedimentation after capital dredging;
- (iii) Likelihood of potential damage to marine biotopes at the harbor entrance;
- (iv) handling of wreckages found in harbor; and
- (v) the additional capacity needed for TPA to implement contingency planning in event of emergency.

The consultant shall indicate sources of data and methodologies used to acquire data. The relevant international and national standards of noise levels, water and air quality etc. must be applied when comparing between

the existing and anticipated impact of project. Where need be, the Consultant must conduct all the tests in the accredited laboratories.

**5.4 Task (IV): Describe the Policy, Legal and Institutional Framework.**

The Consultant shall review policy, legal, institutional framework as well as regulations, strategies, standards, international conventions and treaties relevant to the environment quality, health and safety, waste management, hazardous substance storage and handling; noise emissions; protection of sensitive areas and endangered species, land-use planning, involuntary resettlement and expropriation; public information; environmental liability, etc. (the list is not exhaustive) determining their relevance to the project, etc.. Some of the laws include Tanzania laws regarding land and land use and environmental, and social safeguards polices of the World Bank (OP/BP 4.01 and OP/BP 4.12), among others. The Consultant shall assess the institutional arrangements for ESIA including the mechanisms and responsibilities for environmental screening and the review of ESIA results. This should include a review of institutional capacity for the supervision and enforcement of ESMPs during construction and operation. The consultant shall reference any international relevant legislation applicable to the project. The objective of this section is to show compliance of the developer with the existing policies, laws administrative/institutional conditions both at national and international levels.

The following, but not limited to, are the relevant policies and legislation to be cited in relation to the proposed project undertakings.

Relevant Legislation and Policies for the Proposed Program	
Legislations	Policies
Environmental Management Act, Cap 191	National Environmental Policy (1997)
Environmental Impact Assessment and Audit Regulations (2005);	Tanzania Wildlife Policy (1998);
Road Act (2007)	National Water Policy (2002);
Forestry Act No. 14 (2002);	Women and Gender Development Policy (2000)
Environmental Code for Road Works (2008);	National Transport Policy (2003)
Environmental Assessment and Management Guidelines in the Road Sector (2004);	Construction Industry Policy (2002)
Land Act No. 2/04 (2004) amendment of the Land Act (1999);	National Forestry Policy (1998)
Village Land Acts (1999);	Wildlife Policy (1998)

The Land (Assessment of the Value of Land for Compensation) Regulations, 2001	National Tourism Policy (1998)
HIV and AIDS (Prevention and Control) Act No. 28/08 (2008)	National Mineral Policy (2009)
Local Government Laws (Miscellaneous Amendments) Act (1999);	National Energy Policy (2003)
The Land Use Planning Act No 6 of 2007	National Human Settlements Development Policy (2000)
Town and Country Planning Ordinance , Cap 378 (1961);	National Land Policy 1995 (revised in 1997)
Wildlife Conservation Act (2009);	National Policy on HIV/ AIDS, 2001
Mining Act (2010)	Road Safety Policy, 2009
Water Resources Management Act No. 11 (2009)	Agriculture and Livestock Policy (1997)
Mining Act (2010);	Tanzania Ports Authority, Occupational Safety, Health and Environmental Policy (2008)
Mining (Environmental Management and Protection) Regulation (1999)	The Ports Act (2004)
Energy and Water Utilities Authority (EWURA) Act (2001)	Marine Parks and Reserves Act (1994)
Occupational Health and Safety Act no.5 (2003)	SUMATRA Act (2001)
Explosives Act, CAP,45 R. E 2002	Urban Planning Act (2007)
Railway Act No 4 of 2002	Tanzania Ports Authority, Safety, Health and Environment (OSHE) Regulations (2011)
The Employment and Labour Relations Act, 2004	The Contractors Registration Act (1997)
World Bank's Safeguard Policies	OP/BP 4.11 (Physical and Cultural Resources)
OP/BP 4.01 (Environmental Assessment Policy)	OP/BP 4.12 (Involuntary Resettlement Policy)
OP/BP 4.04 (Natural Habitats Policy)	OP/BP 17.50 (Disclosure Policy)

International Obligations/Treaties: The International Conventions/Treaties to be reviewed include:

- (i) International Convention on Trade of Endangered Species (CITES);
- (ii) Convention on Biological Diversity (1996); and
- (iii) Basel Convention on Control on the Trans-boundary Movement of Hazardous Waste and Disposal
- (iv) Hong Kong Convention 2009 (Ship breaking, Recycling/dismantling/disposal in environmental friendly way)
- (v) MARPOL Convention 73/78

Furthermore, the consultant shall clearly describe the linkage between the functions of the relevant institutional or administrative frameworks in Tanzania and the proposed project undertakings.

5.5 **Task (V): Stakeholder Consultations and Public Involvement.** The Consultant will assess all consultations that have been carried out in all previous ESIA's and ESMP's and determine the need for additional or limited consultations for the proposed berths. A Consultation plan needs to be prepared and approved by TPA. The Consultant shall identify and consult all the relevant stakeholders at national, regional and local levels. These include the Government Agencies, affected groups and other interested parties in order to obtain their views regarding the proposed project works. Indicate who they are, where they are, why they are important in this project, which issues are critical to them and how they will be involved in the ESIA study. Particular attention shall be paid to those directly affected by the project, including those who could lose their livelihoods or land and other assets, vulnerable groups (e.g. children, the elderly, and women) that may be affected by the proposed project.

5.5.1 The Consultant will assist TPA in carrying-out the public consultation and disclosure process for this ESIA report to allow public awareness of the project activity and the envisaged related environmental and social impacts. The Consultant will organize the presentations to one (1) public meeting to present the TOR of these ESIA documents and one (1) meeting to present a draft ESIA with ESMP. Minutes including questions and answers from these meeting should be included in the final ESIA report. The public meetings should be announced in mass-media at least one week ahead of the meeting and the draft ESIA should be made publicly accessible in Swahili and English before the date of the public meeting.

5.5.2 The consultant shall describe the methodology applied during stakeholder consultations and public participation such as consultative meetings, household, focus groups interviews and other most appropriate methods to establish public views on the proposed project. Meetings with local authorities and the public shall be held to obtain their views on the project and its implication to the environment and social aspects.

5.5.3 The consultation process should be open and transparent to ensure that the views of interested and affected parties are incorporated in the project design as much as it will be

possible. A summary of issues and response in table form indicating sections which address them should be prepared. Evidence will be included in the Environmental and Social Impact Statement (EIS) to the effect that there were stakeholders' consultations at all levels. Photographs, minutes of the meetings, names and signatures of consulted people could be necessary in this regard. Among others, the consultations should ensure the involvement of the following:

- (i) Vice President's Office - Division of Environment;
- (ii) Ministry of Works, Transport and Communication;
- (iii) Ministry of Water;
- (iv) Ministry of Energy and Minerals;
- (v) Ministry of Lands, Housing and Human Settlement Development;
- (vi) Ministry of Natural Resources and Tourism;
- (vii) Tanzania Port Authority;
- (viii) TICTS
- (ix) Tanzania Peoples Defense Force-JWTZ(Navy);
- (x) Ministry of Home Affairs;
- (xi) Dar es Salaam City Council;
- (xii) Temeke Municipal Council;
- (xiii) Other local Governments in the project area;
- (xiv) Tanzania National Roads Agency(TANROADS);
- (xv) National Environment Management Council (NEMC);
- (xvi) Utility Companies;
- (xvii) Nearby communities;
- (xviii) Fishermen;
- (xix) Ferry fish market management;
- (xx) Port users and
- (xxi) Railway companies.

5.6 **Task (VI): Analysis of Alternatives to the Proposed Program.** The Consultant shall describe different project alternatives that were examined in the course of designing the proposed project and identify other alternatives, which would achieve the same objectives. Including the 'No action' alternative to demonstrate environmental and social conditions without the project, consideration of alternatives should extend to siting, design, technology, construction techniques, phasing and schedule, and operating and maintenance procedures alternatives.

5.6.1 Compare alternatives in terms of potential environmental and social impacts; capital and operating costs; suitability under local conditions; and institutional, training, and monitoring requirements. When describing the impacts, indicate which are irreversible or unavoidable and which can be mitigated.

To the extent possible, quantify the costs and benefits of each alternative, incorporating the estimated costs of any associated mitigating measures. Various environmental and social criteria should be developed to select the best project alternatives.

5.6.2 The environmental and social assessment should be based on the final design of the technical, economic, environmental, and social alternatives selected.

5.7 **Task (VII): Impact Identification and Assessment.** The Consultant shall identify, analyze and assess environmental and social impacts, both positive and negative of the proposed project works on natural resources, human beings and the ecosystems based on the phases of the project life cycle, i.e. mobilization or pre-construction phase, construction phase, operation phase, and decommissioning and demobilization phase. Methods applied in impact identification and the criteria used in evaluating the levels of impacts significance of the proposed project works must be specified. The impacts analysis should focus on both positive and negative impacts and be able to state whether the impacts are positive or negative; direct or indirect; short term or long term; reversible or irreversible.

5.7.1 The ESIA study should clearly identify and analyze cumulative, residue and trans-boundary impacts. Wherever possible, describe impacts quantitatively, in terms of environmental components affected (area, number), environmental and social costs and benefits by assigning economic values when feasible. Characterize the extent and quality of available data, explaining significant information deficiencies and any uncertainties associated with the predicted impacts.

5.7.2 The Consultant should take into consideration existing by-laws, national and international environmental standards, legislation, treaties, and conventions that may affect the significance of identified impacts. The Consultant shall use the most up to date data and methods of analyzing and assessing environmental and social impacts. Uncertainties concerning any impact shall be indicated.

5.7.3 The Consultant shall conduct a review of gender issues in the project area, the study shall include the project section influence to the lives of men, the elderly, women, children, and disabled so as to come up with a quantifiable analysis of

the benefits which will accrue to them during and after the project construction.

5.7.4 The Consultant should also take into consideration the findings and issues raised by the Environmental and Social Impact Assessment (ESIA) carried out for the deepening and strengthening of Berths 1-7, the construction of the new RoRo Berth at Gerezani Creek, and those for deepening of the entrance channel and turning basin.

5.8 **Task (VIII) Analysis of social issues and risks and development of appropriate mitigation measures to address them:** The consultant should assess the social and economic impact of the project on those who are directly impacted. This requires design of socio-economic study to be undertaken for the affected communities and individuals, who could lose land, assets and their means of livelihoods.

5.8.1 One potential issue resulting from the mechanization of bulk loading and unloading in the port is the loss of work among the manual daily laborers. These workers do not belong to any unions and some of them may be part time workers. One of the tasks of this consultancy is to describe and analyze the situation of these workers (e.g., their numbers, whether they work full or part time, how much their livelihoods depend on their work in the port, what are their skills, what they earn, etc.).

5.8.2 In summary, the consultant should carry out a full socio-economic study of the manual and casual workers in the Port who are at the risk of losing their jobs as a result of the proposed rehabilitation accordingly, the consultant should provide meaningful and detailed mitigation measures with a time based program, schedule and budget and the detailed plan for how to consult this group of affected persons. The ESIA should have the detailed cost for the workers who lose their jobs due to the project.

5.9 **Task (IX): Propose Impact Mitigation Measures.** The Consultant shall suggest cost-effective measures to minimize, mitigate and/or compensate for adverse impacts of the proposed project works. Measures for enhancing positive or beneficial impacts should also be recommended. The costs of implementing these measures shall be estimated and presented. The proposed measures and cost estimate shall be submitted to TPA to form part of the Bills of Quantities

(BOQ) for the project and should also include cost of supervision for the implementation of the measures.

Also measures to address emergencies should be covered. Special measures have to be included during the construction to minimize the potential risk of the workers and to avoid any risk for the people working in the project influence area.

- 5.10 **Task (X): Development of Environmental and Social Management Plan (ESMP).** The consultant is expected to identify (i) all environmental and social issues in the area of berths 8-11 and propose site-specific mitigation measures; and (ii) propose improvements to the ESMP that has been implemented in berths 1 - 7.
- 5.11 The Environmental and Social Management Plan focuses on three generic areas: implementation of prevention, mitigation, and/or compensation measures, institutional strengthening and training, and monitoring. The Consultant shall prepare an Environmental and Social Management Plan which will include proposed work program, budget estimates for implementation of the ESMP schedules, staffing and training requirements and other necessary support services to implement the mitigation measures. Institutional arrangements required for implementing this management plan shall be indicated. The cost of implementing the monitoring and evaluation including staffing, training and institutional arrangements must be specified.
- 5.11.1 The Consultant is expected to identify TPA institutional needs to implement environmental assessment recommendations. Review of TPA capability and recommend how to strengthen its internal capacity to implement the environmental and social management and monitoring plans. The recommendations may cover inter-sectoral arrangements, management procedures and training, staffing, operation and maintenance training, budgeting, and financial support.
- 5.11.2 The ESMP should specify impact mitigation plan and environmental monitoring plan requirement. The costs, responsibility and timeframe for mitigating each impact and monitoring of each environmental parameter should be provided. Impact Mitigation plan and monitoring plan should be based on the project phases i.e. mobilization or pre-construction, construction, operation, demobilization and decommissioning phase.

5.12 **Task (XI): Reporting.** The outputs of this assignment should comprise study reports as described below. Annexes including updated maps of zone of the study, pictures taken during the site visit and/or public consultation meetings as well as any relevant information should be attached to the final report. The content of the TORs, Inception Report (IR), draft and final ESIA, including ESMP, and RAP reports will be approved by the Bank, while their content should follow the format proposed in the Bank OP/BP 4.01 Annex B (see Annexes 1 and 2 to this ToR) and OP/BP 4.12 (see Annex 3 to this ToR). The main text should include information supported by references listed in appendices.

5.12.1 The ESIA report will include the following chapters: Introduction and Project Background; Brief description of the project (including map of project location); Legal and policy framework, institutional arrangement for environmental management; analysis of alternatives; environmental impacts of the investments and mitigation measures (review of potential environmental problems associated with location, design, construction stage and operation); Environmental Mitigation Plan; Environmental Monitoring Plan (including monitoring evaluation and reporting system); Public Consultation Procedures, Minutes of Public Meetings and Implementation Schedule. The ESMP will follow the format proposed in Annex 2 of this ToR.

5.12.2 Notwithstanding the above requirements, the contents and the structure of the Environmental and Social Impact Assessment Report should be in accordance with the Tanzania's Environmental and Impact Assessment and Audit Regulations, 2005.

5.12.3 The ESIA should be concise and limited to significant environmental and social issues. The main text should focus on actions supported by summaries of the data collected and citations for any references used in interpreting data. Detail or un-interpreted data are not appropriate in the main text and should be presented in appendices or a separate volume. Unpublished documents used in the ESIA may not be readily available and should also be assembled in appendices.

## **6.0 METHODOLOGY AND GENERAL UNDERSTANDINGS**

- 6.1 The consultant is required to clearly indicate the methodology and approach that will be used while carrying out this assignment and how the proposed methodology is deemed to be the best to achieve the objective of the assignment. The methodology should be enabling the consultant to carry out a detailed analysis of the whole scope in order to properly advise TPA on effect of the project.
- 6.2 In undertaking the study, the consultant shall keep in mind that the study must be authentic and thorough as it will form the basis for making important decisions regarding rehabilitation of berth 8-11.
- 6.3 Accordingly, the consultant shall exercise all reasonable skills, care and diligence in the performance of the study and shall carry out all responsibilities to recognized professional standards.
- 6.4 The consultant shall act as a faithful advisor to TPA and shall supply all expertise, knowledge, advice and skills required to carry out and complete the study expeditiously in accordance with the conditions of engagement.
- 6.5 The consultant shall further be responsible for undertaking all the fieldwork and ensuring all data collected is quality assured and corrected wherever appropriate. The consultant shall keep a record of all information collected and present this in a manner which allows statistical comparisons to be made.

## **7.0 SKILLS AND EXPERIENCE REQUIRED**

- 7.1 The assignment is intended to be undertaken by a very experienced and high quality firm (or a consortia) of consultants, familiar with the port sector and environmental and social issues in port projects in Africa and internationally, and the introduction of the private sector in contracts of the type envisaged.
- 7.2 The Consultant will be expected to consider a minimum of 13 person months of key staff inputs. However, the consultant may exceed 14 person months but should not exceed 17 person months. The estimate of the key person requirements is only indicative and could be construed as skill mix requirements for these services. The contract for this assignment will be a lump sum contract. The nominated Team Leader will be expected to spend the majority of the assignment on location in Tanzania.

- 7.3 Whilst the Consultant is responsible for proposing a senior and high quality team appropriate for undertaking the assignment as envisaged in the Terms of Reference, to the required standard, it is likely that the team, as a minimum, shall include the following key staff, which should ideally be full-time employees of the consulting firm(s):
- (i) Environmental Specialist - Foreign expert (Team Leader);
  - (ii) Social Specialist- Local Expert,
  - (iii) Marine Biologist - Local Expert,
  - (iv) Port (Mechanical/Civil ) Engineer - Local Expert,
  - (v) Dredging Specialist - Foreign Expert; and
  - (vi) Assistant Dredging Specialist - Local Expert.

Qualification and experience required for the key personnel shall be as follows:

**The Environmental Specialist (Team Leader):**

shall be responsible for the proper conduct of the entire study and shall be the principal contact person between the team and the Client. He/She will be responsible for carrying out an Environmental and Social Impact Assessment of the project and prepare Environmental Management Plan in order to minimize any negative impacts that the proposed project will have on the environment. He/she should have a degree in environmental management, environmental engineering, environmental education and environmental science. A postgraduate qualification in above professional is an added advantage. He/She must have a cumulative experience of 10 years in undertaking environmental impact assessment, ideally in the marine environment. He/She must have done an ESIA on at least five (5) projects of a similar nature within the past ten (10) years. He/she must be registered as an EIA Expert with NEMC or an equivalent body. and He/She must have at least 3 years working experience in Developing Countries.

**Social Specialist -**

Responsible for the Social-Economic and Health impacts of the project. Should be a highly qualified graduate holding a minimum of university relevant degree. Master degree will be added advantage. He/She must have a cumulative experience of five (5) years in undertaking environmental impact assessment, ideally with two (2) years in the marine environment. He/She must have done an ESIA on at least two (2) projects of a similar nature within the past ten (10) years.

**Marine Biologist -**

Responsible for marine flora and fauna in the project area. Should be a highly qualified graduate holding a minimum of university relevant degree. Master degree will be added advantage. He/She

must have a cumulative experience of five (5) years in undertaking environmental impact assessment, ideally with two (2) years in the marine environment. He/She must have done an ESIA on at least two (2) projects of a similar nature within the past ten (10) years.

**Port (Mechanical/Civil) Engineer,**

Responsible for project design and construction reviews. Should be a highly qualified graduate holding a minimum of university relevant degree. Master degree will be added advantage. He/She must have a cumulative experience of five (5) years in undertaking environmental impact assessment, ideally with two (2) years in the marine environment. He/She must have participated in at least three (3) projects of a similar nature within the past ten (10) years.

**Dredging Specialist. -**

Responsible for review of the dredging techniques and other related tasks to be undertaken. Should be a highly qualified graduate holding a minimum of university relevant degree. Master degree will be added advantage. He/She must have a cumulative experience of five (5) years in undertaking environmental impact assessment, ideally two (2) years being in the marine environment. He/She must have participated in at least three (3) projects of a similar nature within the past ten (10) years.

In addition to the above key staff, the Consultant shall determine the Support and Backup staff deemed necessary to assist with successful completion of the assignment. However, their qualifications will not be considered in the evaluation of the proposals and their costs will not be considered separately as individual experts.

7.4 Consultant is encouraged use of local experts by associating with local companies and individuals where appropriate. Local input will be among criteria for technical scores during evaluation.

## **8.0 SERVICES AND OBLIGATIONS OF TPA**

TPA will provide the following to the Consultant:

- (i) all available relevant reports and data in its possession.
- (ii) issue permits to access the project areas.
- (iii) introduction letters to be submitted to Government Authorities and to stakeholders that the consultant may require for consultations in relation to this assignment.
- (iv) a counterpart staff to work with the consultant for knowledge transfer.

## **9.0 OBLIGATIONS OF THE CONSULTANT**

The Consultant shall make his own arrangements for all living accommodation, transportation, personal equipment such as computer or lap top and stationery. The nominated Team Leader will be expected to spend the majority of the assignment on location in Tanzania. All reports, minutes of meetings among others shall be drafted and circulated by the Consultant.

## **10.0 DELIVERABLES AND REPORTING REQUIREMENT**

10.1 The Consultant shall commence the provision of services immediately after the Effective Date of the contract. The Effective Date shall be the date of signature of consultancy contract agreement by TPA and the whole assignment shall be completed within Four (4) calendar months from the date of the commencement of services. The Consultant shall prepare and submit the following reports in English language:-

10.2 Ten (10) hard copies of the Inception Report shall be submitted within 3 weeks after Effective date of the Consultancy Service to TPA, Scoping report and TOR shall be submitted to the National Environmental Management Council (NEMC) for Approval to proceed with EIA study. The Inception report shall give a brief description of staff deployment, methodology employed in undertaking the assignment, programmes of works of all major activities, summary of initial findings, problems, and details of works to be executed and such comments deemed necessary.

10.3 Ten (10) hard copies of the Draft Environmental and Social Impact Assessment, including Environmental and Social Management Plan, to be submitted within two (2) months after the Effective Date of the Consultancy Services to TPA. World Bank copies to be availed by TPA. In addition electronic copies on CD in PDF and editable format shall be submitted. The reports shall summarize the outputs in terms of findings, analyses' results, and recommendations, and shall contain all supporting materials.

10.4 Ten (10) hard copies of the Final Environmental and Social Impact Assessment, including the Environmental and Social Management Plan shall constitute fully publicized documents. These reports should be submitted four (4) months after the Effective Date of the Consultancy Services to TPA. In addition an electronic copy on CD in PDF and editable format shall be submitted. The report should incorporate all revisions, deemed necessary arising from comments received from the Draft Final Reports.

- 10.5 Ten (10) hard copies of the Final Environmental and Social Impact Assessment, including a Non-technical summary report in Swahili language, incorporating comments from the Technical Advisory Committee (TAC) for submission to NEMC. These reports should be submitted Four (4) months after the Effective Date of the Consultancy Services to TPA.

## 11.0 TIMEFRAME FOR THE ASSIGNMENT

The duration and Milestone for execution of the assignment shall take a duration of 4 months as indicated below:

Milestone	Month
Signing the Contract (Effective Date)	M+0
Commencement of the Assignment	M+0
Inception Report	M+1
Draft Deliverables	M+2
Review by the Client	M+3
Final Deliverables	M+4

## 12.0 PROPOSED MAN MONTHS FOR THE ASSIGNMENT

Key staff	Expected minimum man month (8)	Expected maximum man month (10)
Environmental Specialist - Team Leader:	4	4
Social Specialist,	1	2
Marine Biologist,	1	1
Port (Mechanical/Civil ) Engineer	1	1
Dredging Specialist	0.5	1
Assistant Dredging Specialist	0.5	1
<b>Total man Months</b>	<b>8</b>	<b>10</b>

### 13.0 PAYMENTS SCHEDULE

13.1 Although payment for the services is lump sum, the financial offer of the Consultant shall nevertheless include and specify all cost items, such as salaries and other staff remunerations, domestic and international travel costs, accommodation, per-diem, local transportation, office costs, reproduction of reports, holding of workshops, field visits, additional survey costs and proposed methodologies etc. Any cost item not specified in the Consultant's offer shall be deemed to be included in other cost items for which a price has been quoted.

13.2 The following payment schedule is set for the assignment. Consultants should keep these in mind while preparing their proposals. The fees will remain fixed for the duration of the Contract. Payments will be made for undertaking the assignments described in these Terms of Reference to cover fees for approved personnel and reimbursables on a lumpsum basis. Payments shall be made according to the detailed schedule as follows: -

- (a) Lump sum amount upon : 15% of contract sum  
submission and approval of the  
Inception Report
- (b) Lump sum amount upon : 30% of contract sum  
submission and approval of the  
ESIA Draft Final Report.
- (c) Lump sum amount upon : 40% of contract sum  
submission and approval of the  
ESIA Final Report
- (d) Lumpsum amount upon : 15% of contract sum  
submission of ESIA Certificate to  
TPA

**Annex 1**


THE WORLD BANK OPERATIONAL MANUAL  
**Operational Policies**

OP 4.01  
January 1999  
Revised April 2013

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.*

1. The Bank<sup>2</sup> requires environmental assessment (EA) of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable, and thus to improve decision making.

2. EA is a process whose breadth, depth, and type of analysis depend on the nature, scale, and potential environmental impact of the proposed project. EA evaluates a project's potential environmental risks and impacts in its area of influence;<sup>3</sup> examines project alternatives; identifies ways of improving project selection, siting, planning, design, and implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts; and includes the process of mitigating and managing adverse environmental impacts throughout project implementation. The Bank favors preventive measures over mitigatory or compensatory measures, whenever feasible.

3. EA takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples, and physical cultural resources);<sup>4</sup> and transboundary and global environmental aspects.<sup>5</sup> EA considers natural and social aspects in an integrated way. It also takes into account the variations in project and country conditions; the findings of country environmental studies; national environmental action plans; the country's overall policy framework, national legislation, and institutional capabilities related to the environment and social aspects; and obligations of the country, pertaining to project activities, under relevant international environmental treaties and agreements. The Bank does not finance project activities that would contravene such country obligations, as identified during the EA. EA is initiated as early as possible in project processing and is integrated closely with the economic, financial, institutional, social, and technical analyses of a proposed project.

4. The borrower is responsible for carrying out the EA. For Category A projects,<sup>6</sup> the borrower retains independent EA experts not affiliated with the project to carry out the EA.<sup>7</sup> For Category A projects that are highly risky or contentious or that involve serious and multidimensional environmental concerns, the borrower should normally also engage an advisory panel of independent, internationally recognized environmental specialists to advise on all aspects of the project relevant to the EA.<sup>8</sup> The role of the advisory panel depends on the degree to which project preparation has progressed, and on the extent and quality of any EA work completed, at the time the Bank begins to consider the project.

5. The Bank advises the borrower on the Bank's EA requirements. The Bank reviews the findings and recommendations of the EA to determine whether they provide an adequate basis for processing the project for Bank financing. When the borrower has completed or partially completed EA work prior to the Bank's involvement in a project, the Bank reviews the EA to ensure its consistency with this policy. The Bank may, if appropriate, require additional EA work, including public consultation and disclosure.

6. The *Pollution Prevention and Abatement Handbook*<sup>9</sup> describes pollution prevention and abatement measures and emission levels that are normally acceptable to the Bank. However, taking into account borrower country legislation and local conditions, the EA may recommend alternative emission levels and approaches to pollution prevention and abatement for the project. The EA report must provide full and detailed justification for the levels and approaches chosen for the particular project or site.

**EA Instruments**

7. Depending on the project, a range of instruments can be used to satisfy the Bank's EA requirement: environmental impact assessment (EIA), regional or sectoral EA, strategic environmental and social assessment (SESA), environmental audit, hazard or risk assessment, environmental management plan (EMP) and environmental and social management framework (ESMF).<sup>10</sup> EA applies one or more of these instruments, or elements of them, as appropriate. When the project is likely to have sectoral or regional impacts, sectoral or regional EA is required.<sup>11</sup>

## Environmental Screening

8. The Bank undertakes environmental screening of each proposed project to determine the appropriate extent and type of EA. The Bank classifies the proposed project into one of four categories, depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of its potential environmental impacts.

(a) *Category A*: A proposed project is classified as Category A if it is likely to have significant adverse environmental impacts that are sensitive,<sup>12</sup> diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works. EA for a Category A project examines the project's potential negative and positive environmental impacts, compares them with those of feasible alternatives (including the "without project" situation), and recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts and improve environmental performance. For a Category A project, the borrower is responsible for preparing a report, normally an EIA (or a suitably comprehensive regional or sectoral EA) that includes, as necessary, elements of the other instruments referred to in para. 7.

(b) *Category B*: A proposed project is classified as Category B if its potential adverse environmental impacts on human populations or environmentally important areas—including wetlands, forests, grasslands, and other natural habitats—are less adverse than those of Category A projects. These impacts are site-specific; few if any of them are irreversible; and in most cases mitigatory measures can be designed more readily than for Category A projects. The scope of EA for a Category B project may vary from project to project, but it is narrower than that of Category A EA. Like Category A EA, it examines the project's potential negative and positive environmental impacts and recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts and improve environmental performance. The findings and results of Category B EA are described in the project documentation (Project Appraisal Document and Project Information Document).<sup>13</sup>

(c) *Category C*: A proposed project is classified as Category C if it is likely to have minimal or no adverse environmental impacts. Beyond screening, no further EA action is required for a Category C project.

(d) *Category FI*: A proposed project is classified as Category FI if it involves investment of Bank funds through a financial intermediary, in subprojects that may result in adverse environmental impacts.

### EA for Special Project Types

#### *Projects Involving Subprojects*

9. For projects involving the preparation and implementation of annual investment plans or subprojects, identified and developed over the course of the project period during the preparation of each proposed subproject, the project coordinating entity or implementing institution carries out appropriate EA according to country requirements and the requirements of this policy.<sup>14</sup> The Bank appraises and, if necessary, includes in the SIL components to strengthen, the capabilities of the coordinating entity or the implementing institution to (a) screen subprojects, (b) obtain the necessary expertise to carry out EA, (c) review all findings and results of EA for individual subprojects, (d) ensure implementation of mitigation measures (including, where applicable, an EMP), and (e) monitor environmental conditions during project implementation.<sup>15</sup> If the Bank is not satisfied that adequate capacity exists for carrying out EA, all Category A subprojects and, as appropriate, Category B subprojects—including any EA reports—are subject to prior review and approval by the Bank.

#### *Projects Involving Financial Intermediaries*

10. For a project involving a financial intermediary (FI), the Bank requires that each FI screen proposed subprojects and ensure that subborrowers carry out appropriate EA for each subproject. Before approving a subproject, the FI verifies (through its own staff, outside experts, or existing environmental institutions) that the subproject meets the environmental requirements of appropriate national and local authorities and is consistent with this OP and other applicable environmental policies of the Bank.<sup>16</sup>

11. In appraising a proposed FI operation, the Bank reviews the adequacy of country environmental requirements relevant to the project and the proposed EA arrangements for subprojects, including the mechanisms and responsibilities for environmental screening and review of EA results. When necessary, the Bank ensures that the project includes components to strengthen such EA arrangements. For FI operations expected to have Category A subprojects, prior to the Bank's appraisal each identified participating FI provides to the Bank a written assessment of the institutional mechanisms (including, as necessary, identification of measures to strengthen capacity) for its subproject EA work.<sup>17</sup> If the Bank is not satisfied that adequate capacity exists for carrying out EA, all Category A subprojects and, as appropriate, Category B subprojects—including EA reports—are subject to prior review and approval by the Bank.<sup>18</sup>

*Projects in Situations of Urgent Need of Assistance or Capacity Constraints under [OP 10.00](#)*

12. The policy set out in OP 4.01 normally applies to projects processed under paragraph 11 of [OP/BP 10.00](#), *Investment Project Financing*. However, when compliance with any requirement of this policy would prevent the effective and timely achievement of the objectives of such a project, the Bank may (subject to the limitations set forth in paragraph 11 of [OP 10.00](#)) exempt the project from such a requirement. The justification for any such exemption is recorded in the project documents. In all cases, however, the Bank requires at a minimum that (a) the extent to which the situation of urgent need of assistance or the capacity constraints were precipitated or exacerbated by inappropriate environmental practices be determined as part of the preparation of such projects, and (b) any necessary corrective measures be built into either the project or a future lending operation.

### **Institutional Capacity**

13. When the borrower has inadequate legal or technical capacity to carry out key EA-related functions (such as review of EA, environmental monitoring, inspections, or management of mitigatory measures) for a proposed project, the project includes components to strengthen that capacity.

### **Public Consultation**

14. For all Category A and B projects proposed for IBRD or IDA financing, during the EA process, the borrower consults project-affected groups and local nongovernmental organizations (NGOs) about the project's environmental aspects and takes their views into account. The borrower initiates such consultations as early as possible. For Category A projects, the borrower consults these groups at least twice: (a) shortly after environmental screening and before the terms of reference for the EA are finalized; and (b) once a draft EA report is prepared. In addition, the borrower consults with such groups throughout project implementation as necessary to address EA-related issues that affect them.<sup>19</sup>

### **Disclosure**

15. For meaningful consultations between the borrower and project-affected groups and local NGOs on all Category A and B projects proposed for IBRD or IDA financing, the borrower provides relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted.

16. For a Category A project, the borrower provides for the initial consultation a summary of the proposed project's objectives, description, and potential impacts; for consultation after the draft EA report is prepared, the borrower provides a summary of the EA's conclusions. In addition, for a Category A project, the borrower makes the draft EA report available at a public place accessible to project-affected groups and local NGOs. For projects described in paragraph 9 above, the borrower/FI ensures that EA reports for Category A subprojects are made available in a public place accessible to affected groups and local NGOs.

17. Any separate Category B report for a project proposed for IDA financing is made available to project-affected groups and local NGOs. Public availability in the borrowing country and official receipt by the Bank of Category A reports for projects proposed for IBRD or IDA financing, and of any Category B EA report for projects proposed for IDA funding, are prerequisites to Bank appraisal of these projects.

18. Once the borrower officially transmits the Category A EA report to the Bank, the Bank distributes the summary (in English) to the executive directors (EDs) and makes the report available through its InfoShop. Once the borrower officially transmits any separate Category B EA report to the Bank, the Bank makes it available through its InfoShop.<sup>20</sup> If the borrower objects to the Bank's releasing an EA report through the World Bank InfoShop, Bank staff (a) do not continue processing an IDA project, or (b) for an IBRD project, submit the issue of further processing to the EDs.

### **Implementation**

19. During project implementation, the borrower reports on (a) compliance with measures agreed with the Bank on the basis of the findings and results of the EA, including implementation of any EMP, as set out in the project documents; (b) the status of mitigatory measures; and (c) the findings of monitoring programs. The Bank bases supervision of the project's environmental aspects on the findings and recommendations of the EA, including measures set out in the legal agreements, any EMP, and other project documents.<sup>21</sup>

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1. World Bank Group Environment, Health and Safety Guidelines (EHSs) have replaced the 1998 Pollution Prevention and Abatement Handbook (PPAH). Guidelines as to what constitutes acceptable pollution prevention and abatement measures and emission levels in a Bank financed project can be found in the EHSs. For complete reference, consult

- the [World Bank Group Environmental Health and Safety Guidelines](#). Please check the website [[www1.ifc.org/wps/wcm/connect/Topics\\_Ext\\_Content/IFC\\_External\\_Corporate\\_Site/IFC+Sustainability/Sustainability+Framework/Environmental,+Health,+and+Safety+Guidelines/](#)] for the most recent version.
2. "Bank" includes IBRD and IDA; "EA" refers to the entire process set out in [OP/BP 4.01](#); "loans" includes IDA credits and IDA grants; "borrower" includes, for guarantee operations, a private or public project sponsor receiving from another financial institution a loan guaranteed by the Bank; and "project" covers all operations financed by Investment Project Financing or Bank guarantees ("project" does not cover operations supported by Development Policy lending (for which the environmental provisions are set out in [OP/BP 8.60, Development Policy Lending](#)), or operations supported by Program-for-Results Financing (for which environmental provisions are set out in [OP/BP 9.00, Program-for-Results Financing](#)) and also includes projects and components funded under the Global Environment Facility. The project is described in the Loan/Credit/Grant Agreement. This policy applies to all components of the project, regardless of the source of financing.
  3. For definitions, see [Annex A](#). The area of influence for any project is determined with the advice of environmental specialists and set out in the EA terms of reference.
  4. See [OP/BP 4.12, Involuntary Resettlement](#); [OP/BP 4.10, Indigenous Peoples](#); and [OP/BP 4.11, Physical Cultural Resources](#).
  5. Global environmental issues include climate change, ozone-depleting substances, pollution of international waters, and adverse impacts on biodiversity.
  6. For screening, see para. 8.
  7. EA is closely integrated with the project's economic, financial, institutional, social, and technical analyses to ensure that (a) environmental considerations are given adequate weight in project selection, siting, and design decisions; and (b) EA does not delay project processing. However, the borrower ensures that when individuals or entities are engaged to carry out EA activities, any conflict of interest is avoided. For example, when an independent EA is required, it is not carried out by the consultants hired to prepare the engineering design.
  8. The panel (which is different from the dam safety panel required under [OP/BP 4.37, Safety of Dams](#)) advises the borrower specifically on the following aspects: (a) the terms of reference for the EA, (b) key issues and methods for preparing the EA, (c) recommendations and findings of the EA, (d) implementation of the EA's recommendations, and (e) development of environmental management capacity.
  9. See footnote 1.
  10. These terms are defined in [Annex A](#).
  11. Annexes Guidance on the use of sectoral and regional EA is available in [EA Sourcebook Updates 4 and 15](#).
  12. A potential impact is considered "sensitive" if it may be irreversible (e.g., lead to loss of a major natural habitat) or raise issues covered by [OP 4.04, Natural Habitats](#); [OP/BP 4.10, Indigenous Peoples](#); [OP/BP 4.11, Physical Cultural Resources](#) or [OP 4.12, Involuntary Resettlement](#).
  13. When the screening process determines, or national legislation requires, that any of the environmental issues identified warrant special attention, the findings and results of Category B EA may be set out in a separate report. Depending on the type of project and the nature and magnitude of the impacts, this report may include, for example, a limited environmental impact assessment, an environmental mitigation or management plan, an environmental audit, or a hazard assessment. For Category B projects that are not in environmentally sensitive areas and that present well-defined and well-understood issues of narrow scope, the Bank may accept alternative approaches for meeting EA requirements: for example, environmentally sound design criteria, siting criteria, or pollution standards for small-scale industrial plants or rural works; environmentally sound siting criteria, construction standards, or inspection procedures for housing projects; or environmentally sound operating procedures for road rehabilitation projects.
  14. In addition, if there are sectorwide issues that cannot be addressed through individual subproject EAs (and particularly if the project is likely to include Category A subprojects), the borrower may be required to carry out sectoral EA before the Bank appraises the project.
  15. Where, pursuant to regulatory requirements or contractual arrangements acceptable to the Bank, any of these review functions are carried out by an entity other than the coordinating entity or implementing institution, the Bank appraises such alternative arrangements; however, the borrower/coordinating entity/implementing institution remains ultimately responsible for ensuring that subprojects meet Bank requirements.
  16. The requirements for projects involving FI are derived from the EA process and are consistent with the provisions of para. 6 of this OP. The EA process takes into account the type of finance being considered, the nature and scale of anticipated subprojects, and the environmental requirements of the jurisdiction in which subprojects will be located.
  17. Any FI included in the project after appraisal complies with the same requirement as a condition of its participation.
  18. The criteria for prior review of Category B subprojects, which are based on such factors as type or size of the subproject and the EA capacity of the financial intermediary, are set out in the legal agreements for the project.
  19. For projects with major social components, consultations are also required by other Bank policies--for example, [OP/BP 4.10, Indigenous Peoples](#), and [OP/BP 4.12, Involuntary Resettlement](#).
  20. For a further discussion of the Bank's disclosure procedures, see [The World Bank Policy on Access to Information](#) which as of July 1, 2010, replaced [The World Bank Policy on Disclosure of Information](#). Specific requirements for disclosure of resettlement plans and indigenous peoples development plans are set out in [OP/BP 4.10, Indigenous Peoples](#), and [OP/BP 4.12, Involuntary Resettlement](#).
  21. See [OP/BP 10.00, Investment Project Financing](#).

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.*

## Definitions

1. Environmental audit: An instrument to determine the nature and extent of all environmental areas of concern at an existing facility. The audit identifies and justifies appropriate measures to mitigate the areas of concern, estimates the cost of the measures, and recommends a schedule for implementing them. For certain projects, the EA report may consist of an environmental audit alone; in other cases, the audit is part of the EA documentation.
2. Environmental impact assessment (EIA): An instrument to identify and assess the potential environmental impacts of a proposed project, evaluate alternatives, and design appropriate mitigation, management, and monitoring measures. Projects and subprojects need EIA to address important issues not covered by any applicable regional or sectoral EA.
3. Environmental management plan (EMP): An instrument that details (a) the measures to be taken during the implementation and operation of a project to eliminate or offset adverse environmental impacts, or to reduce them to acceptable levels; and (b) the actions needed to implement these measures. The EMP is an integral part of Category A EAs (irrespective of other instruments used). EAs for Category B projects may also result in an EMP.
4. Environmental and social management framework (ESMF): An instrument that examines the issues and impacts associated when a project consists of a program and/or series of sub-projects, and the impacts cannot be determined until the program or sub-project details have been identified. The ESMF sets out the principles, rules, guidelines and procedures to assess the environmental and social impacts. It contains measures and plans to reduce, mitigate and/or offset adverse impacts and enhance positive impacts, provisions for estimating and budgeting the costs of such measures, and information on the agency or agencies responsible for addressing project impacts. The term "Environmental Management Framework" or "EMF" may also be used.
5. Hazard assessment: An instrument for identifying, analyzing, and controlling hazards associated with the presence of dangerous materials and conditions at a project site. The Bank requires a hazard assessment for projects involving certain inflammable, explosive, reactive, and toxic materials when they are present at a site in quantities above a specified threshold level. For certain projects, the EA report may consist of the hazard assessment alone; in other cases, the hazard assessment is part of the EA documentation.
6. Project area of influence: The area likely to be affected by the project, including all its ancillary aspects, such as power transmission corridors, pipelines, canals, tunnels, relocation and access roads, borrow and disposal areas, and construction camps, as well as unplanned developments induced by the project (e.g., spontaneous settlement, logging, or shifting agriculture along access roads). The area of influence may include, for example, (a) the watershed within which the project is located; (b) any affected estuary and coastal zone; (c) off-site areas required for resettlement or compensatory tracts; (d) the airshed

(e.g., where airborne pollution such as smoke or dust may enter or leave the area of influence; (e) migratory routes of humans, wildlife, or fish, particularly where they relate to public health, economic activities, or environmental conservation; and (f) areas used for livelihood activities (hunting, fishing, grazing, gathering, agriculture, etc.) or religious or ceremonial purposes of a customary nature.

7. Regional EA: An instrument that examines environmental issues and impacts associated with a particular strategy, policy, plan, or program, or with a series of projects for a particular region (e.g., an urban area, a watershed, or a coastal zone); evaluates and compares the impacts against those of alternative options; assesses legal and institutional aspects relevant to the issues and impacts; and recommends broad measures to strengthen environmental management in the region. Regional EA pays particular attention to potential cumulative impacts of multiple activities.

8. Risk assessment: An instrument for estimating the probability of harm occurring from the presence of dangerous conditions or materials at a project site. Risk represents the likelihood and significance of a potential hazard being realized; therefore, a hazard assessment often precedes a risk assessment, or the two are conducted as one exercise. Risk assessment is a flexible method of analysis, a systematic approach to organizing and analyzing scientific information about potentially hazardous activities or about substances that might pose risks under specified conditions. The Bank routinely requires risk assessment for projects involving handling, storage, or disposal of hazardous materials and waste, the construction of dams, or major construction works in locations vulnerable to seismic activity or other potentially damaging natural events. For certain projects, the EA report may consist of the risk assessment alone; in other cases, the risk assessment is part of the EA documentation.

9. Sectoral EA: An instrument that examines environmental issues and impacts associated with a particular strategy, policy, plan, or program, or with a series of projects for a specific sector (e.g., power, transport, or agriculture); evaluates and compares the impacts against those of alternative options; assesses legal and institutional aspects relevant to the issues and impacts; and recommends broad measures to strengthen environmental management in the sector. Sectoral EA pays particular attention to potential cumulative impacts of multiple activities.

10. Strategic environmental and social assessment (SESA): An instrument that describes analytical and participatory approaches that aim to integrate environmental and social considerations into policies, plans and programs and evaluate their inter linkages with economic considerations. The term "Strategic Environmental Assessment" or "SEA" may also be used.

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.*

## Content of an Environmental Assessment Report for a Category A Project

1. An environmental assessment (EA) report for a Category A project<sup>1</sup> focuses on the significant environmental issues of a project. The report's scope and level of detail should be commensurate with the project's potential impacts. The report submitted to the Bank is prepared in English, French, or Spanish, and the executive summary in English.
  
2. The EA report should include the following items (not necessarily in the order shown):
  - (a) *Executive summary.* Concisely discusses significant findings and recommended actions.
  
  - (b) *Policy, legal, and administrative framework.* Discusses the policy, legal, and administrative framework within which the EA is carried out. Explains the environmental requirements of any cofinanciers. Identifies relevant international environmental agreements to which the country is a party.
  
  - (c) *Project description.* Concisely describes the proposed project and its geographic, ecological, social, and temporal context, including any offsite investments that may be required (e.g., dedicated pipelines, access roads, power plants, water supply, housing, and raw material and product storage facilities). Indicates the need for any resettlement plan or indigenous peoples development plan<sup>2</sup> (see also subpara. (h)(v) below). Normally includes a map showing the project site and the project's area of influence.
  
  - (d) *Baseline data.* Assesses the dimensions of the study area and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences. Also takes into account current and proposed development activities within the project area but not directly connected to the project. Data should be relevant to decisions about project location, design, operation, or mitigatory measures. The section indicates the accuracy, reliability, and sources of the data.
  
  - (e) *Environmental impacts.* Predicts and assesses the project's likely positive and negative impacts, in quantitative terms to the extent possible. Identifies mitigation measures and any residual negative impacts that cannot be mitigated. Explores opportunities for environmental enhancement. Identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions, and specifies topics that do not require further attention.
  
  - (f) *Analysis of alternatives.*<sup>3</sup> Systematically compares feasible alternatives to the proposed project site, technology, design, and operation—including the "without project" situation—in terms of their potential environmental impacts; the feasibility of mitigating these impacts; their capital and recurrent costs; their suitability under local conditions; and their institutional, training, and monitoring requirements. For each of the alternatives, quantifies the environmental impacts to the extent possible, and attaches economic values where feasible. States the basis for selecting the

particular project design proposed and justifies recommended emission levels and approaches to pollution prevention and abatement.

(g) *Environmental management plan (EMP)*. Covers mitigation measures, monitoring, and institutional strengthening; see outline in [OP 4.01, Annex C](#).

(h) *Appendixes*

(i) List of EA report preparers--individuals and organizations.

(ii) References--written materials both published and unpublished, used in study preparation.

(iii) Record of interagency and consultation meetings, including consultations for obtaining the informed views of the affected people and local nongovernmental organizations (NGOs). The record specifies any means other than consultations (e.g., surveys) that were used to obtain the views of affected groups and local NGOs.

(iv) Tables presenting the relevant data referred to or summarized in the main text.

(v) List of associated reports (e.g., resettlement plan or indigenous peoples development plan).

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1. The EA report for a Category A project is normally an environmental impact assessment, with elements of other instruments included as appropriate. Any report for a Category A operation uses the components described in this annex, but Category A sectoral and regional EA require a different perspective and emphasis among the components. The Environment Sector Board can provide detailed guidance on the focus and components of the various EA instruments.
  2. See [OP/BP 4.12, \*Involuntary Resettlement\*](#), and [OP/BP 4.10, \*Indigenous Peoples\*](#).
  3. Environmental implications of broad development options for a sector (e.g., alternative ways of meeting projected electric power demand) are best analyzed in least-cost planning or sectoral EA. Environmental implications of broad development options for a region (e.g., alternative strategies for improving standards of living in a rural area) are best addressed through a regional development plan or a regional EA. EIA is normally best suited to the analysis of alternatives within a given project concept (e.g., a geothermal power plant, or a project aimed at meeting local energy demand), including detailed site, technology, design, and operational alternatives.

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.*

## Environmental Management Plan

1. A project's environmental management plan (EMP) consists of the set of mitigation, monitoring, and institutional measures to be taken during implementation and operation to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. The plan also includes the actions needed to implement these measures.<sup>1</sup> Management plans are essential elements of EA reports for Category A projects; for many Category B projects, the EA may result in a management plan only. To prepare a management plan, the borrower and its EA design team (a) identify the set of responses to potentially adverse impacts; (b) determine requirements for ensuring that those responses are made effectively and in a timely manner; and (c) describe the means for meeting those requirements.<sup>2</sup> More specifically, the EMP includes the following components.

### *Mitigation*

2. The EMP identifies feasible and cost-effective measures that may reduce potentially significant adverse environmental impacts to acceptable levels. The plan includes compensatory measures if mitigation measures are not feasible, cost-effective, or sufficient. Specifically, the EMP

(a) identifies and summarizes all anticipated significant adverse environmental impacts (including those involving indigenous people or involuntary resettlement);

(b) describes--with technical details--each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate;

(c) estimates any potential environmental impacts of these measures; and

(d) provides linkage with any other mitigation plans (e.g., for involuntary resettlement, indigenous peoples, or cultural property) required for the project.

### *Monitoring*

3. Environmental monitoring during project implementation provides information about key environmental aspects of the project, particularly the environmental impacts of the project and the effectiveness of mitigation measures. Such information enables the borrower and the Bank to evaluate the success of mitigation as part of project supervision, and allows corrective action to be taken when needed. Therefore, the EMP identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the EA report and the mitigation measures described in the EMP. Specifically, the monitoring section of the EMP provides (a) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

### *Capacity Development and Training*

4. To support timely and effective implementation of environmental project components and mitigation measures, the EMP draws on the EA's assessment of the existence, role, and capability of environmental units on site or at the agency and ministry level.<sup>3</sup> If necessary, the EMP recommends the establishment or expansion of such units, and the training of staff, to allow implementation of EA recommendations. Specifically, the EMP provides a specific description of institutional arrangements--who is responsible for carrying out the mitigatory and monitoring measures (e.g., for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). To strengthen environmental management capability in the agencies responsible for implementation, most EMPs cover one or more of the following additional topics: (a) technical assistance programs, (b) procurement of equipment and supplies, and (c) organizational changes.

### *Implementation Schedule and Cost Estimates*

5. For all three aspects (mitigation, monitoring, and capacity development), the EMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the EMP. These figures are also integrated into the total project cost tables.

### *Integration of EMP with Project*

6. The borrower's decision to proceed with a project, and the Bank's decision to support it, are predicated in part on the expectation that the EMP will be executed effectively. Consequently, the Bank expects the plan to be specific in its description of the individual mitigation and monitoring measures and its assignment of institutional responsibilities, and it must be integrated into the project's overall planning, design, budget, and implementation. Such integration is achieved by establishing the EMP within the project so that the plan will receive funding and supervision along with the other components.

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1. The management plan is sometimes known as an "action plan." The EMP may be presented as two or three separate plans covering mitigation, monitoring, and institutional aspects, depending on borrowing country requirements.
  2. For projects involving rehabilitation, upgrading, expansion, or privatization of existing facilities, remediation of existing environmental problems may be more important than mitigation and monitoring of expected impacts. For such projects, the management plan focuses on cost-effective measures to remediate and manage these problems.
  3. For projects having significant environmental implications, it is particularly important that there be in the implementing ministry or agency an in-house environmental unit with adequate budget and professional staffing strong in expertise relevant to the project (for projects involving dams and reservoirs, see [BP 4.01, Annex B](#)).

**Annex 2**

**ENVIRONMENTAL MANAGEMENT PLAN FORMAT**

**A. MITIGATION PLAN**

Phase	Issue	Mitigating Measure	Cost		Institutional Responsibility		Comments (e.g. secondary impacts)
			Install	Operate	Install	Operate	
Construction	• • • • •						
Operation	• • • • •						
Decommissioning	• • • • • •						



**Annex 3****OP 4.12- Involuntary Resettlement****OP 4.12  
December, 2001****Revised April 2013**

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.*

1. Bank<sup>1</sup> experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

**Policy Objectives**

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.<sup>2</sup>

(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons<sup>3</sup> should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.<sup>4</sup>

**Impacts Covered**

3. This policy covers direct economic and social impacts<sup>5</sup> that both result from Bank-assisted investment projects,<sup>6</sup> and are caused by

(a) the involuntary<sup>7</sup> taking of land<sup>8</sup> resulting in

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- (i) relocation or loss of shelter;
  - (ii) lost of assets or access to assets; or
  - (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- (b) the involuntary restriction of access<sup>9</sup> to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are

- (a) directly and significantly related to the Bank-assisted project,
- (b) necessary to achieve its objectives as set forth in the project documents; and
- (c) carried out, or planned to be carried out, contemporaneously with the project.

5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee (see [BP 4.12, para. 7](#)).<sup>10</sup>

#### **Required Measures**

6. To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:

- (a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
  - (i) informed about their options and rights pertaining to resettlement;
  - (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
  - (iii) provided prompt and effective compensation at full replacement cost<sup>11</sup> for losses of assets<sup>12</sup> attributable directly to the project.
- (b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
  - (i) provided assistance (such as moving allowances) during relocation; and
  - (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.<sup>13</sup>
- (c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are

(i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;<sup>14</sup> and

(ii) provided with development assistance in addition to compensation measures described in paragraph 6(a);

(iii) such as land preparation, credit facilities, training, or job opportunities.

7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which

(a) specific components of the project will be prepared and implemented;

(b) the criteria for eligibility of displaced persons will be determined;

(c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and

(d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples,<sup>15</sup> ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them (see [Annex A](#), para. 11).

10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. For impacts covered in para. 3(b) of this policy, the measures to assist the displaced persons are implemented in accordance with the plan of action as part of the project (see para. 30).<sup>16</sup>

11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area,<sup>17</sup> or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction<sup>18</sup> of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:

(a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.

(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

(c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in preexisting communities and groups are honored.

#### **Eligibility for Benefits<sup>19</sup>**

14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the [Annex A](#), para. 6(a)), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

15. *Criteria for Eligibility.* Displaced persons may be classified in one of the following three groups:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see [Annex A](#), para. 7(f)); and<sup>20</sup>

(c) those who have no recognizable legal right or claim to the land they are occupying.

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance<sup>21</sup> in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank.<sup>22</sup> Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

## Resettlement Planning, Implementation, and Monitoring

17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:

(a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and [Annex A](#));

(b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified (see [Annex A](#); and

(c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs.<sup>23</sup> The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

21. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.<sup>24</sup>

23. The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

24. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also [BP 4.12](#), para. 16).

## Resettlement Instruments

### *Resettlement Plan*

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25. A draft resettlement plan that conforms to this policy is a condition of appraisal (see [Annex A](#), para. 2-21) for projects referred to in para. 17(a) above.<sup>25</sup> However, where impacts on the entire displaced population are minor,<sup>26</sup> or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower (see [Annex A](#), para. 22). The information disclosure procedures set forth in para. 22 apply.

#### *Resettlement Policy Framework*

26. For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see [Annex A](#), paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

27. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see [Annex A](#), paras. 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential subborrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

28. For other Bank-assisted project with multiple subprojects<sup>27</sup> that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see [Annex A](#), paras. 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

29. For each subproject included in a project described in para. 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

30. For projects described in paras. 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

#### *Process Framework*

31. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

#### **Assistance to the Borrower**

32. In furtherance of the objectives of this policy, the Bank may at a borrower's request support the borrower and other concerned entities by providing

(a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;

(b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;

(c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and

(d) financing of the investment costs of resettlement.

33. The Bank may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionalities, processed and implemented in parallel with the investment that causes the displacement. The Bank may finance resettlement even though it is not financing the main investment that makes resettlement necessary.

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1. "Bank" includes IBRD and IDA; "loans" includes IDA credits and IDA grants, guarantees, Project Preparation Facility (PPF) advances and grants; and "projects" includes projects under (a) PPFs advances and Institutional Development Fund (IDF) grants, if they include investment activities; (b) grants under the Global Environment Facility and Montreal Protocol, for which the Bank is the implementing/executing agency; and (c) grants or loans provided by other donors that are administered by the Bank. The term "project" does not include programs supported by Development Policy Lending (for which the environmental provisions are set out in [OP/BP 8.60, Development Policy Lending](#)), or by Program-for-Results Financing (for which environmental provisions are set out in [OP/BP 9.00, Program-for-Results Financing](#)). "Borrower" also includes, wherever the context requires, the guarantor or the project implementing agency.
  2. In devising approaches to resettlement in Bank-assisted projects, other Bank policies should be taken into account, as relevant. These policies include [OP 4.01, Environmental Assessment](#), [OP 4.04, Natural Habitats](#), [OP 4.10, Indigenous Peoples](#), and [OP 4.11, Physical Cultural Resources](#).
  3. The term "displaced persons" refers to persons who are affected in any of the ways described in para. 3 of this OP.
  4. Displaced persons under para. 3(b) should be assisted in their efforts to improve or restore their livelihoods in a manner that maintains the sustainability of the parks and protected areas.
  5. Where there are adverse indirect social or economic impacts, it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups. Other environmental, social, and economic impacts that do not result from land taking may be identified and addressed through environmental assessments and other project reports and instruments.
  6. This policy does not apply to restrictions of access to natural resources under community-based projects, i.e. where the community using the resources decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate, and that it provides for identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. This policy also does not cover refugees from natural disasters, war, or civil strife (see [OP 8.00, Rapid Response to Crises and Emergencies](#)).
  7. For the purposes of this policy, "involuntary" means actions that may be taken without the displaced person's informed consent or power of choice.
  8. "Land" includes anything growing on or permanently affixed to land, such as buildings and crops. This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy also does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups.
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9. For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation. In cases where new parks and protected areas are created as part of the project, persons who lose shelter, land, or other assets are covered under para. 3(a). Persons who lose shelter in existing parks and protected areas are also covered under para. 3(a).
  10. The *Involuntary Resettlement Sourcebook* provides good practice guidance to staff on the policy.
  11. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account (for a detailed definition of replacement cost, see [Annex A](#), footnote 1). For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para. 6.
  12. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.
  13. The alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites to be provided can be set off against all or part of the compensation payable for the corresponding asset lost.
  14. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements.
  15. See [OP 4.10](#), *Indigenous Peoples*.
  16. Where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited funds equal to the offered amount plus 10 percent in a secure form of escrow or other interest-bearing deposit acceptable to the Bank, and has provided a means satisfactory to the Bank for resolving the dispute concerning said offer of compensation in a timely and equitable manner.
  17. See [OP 4.04](#), *Natural Habitats*.
  18. As a general principle, this applies if the land taken constitutes less than 20% of the total productive area.
  19. Paras. 13-15 do not apply to impacts covered under para. 3(b) of this policy. The eligibility criteria for displaced persons under 3 (b) are covered under the process framework (see paras. 7 and 30).
  20. Such claims could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage, and so on.
  21. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.
  22. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.
  23. For projects that are highly risky or contentious, or that involve significant and complex resettlement activities, the borrower should normally engage an advisory panel of independent, internationally recognized resettlement specialists to advise on all aspects of the project relevant to the resettlement activities. The size, role, and frequency of meeting depend on the complexity of the resettlement. If independent technical advisory panels are established under [OP 4.01](#), *Environmental Assessment*, the resettlement panel may form part of the environmental panel of experts.
  24. See [The World Bank Policy on Access to Information, para. 34](#) (Washington, D.C.: World Bank, 2002).
  25. An exception to this requirement may be made in highly unusual circumstances (such as emergency operations) with the approval of Bank Management (see [BP 4.12](#), para. 8). In such cases, the Management's approval stipulates a timetable and budget for developing the resettlement plan.
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26. Impacts are considered "minor" if the affected people are not physically displaced and less than 10 percent of their productive assets are lost.
27. For the purpose of this paragraph, the term "subprojects" includes components and subcomponents.



## OP 4.12, Annex A- Involuntary Resettlement Instruments

**OP 4.12 – Annex A  
December, 2001**

**Revised February 2011**

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.*

1. This annex describes the elements of a resettlement plan, an abbreviated resettlement plan, a resettlement policy framework, and a resettlement process framework, as discussed in [OP 4.12, paras. 17-31](#).

### **Resettlement Plan**

2. The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

3. *Description of the project.* General description of the project and identification of the project area.

4. *Potential impacts.* Identification of

(a) the project component or activities that give rise to resettlement;

(b) the zone of impact of such component or activities;

(c) the alternatives considered to avoid or minimize resettlement; and

(d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

5. *Objectives.* The main objectives of the resettlement program.

6. *Socioeconomic studies.* The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including

(a) the results of a census survey covering

(i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

(ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;

(iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;

(iv) information on vulnerable groups or persons as provided for in [OP 4.12, para. 8](#), for whom special provisions may have to be made; and

(v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(b) Other studies describing the following

(i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;

(ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;

(iii) public infrastructure and social services that will be affected; and

(iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

7. *Legal framework.* The findings of an analysis of the legal framework, covering

(a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;

(b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;

(c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;

(d) laws and regulations relating to the agencies responsible for implementing resettlement activities;

(e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and

(f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land—including claims that derive from customary law and traditional usage (see [OP 4.12, para.15 b](#)).

8. *Institutional Framework.* The findings of an analysis of the institutional framework covering

(a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;

(b) an assessment of the institutional capacity of such agencies and NGOs; and

(c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

9. *Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

10. *Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.<sup>1</sup>

11. *Resettlement measures.* A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy (see [OP 4.12, para. 6](#)). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

12. *Site selection, site preparation, and relocation.* Alternative relocation sites considered and explanation of those selected, covering

(a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

(b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;

(c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and

(d) legal arrangements for regularizing tenure and transferring titles to resettlers.

13. *Housing, infrastructure, and social services.* Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services);<sup>2</sup> plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

14. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement<sup>3</sup> and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

15. *Community participation.* Involvement of resettlers and host communities,<sup>4</sup>

(a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;

(b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;

(c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries);<sup>5</sup> and

(d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

16. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including

- (a) consultations with host communities and local governments;
- (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;
- (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and
- (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

17. *Grievance procedures.* Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

18. *Organizational responsibilities.* The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

19. *Implementation schedule.* An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

20. *Costs and budget.* Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.<sup>8</sup>

21. *Monitoring and evaluation.* Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

### **Abbreviated Resettlement Plan**

22. An abbreviated plan covers the following minimum elements:<sup>7</sup>

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) arrangements for monitoring and implementation; and

(f) a timetable and budget.

### **Resettlement Policy Framework**

23. The purpose of the policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation (see [OP 4.12, paras. 26-28](#)). Subproject resettlement plans consistent with the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available (see [OP 4.12, para. 29](#)).

24. The resettlement policy framework covers the following elements, consistent with the provisions described in [OP 4.12, paras. 2 and 4](#):

(a) a brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement plan as described in paras. 2-21 or an abbreviated plan as described in para. 22 cannot be prepared by project appraisal;

(b) principles and objectives governing resettlement preparation and implementation;

(c) a description of the process for preparing and approving resettlement plans;

(d) estimated population displacement and likely categories of displaced persons, to the extent feasible;

(e) eligibility criteria for defining various categories of displaced persons;

(f) a legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;

(g) methods of valuing affected assets;

(h) organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;

(i) a description of the implementation process, linking resettlement implementation to civil works;

(j) a description of grievance redress mechanisms;

(k) a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;

(l) a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and

(m) arrangements for monitoring by the implementing agency and, if required, by independent monitors.

25. When a resettlement policy framework is the only document that needs to be submitted as a condition of the loan, the resettlement plan to be submitted as a condition of subproject financing need not include the policy principles, entitlements, and eligibility criteria, organizational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance redress set forth in the resettlement policy framework. The subproject-specific resettlement plan needs to include baseline census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate.

### **Process Framework**

26. A process framework is prepared when Bank-supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities (see [OP 4.12, paras. 7 and 31](#)).

27. Specifically, the process framework describes participatory processes by which the following activities will be accomplished

(a) *Project components will be prepared and implemented.* The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.

(b) *Criteria for eligibility of affected persons will be determined.* The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.

(c) *Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified.* The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.

(d) *Potential conflicts or grievances within or between affected communities will be resolved.* The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

Additionally, the process framework should describe arrangements relating to the following

(e) *Administrative and legal procedures.* The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).

(f) *Monitoring arrangements.* The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes and living standards.

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1. With regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in [OP 4.12, para. 6](#).
  2. Provision of health care services, particularly for pregnant women, infants, and the elderly, may be important during and after relocation to prevent increases in morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and the increased risk of disease.
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3. Negative impacts that should be anticipated and mitigated include, for rural resettlement, deforestation, overgrazing, soil erosion, sanitation, and pollution; for urban resettlement, projects should address such density-related issues as transportation capacity and access to potable water, sanitation systems, and health facilities.
4. Experience has shown that local NGOs often provide valuable assistance and ensure viable community participation.
5. [OP 4.11](#), *Physical Cultural Resources*.
6. The costs of establishing the grievance procedures for the project shall be included in the project costs.
7. In case some of the displaced persons lose more than 10% of their productive assets or require physical relocation, the plan also covers a socioeconomic survey and income restoration measures.