

CHITUKUKO FOUNDATION ENVIRONMENTAL AND SOCIAL SAFEGUARDS POLICY

CF ESSP

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1. INTRODUCTION

1.1. About Chitukuko Foundation

Chitukuko Foundation is a local non-governmental organization established in 2013. The organization was registered under the trustee incorporation act and the registration number is: TR/INC 5065. **Chitukuko Foundation** is also registered with the NGO Regulatory Authority (NGORA) under the Registration Number: NGO/L/23/024, and registered with the Council for Non-Governmental Organisations in Malawi (CONGOMA) under Registration Number: C1715/2023. The organization believes that education is a catalyst for all development activities and that education enhances human development in all areas of people's social, economic, political and cultural rights. Our organization apart from focusing of education as the main thematic area, these subsectors of climate change resilience, (disaster risk management, food and livelihoods security, natural resources management), HIV and AIDS, youth empowerment, governance, gender and women rights, water and sanitation, Sexual Reproductive Health Rights, are the areas that reinforce our programming. Gender is mainstreamed in all our programs.

Vision:

A community without poverty and in which every individual attain the highest level of education that will enable them exercise their right to a life of dignity by realising their social, cultural, political and economic rights that transforms the mind-set.

Mission:

Chitukuko Foundation exists to contribute towards the progressive realization of right to attainment of the highest possible education and the people's ability to apply knowledge and skills gained in education in their development and daily life. This is achieved through working with volunteers and in partnership with likeminded civil society organizations, donors and other partners working for the same cause at all levels.

Identity:

Our vision, mission and the objectives enhance our aspiration to be recognised as: -

- A leading local development organization in the country championing collective action against illiteracy and oppression of marginalized people.
- A grassroots and policy-oriented local organization focusing on addressing inequalities and injustices in the country through our engagement with the rights holders.
- In the long term, we want to affiliate ourselves to national and international outlook in our profile and in our actions.

Values:

Respect for Human Rights: Increasing understanding and appropriate exercise of human rights and God-given freedoms especially among women, girls as well as the most vulnerable and marginalized groups of the community, believe and act with the understanding that people are of equal value irrespective of their individual circumstances, backgrounds or characteristics.

Mutual Respect: Fully value and affirm the dignity of each person in the community we serve. This respect is also the foundation of our relationships with those involved with our work including donors and other stakeholders and believing that the rights holders have the potential to overcome their vulnerabilities at all cost while on the other hand, respecting the laws, social, cultural and traditional values of our country and place of work.

Stewardship: Proper and prudent utilization of resources entrusted to the organization for the ultimate benefit of the community at large and promoting that culture that ensures that we remain accountable for our actions, open in our communications and relations, and credible in the decisions that we take.

Solidarity: Cultivating genuine relationships with all community members based on love and trust in order to strengthen ties that bind the right holders end their vulnerabilities and injustices being faced in non-discriminatory manner.

Empowerment: Equipping the community to confidently exercise initiatives and engage in decisions with a sense of informed choice on community matters and maintaining attitudes and behaviours that encourage true and genuine partnerships and alliances with others fighting for the common good.

Independence: Remaining independent in the decisions we take based on our mission, values and convictions, non-partisan in party-politics and religious affiliation and not being influenced by powerful forces based on their social, economic and political status and affiliation.

Courage of conviction: Believing that we must be bold and resolute in our beliefs, not fearing to take risks, acting without fear of failure, and embracing error as part of learning, gaining and applying knowledge.

The **Environmental and social safeguards (ESS) Policy** becomes a policy document upon its approval by the Board of Trustees.

1.2. About this Policy

Development projects and programs have a wide range of environmental and social impacts, both beneficial, which justifies the activity, and adverse, for which mitigation measures should be devised. The mechanisms used to assess the impacts and devise mitigation measures to avoid or minimize adverse impacts in a development project are known as Safeguards.

Chitukuko Foundation is committed to promoting sustainable economic development through its various projects. This Environmental and Social Safeguard Policy (ESSP) outlines **Chitukuko Foundation's** approach to managing the environmental and social impacts of its projects. Implementing the policy will enhance **Chitukuko Foundation's** ability to deliver effective projects and manage project risks.

This policy:

- Sets out why **Chitukuko Foundation** applies specific safeguards
- Identifies principles to guide how **Chitukuko Foundation** approaches safeguards

- Sets out requirements for managing its five safeguards, including when working with partners:
 - Environmental protection
 - Children, vulnerable and disadvantaged groups
 - Displacement and resettlement
 - Health and safety.
 - Cultural heritage

Implementing the policy will help to ensure that aid investments do not cause harm including injury or injustice to the people it is intended to assist, or to their wider communities or environment. The policy will assist compliance with Malawi government policies and laws for social and environmental protection; and improve the consistency, transparency and accountability of decisions. The policy requires early identification of environmental and social risks and impacts during the planning stage of investments and their continued management through the life of investments.

What are safeguards?

Safeguards are measures taken to avoid or minimise the negative impacts of aid investments on people and the environment. Chitukuko Foundation's key multilateral and bilateral development partners share similar safeguard policies based on internationally recognised good practice.

What are Environmental and social safeguards (ESS)?

"Environmental and social safeguards (ESS)" refers to a set of standards that specifies the desired outcomes and the specific requirements to achieve these outcomes through means that are appropriate to the nature and scale of the activity and commensurate with the level of environmental and social risks and/or impacts.

Chitukuko Foundation has several complementary policies, including on gender, and child protection. These policies set out **Chitukuko Foundation's** priorities and objectives for these key development issues and ways to ensure the effective design and implementation of projects. A list of these complementary policies is provided in the Policy implementation support section. While safeguards are essential to a successful aid program, they can only supplement, not replace these policies. **Chitukuko Foundation's** safeguards are informed by and can assist these policies to meet their objectives by enabling effective assessment and management of negative environmental and social impacts. For example, effective implementation of **Chitukuko Foundation's** priorities to enhance women's voices in decision making, promote women's economic empowerment and end violence against women and girls under the Gender Policy will help to minimise and manage the gender dimensions of any negative environmental and social impacts of aid investments.

1.3. Policy Setting

1.3.1. National Environmental Action Plan (NEAP), 1994.

Malawi prepared National Environmental Action Plan (NEAP) as a framework for integrating the environmental planning into the overall socio-economic development of the country through broad public participation. National Environmental Action Plan (NEAP) highlights key environmental

issues that need to be addressed which include soil erosion; deforestation; water resources degradation and depletion; threat to fish resources; threat to biodiversity; human habitat degradation; high population growth among others. NEAP also provides guidelines actions to be taken by stakeholders such as local communities, government, agencies, non-governmental organizations and donors in environmental planning and management.

1.3.2. National Environmental Policy (2004).

National Environmental Policy (2004) is based on the principles of National Environmental Action Plan, and provides broad policy framework on environmental planning in development programmes including undertaking environmental impact assessments for prescribed projects. The overall goal of National Environmental Policy is the promotion of sustainable social and economic development through the sound management of the environment in Malawi. The policy seeks to meet the following goals:

- Secure for all persons resident in Malawi now and in the future, an environment suitable for their health and well-being;
- Promote efficient utilisation and management of the country's natural resources and encourage, where appropriate, long-term self-sufficiency in food, fuel wood and other energy requirements;
- Facilitate the restoration, maintenance and enhancement of the ecosystems and ecological processes essential for the functioning of the biosphere and prudent use of renewable resources;

The National Environmental Policy has implications on the projects to be implemented by **Chitukuko Foundation**. The implication of this policy is that **Chitukuko Foundation** has to put in place adequate measures for reducing environmental and social impacts.

1.4. Legal Setting

This Environmental and Social Safeguard Policy is in line with the Malawi Environment Management Act, 2017 (No. 19 of 2017). This Act concerns the conservation and management of the environment in Malawi and prescribes environmental standards. Part III of the Act establishes the Malawi Environment Protection Authority ("Authority") and defines its functions and powers. It indicates that the Authority shall be the principal agency for the protection and management of the environment and sustainable utilization of natural resources. Part VI of the Act covers provisions for Environmental and Social Impact Assessment Monitoring and Auditing. The Act outlines that the Minister may, on the recommendation of the Authority, specify, by notice published in the Gazette, the type and size of a project which shall not be implemented unless an Environmental and Social Impact Assessment is carried out. It further says that a person shall not undertake any project for which an Environmental and Social Impact Assessment is required without the written approval of the Authority, and except in accordance with any conditions imposed in that approval. Other related provisions under this part are:

- The owner of the premises or operator of a project for which an Environmental and Social Impact Assessment has been made shall keep records and make annual reports to the Authority describing how far the project conforms in operation with the statements made , in the Environmental and Social Impact Assessment.

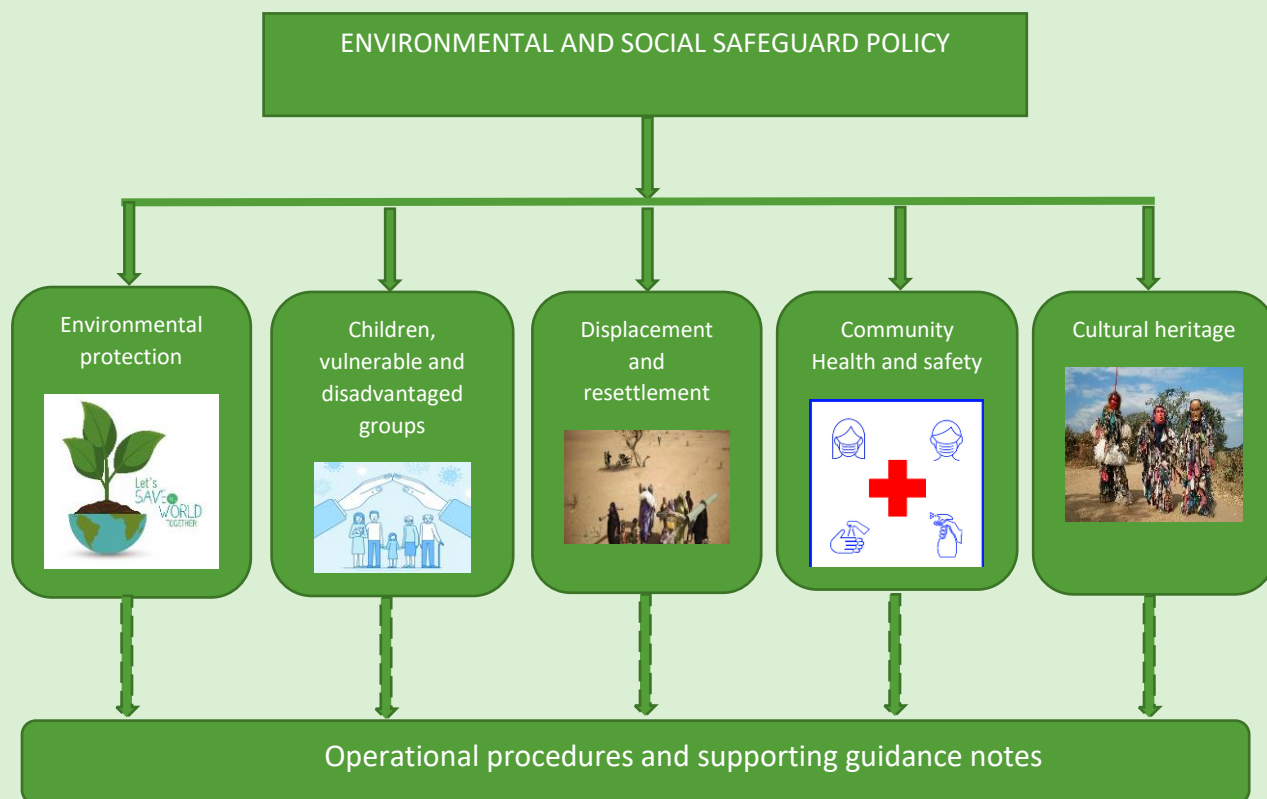
- A developer shall take all reasonable measures for mitigating any undesirable effects on the environment arising from the implementation of a project which could not reasonably be foreseen in the process of conducting an Environmental and Social Impact Assessment and shall, within a reasonable time, report to 'the Authority' on the effects and measures taken.

The main implication of EMA is the need for preparation of Environmental and Social Impact Assessments of all the projects that **Chitukuko Foundation** will be intending to implement

1.5. Scope

This policy applies to all **Chitukuko Foundation** projects regardless of value or funding mechanism. **Chitukuko Foundation** seeks to ensure that the projects it implements are environmentally and socially sustainable. **Chitukuko Foundation** will ensure it engages in meaningful consultation with stakeholders during the Project's preparation and implementation, in a manner commensurate with the risks to, and impacts on, the Project-affected People. This consultation covers Project design, mitigation and monitoring measures, sharing of development benefits and opportunities under the Project and implementation issues. **Chitukuko Foundation** believes that an emphasis on engagement of stakeholders, assessment and management broadens public understanding and ownership of a development proposal's design and implementation. Assessment helps to ensure that decision-makers are fully informed about a project's potential social and environmental risks. Timely assessment and management helps to lower costs and headaches during project implementation through avoidance and minimization of potential impacts.

Figure 1: Framework for implementing the environmental and social safeguards



1.6. Purpose and Objectives of the ESSP

1.6.1. Purpose:

The purpose of the ESSP is to contribute to improved development outcomes by integrating environmental and social considerations into the identification, preparation, and implementation of **Chitukuko Foundation** projects

1.6.2. Objective:

The ESSP is considered as an important tool for enhanced development effectiveness, with an overarching goal to facilitate achievement of the environmental and social soundness and sustainability of **Chitukuko Foundation** projects. The ESSP demonstrates institutional values and commitment to:

- Address environmental and social risks and impacts in a structured operational framework across the project cycle,
- Ensure environmental and social soundness and sustainability of investments,
- Support integration of environmental and social aspects into the decision-making process, and
- Public consultation and disclosure of information.

2. CHITUKUKO FOUNDATION'S SAFEGUARD PRINCIPLES

Safeguard principles guide **Chitukuko Foundation's** management of environmental and social impacts in its projects and programmes. Applying the principles helps ensure investments achieve positive development outcomes without harming the environment, people or communities. Investment design and implementation must meet the safeguard principles, which must be considered at each stage of **Chitukuko Foundation's** aid management cycle: policy and planning; design and procurement; implementation and performance management; and review and evaluation. The safeguard principles underpin the successful application of the five environmental and social safeguards which are:

2.1. Principle 1: Do no harm

- Seek to protect the rights, health, safety, and livelihoods of people including, children, women, indigenous peoples, and other vulnerable or disadvantaged groups.
- Maintain the health, diversity and productivity of the environment.

2.2. Principle 2: Identify, assess, manage and monitor environmental and social impacts

- Identify potential environmental and social risks and impacts early in the investment design process, to ensure they are adequately assessed and managed in investment concepts, designs and implementation.
- Avoid, or where avoidance is not possible, minimise, mitigate or as a last resort, offset or compensate for negative impacts.
- Assess and manage direct and indirect environmental and social impacts of the investment in a way that is proportional to potential impacts.
- Manage risks and impacts of the investment through management plans and monitor and report on their delivery.
- Consider how the environment or different people groups are affected, including children, people of different genders, indigenous peoples and other vulnerable or disadvantaged groups. The assessment and management of potential impacts must consider these different needs.

2.3. Principle 3: Engage effectively with stakeholders

- Be transparent about the investment, its risks and impacts in a way that is timely, accessible, and culturally and socially suitable for the affected people.
- Engage with affected parties and other stakeholders early in identifying and managing risks and impacts and continue this throughout the investment.
- Ensure consultations include affected parties, are inclusive, free of external manipulation, interference, coercion, or intimidation, and enable meaningful participation.
- Provide accessible and culturally appropriate grievance redress mechanisms and ensure that grievances are handled promptly, transparently, and without retribution or cost to the party that raised the concern.
- Disclose information about the social and environmental performance of aid investments in accordance with **Chitukuko Foundation's** aid transparency commitments.

2.4. Principle 4: Work effectively with partners

- Comply with partner country safeguard laws and policies and where possible build partners' capacity to develop and implement environmental and social governance systems.
- Work with multilateral, bilateral, NGO and private sector development partners to ensure environmental and social impacts are managed in a way that is consistent with this policy.
- Work with partners to manage safeguard risks to maximise the use of country systems and avoids duplication or unnecessary safeguard assessment and management planning requirements.

2.5. Principle 5: Promote improved environmental and social outcomes

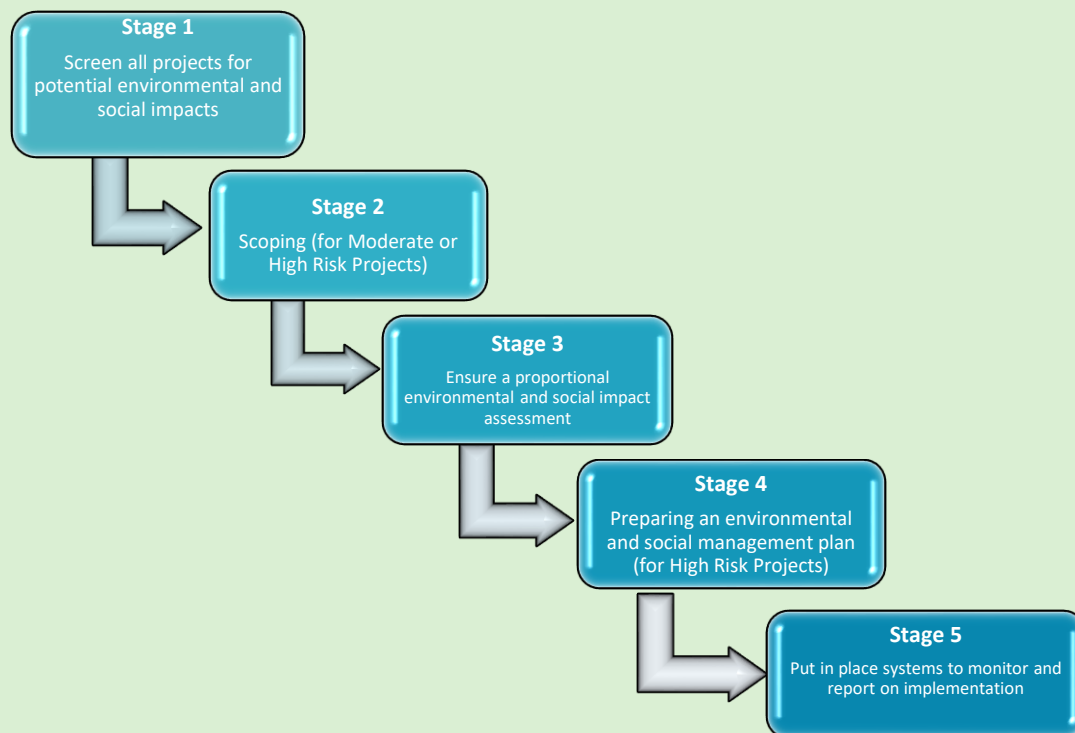
- Where possible, promote improved environmental and social outcomes by integrating ecologically sustainable development into projects.

- Improve the implementation and outcomes of aid investments by effectively identifying and managing risks.

3. APPLYING THE SAFEGUARD POLICY

There are mandatory stages for addressing safeguards when implementing donor funded projects. The steps are summarised in Figure 2 and explained in detail in the operational procedures.

Figure 2: Outline of Chitukuko Foundation’s mandatory safeguard process



It is mandatory to screen all investments, regardless of value or delivery mechanism, for environmental and social impacts. Screening quickly identifies projects with potential safeguard impacts that may require more detailed assessment. Where screening indicates that an impact may occur, the level of risk must be assessed and rated. If indicated by the risk rating, an environmental and social impact assessment (ESIA), proportional to the level of risk, must be completed. Depending on the circumstance, the assessment could be a brief review or a comprehensive technical assessment (for example, for a major infrastructure project). An effective assessment requires effective consultation and consideration of the needs of different people in a gender-responsive way.

Identified impacts must be managed through an environmental and social management plan (ESMP), a document that sets out details of how impacts will be managed, including timing, budget, roles and responsibilities. The management of safeguards must be monitored and reported as part of the

implementation of the investment implementation process. Steps in the safeguard process must be completed in a way that is consistent with the environmental and social safeguard principles, including effective engagement with stakeholders and coordination with partners.

Specific methods and tools may need to be used to identify, assess and manage impacts relevant to different safeguards. For example, a resettlement action plan, or a health and safety management plan may be required. Specific requirements for each of the safeguards are discussed in the sections below. For humanitarian assistance provided in the immediate wake of a crisis such as a disaster or conflict, it may not be possible to complete the safeguard process. In these instances, reasonable effort should be taken to apply the safeguard principles.

4. THE ENVIRONMENTAL AND SOCIAL SAFEGUARDS

Five safeguards must be considered when identifying and managing the potential environmental and social impacts of aid investments. These are:

4.1. Environmental protection

Negative impacts on the environment resulting from aid investments can harm the people they are intended to help and undermine development outcomes. Protecting and conserving natural resources and maintaining ecosystems is fundamental to sustainable development and integral to the economic prosperity of many developing countries. In addition, environmental degradation can increase the vulnerability of communities to disasters and the impacts of climate change.

Consistent with the definition in the Malawi Environmental Management Act, the following aspects of the ‘environment’ must be considered:

- a. Ecosystems and their constituent parts, including people and communities
- b. Climate and natural systems and processes
- c. Natural and physical resources
- d. Characteristics of locations, places and areas.

4.1.1. Assess and manage environmental and social risks and impacts

Chitukuko Foundation projects should:

- Protect and conserve biodiversity and natural habitats, and avoid damaging or degrading ecosystem services and natural resources, including through habitat loss, degradation and fragmentation, invasive alien species, overexploitation, hydrological changes, nutrient loading, and pollution
- Adopt a precautionary approach to the protection, conservation, management and sustainable use of living natural resources
- Avoid the release of pollutants to air, water, and land; if they are released, minimise direct and indirect discharges

- Manage the generation of wastes, where waste cannot be avoided, reduce, recover and reuse waste. As a final option, treat, destroy, or dispose of waste in a manner that is safe for human health and the environment
- Avoid the manufacture, trade, and use of hazardous substances that are subject to international bans or phase-outs (such as ozone depleting substances) - asbestos containing material must not be used in new aid investments
- Where feasible, use less hazardous substitutes, for hazardous materials not subject to an international ban (such as chemical lubricants, pesticides and herbicides)
- Promote sustainable management of natural resources including through cleaner production and efficient use of resources

Different people including children, people of different gender, indigenous peoples and other vulnerable or disadvantaged groups may be affected by environmental impacts in different ways. They may also value different aspects of the environment. To be effective, the identification, assessment and management of environmental impacts needs to consider the views and needs of different groups.

4.1.2. Climate change and disaster risk

Projects can inadvertently increase the vulnerability of people and the environment to the short and long-term impacts of climate change and disasters. The potential impacts of climate change and disaster risk reduction must be considered as part of environmental and social impact assessments and management plans.

Chitukuko Foundation projects should:

- Consider technically feasible and cost-effective options to reduce investment-related greenhouse gas emissions
- Where possible avoid, or otherwise reduce, adverse impacts on vulnerable people caused by the risks of a changing climate or disasters (for example by not supporting infrastructure vulnerable to flooding, or livelihoods that are inappropriate for changing climatic conditions)
- Create incentives that will increase rather than reduce people's ability to adapt to climate change and disaster risks, such as water and energy conservation mechanisms
- Avoid setting directions that limit future climate adaptation choices, such as large capital and institutional commitment reducing future adaptation options.

These potential impacts must be considered at each stage of the aid management cycle

4.2. Children, vulnerable and disadvantaged groups

Chitukuko Foundation projects should benefit people and communities. Poorly planned or implemented investments can have an adverse impact on people including children, vulnerable and disadvantaged groups, such as by affecting their access to resources and livelihoods or disrupting social networks. The development needs of people including vulnerable and disadvantaged groups should be considered in impact assessments and management plans. **Chitukuko Foundation** seeks to protect people, especially the most vulnerable, from any forms of sexual exploitation, abuse and harassment in any of its work.

Impacts from projects can affect people and communities directly or indirectly including:

- Women
- Children
- Female or child-headed households
- People with disabilities
- The poor
- The elderly
- Lesbian, gay, bisexual, transgender and/or intersex people
- People dependent upon the land of others for livelihood or residence.

Safeguarding children

Chitukuko Foundation has a zero-tolerance approach to child exploitation and abuse. The Child Protection Policy sets out obligations on **Chitukuko Foundation** staff and delivery partners to assess and manage child protection risks within their organisation and activities. The Child Protection Policy includes recommended standards to help partners manage risks and keep children safe from potential abuse and exploitation by individuals – if the partner is child focused or the activity is working with children then it is mandatory that organisations adhere to all recommended child protection standards. The Child Protection Policy applies to all **Chitukuko Foundation's** work. **Chitukuko Foundation** safeguards children in projects through the application of the Child Protection Policy and by considering potential impacts on children from projects in screening, impact assessment and management plans. This helps ensure the delivery of projects does not expose children to harm or the risk of abuse and exploitation.

Assess and manage environmental and social risks and impacts

Consistent with its policies on protecting children, vulnerable and disadvantaged groups through its projects, **Chitukuko Foundation** will:

- Identify individuals and groups that may be affected by the investment because of their disadvantaged or vulnerable status, this includes children and others
- Engage in a way that is relevant to the different interests and needs of potentially affected groups
- Seek to avoid negative impacts on children and other vulnerable and disadvantaged groups, including in managing Health and Safety responsibilities and preventing sexual exploitation abuse and harassment
- Implement measures so that any negative impacts do not fall disproportionately on children and other vulnerable and disadvantaged groups, and that they share the benefits and opportunities of the investment
- Avoid unintended consequences, such as exacerbating existing risks of violence, social inequalities, conflict or disasters that may impact on children and other vulnerable and disadvantaged groups.

Where indicated by a risk assessment, potential impacts on people, including children and other vulnerable and disadvantaged groups must be identified and assessed through an environmental and

social impact assessment. Practical measures to avoid or mitigate adverse impacts should be included in an environmental and social management plan.

Gender and disability-inclusive development strategies

Chitukuko Foundation has strategies to ensure that projects improve development outcomes for vulnerable and disadvantaged groups. Gender strategy Development results cannot be achieved without clear attention to the different needs, interests, priorities and roles of women, men, boys and girls, and the relations between them. **Chitukuko Foundation's** requirements for integrating gender equality issues into its aid investments are set out in the Gender Policy. The policy recognises the particular vulnerabilities caused by gender inequality, and the need to empower women and girls as leaders, implementers and decision makers. The policy goes beyond concepts of protecting women and girls, to promoting women and girls as key agents of change, implementers and leaders. Gender inequality and pervasive harmful gender norms means that women and girls are often among the most vulnerable and disadvantaged and need protective, as well as empowerment measures that respond to the barriers they experience.

4.3. Displacement and resettlement

Projects, such as the building of economic or social infrastructure, sometimes require the use of occupied land. If not properly addressed, the physical or economic displacement¹ of people from such land may lead to long-term hardship and poverty. The poor and other vulnerable groups are particularly at risk in investments involving displacement.

Resettlement is a process that helps people build new lives in a different location while mitigating the effects of displacement on their standard of living. When done well, resettlement can ensure displaced communities share the benefits of development.

This policy does not apply to resettlement resulting from documented voluntary land transactions and where such a transaction affects only those with legal rights. The policy only applies to development-induced displacement, specifically physical and economic displacement resulting from the following investment actions:

- The compulsory acquisition by government of land rights or land use rights in accordance with the legal system of the country
- Government taking possession for development purposes of public land occupied or used by others
- Management and conservation plans or design measures that restrict access to land or other natural resources
- Government legally designating a park or protected area that leads to involuntary restrictions on access to land or natural resources
- Humanitarian assistance in reconstruction and recovery

¹ Physical displacement occurs as a result of partial or complete loss of residential land, shelter, or other structures. Economic displacement occurs as a result of partial or complete loss of land, fixed assets, or access to assets, leading to loss of wealth, income sources or other means of livelihood.

- Technical assistance supporting the design of investments that will require land acquisition or restrictions on access to land or other natural resources.

Responsibility for managing displacement and resettlement rests with the government of Malawi.

Where **Chitukuko Foundation** directly supports the implementation of projects that may displace people, **Chitukuko Foundation** is responsible for ensuring that partner government departments are aware of, agree to, and fully implement the requirements of this safeguard. **Chitukuko Foundation** exercises its role primarily through support for effective assessment and planning in the preparatory stages of the project, and through its own field-based review of progress and evaluation of outcomes in the implementation stage. In all such cases, **Chitukuko Foundation** monitors the implementation process to support effective delivery of all required actions.

It may not be possible to complete the safeguard process for relief resettlement as part of emergency assistance, such as in the immediate wake of disasters or humanitarian assistance. In these circumstances, reasonable efforts should be taken to apply the safeguard principles.

Assess and manage environmental and social risks and impacts

Where **Chitukuko Foundation** supports a project that may displace people, the investment will:

- Avoid or minimise forced physical and economic displacement wherever possible by considering all viable alternative actions or design options
- Avoid negative impacts on those affected by the development, including vulnerable and disadvantaged groups, and where avoidance is not possible mitigate and/or compensate for such impacts in gender-responsive and disability inclusive ways
- Provide reasonable opportunities for affected people including displaced poor and other vulnerable groups to improve, or at least restore their livelihoods
- Ensure timely provisions of infrastructure and essential services at resettlement sites.

Where a Resettlement Action Plan is required, it must be prepared in advance of the implementation of the aid investment that is likely to cause physical and/or economic displacement. When not possible because the investment or resettlement sites have not been determined or, the scale and scope of displacement cannot be fully identified prior to approval, a resettlement framework, identifying likely resettlement measures and specifying organisational arrangements for their provision, should be prepared. A Resettlement Action Plan must be subsequently prepared in accordance with the resettlement framework when all necessary information is available but before initiation of works causing displacement.

Partner governments should ensure displaced persons without title to land or any recognisable legal rights to land, are eligible for, and receive, resettlement assistance and compensation for loss of non-land assets and that these communities are included in the resettlement consultation process.

Projects implemented with support from the Asian Development Bank or the World Bank Group (and other Multi National Developments Banks) will use their respective environmental and social assessment processes, in conjunction with national requirements. The environmental and social assessment processes of other implementation partners may be used or adapted, once they have been reviewed and determined by **Chitukuko Foundation** to be broadly consistent in their objectives, principles, and scope of **Chitukuko Foundation's** relevant policies.

4.4. Community Health and safety

Chitukuko Foundation aims to avoid negative impacts on the health and safety of people from aid investments, particularly vulnerable and disadvantaged groups. Aid investments can expose communities and people, including children, people of different gender, indigenous peoples and other vulnerable or disadvantaged groups to risks on their health and safety. Investments can exacerbate underlying environmental and/or social vulnerabilities experienced by communities.

Chitukuko Foundation must satisfy itself that the relevant project delivery partners' health and safety management processes are adequate to ensure the health and safety of workers and others so far as is practicable in the circumstances. In these circumstances projects must meet government laws in relation to workers and community health and safety, and, so far as is reasonably practicable, apply good international industry practice such as the World Bank Group Environmental, Health, and Safety Guidelines².

As a minimum, **Chitukuko Foundation** projects must:

- Avoid the use of forced labour, including trafficked persons, slavery, servitude, debt bondage and deceptive recruiting of labour
- Avoid any unsuitable forms of work which might impact on a child's health, wellbeing or opportunities for education
- Identify, assess and eliminate or mitigate so far as is reasonably practicable, potential health and safety hazards and risks
- Ensure workers and other people affected by the investment are consulted on relevant health and safety matters, and provide a way for people to raise health and safety concerns
- Ensure workers have adequate information, instruction and training to perform the work safely
- Ensure workers are provided with personal protective equipment to perform the work safely
- Include mechanisms for reporting and recording health and safety incidents and management responses
- Prohibit the use of asbestos containing materials in new projects and manage any existing asbestos containing material.

4.5. Cultural heritage

This safeguard aims to protect cultural heritage throughout the project life-cycle. The Standard applies to cultural heritage regardless of whether or not it has been legally protected or previously identified or disturbed. This safeguard applies if a project/programme:

- Involves excavations, demolition, movement of earth, flooding or other changes in the physical environment
- Is located within a legally protected area or a legally defined buffer zone
- Is located in, or in the vicinity of, a recognised cultural heritage site
- Is designed to support cultural heritage conservation, management and use
- Impacts materially on intangible cultural heritage or if a project intends to use such intangible cultural heritage for commercial purposes

² World Bank Group Environmental, Health, and Safety Guidelines

- Impacts on or depends on cultural heritage including manmade, natural capital or institutional capital

4.5.1. Objectives

- To protect cultural heritage from the adverse impacts of project activities and support its preservation
- To address cultural heritage as an integral aspect of sustainable development
- To promote meaningful consultation with stakeholders regarding cultural heritage
- To promote the equitable sharing of benefits from the use of cultural heritage

Chitukuko Foundation will consider direct, indirect and cumulative project-specific risks and impacts on cultural heritage. **Chitukuko Foundation**, project affected parties and cultural heritage experts, will:

- Implement globally recognised practices to conduct field-based study, documentation and protection of cultural heritage related to the project.
- If the Environmental and Social Impact Assessment (ESIA) identifies potential significant cultural heritage risks and impacts during any project life cycle stage, the client will engage cultural heritage experts to identify, value, assess and protect cultural heritage.
- Where appropriate, develop a Cultural Heritage Management Plan to mitigate any risks to cultural heritage.
- Provide an implementation timeline, budget and costing of resource needs to implement each mitigation measure. This information may be provided in a stand-alone document or, depending on the project nature, scale, risks and impacts, incorporated into the ESMP.
- Where appropriate, develop a project-specific procedure to be followed if previously unknown cultural heritage is encountered during project activities. Include a “Chance Find Procedure” in all project construction contracts, including excavations, demolition, earth movement, flooding or other potential changes in the physical environment. The “Chance Find Procedure” will:
 - Set out how chance finds associated with the project will be managed
 - Commit to notify relevant authorities of found objects or sites by cultural heritage experts
 - Fence-off the area of finds or sites to avoid further disturbance
 - Conduct an assessment of found objects or sites by cultural heritage experts
 - Identify and implement actions consistent with the requirements of this Standard and national legislation
 - Train project personnel and project workers on chance find procedures
- Identify stakeholders that are relevant for the cultural heritage that are known to exist or is likely to be encountered during the project life-cycle. Stakeholders will include, as relevant:
 - Project affected parties, including individuals and communities within the country who use or have used the cultural heritage within living memory
 - Other interested parties, including national or local regulatory authorities entrusted with cultural heritage, nongovernmental organisations and cultural heritage experts, including national and international cultural heritage organizations
- Carry out meaningful consultations with stakeholders to identify cultural heritage that may be affected by the potential project
- Consider cultural heritage significance affected by the project

- Determine whether information disclosure regarding cultural heritage would compromise or jeopardize cultural heritage safety or integrity or would endanger information sources. In such cases, sensitive information may be omitted from public disclosure.
- Treat with confidentiality the location, characteristics or traditional use of cultural sites that are considered confidential by the relevant affected stakeholders
- Where the project site contains cultural heritage or prevents access to previously accessible cultural heritage sites, allow continued access to the cultural site, or provide an alternative access route, subject to overriding health, safety and security considerations, based on consultations with site users
- Assess potential risks and impacts
- Explore, avoid and mitigate options

4.5.2. Legally Protected Cultural Heritage Areas

Chitukuko Foundation will, as part of the Environmental and Social Assessment, determine the presence of all project affected listed legally protected cultural heritage areas. If the proposed project will be located within a legally protected area or a legally defined buffer zone, the Client will:

- Comply with local, national, regional or international cultural heritage regulations and the applicable protected area management plans
- Consult with protected area sponsors and managers, project-affected parties and other interested parties regarding the proposed project
- Implement additional programmes, to promote and enhance the protected areas conservation aims

4.5.3. Provisions for Cultural Heritage Types

Archaeological sites comprise any combination of structural remains, artefacts, human or ecological elements and may be located entirely beneath, partially above, or entirely above the land or water surface. Archaeological material may be found anywhere on the earth's surface, singly or scattered over large areas. Such material includes burial areas, human remains, artefacts and fossils.

Built Heritage refers to single or groups of architectural works found in urban or rural settings providing evidence of a particular civilization, a significant development or a historic event. It includes groups of buildings, structures and open spaces constituting past or contemporary human settlements that are recognized as cohesive and valuable from an architectural, aesthetic, spiritual or socio-cultural perspective.

Natural Features with Cultural Significance include sacred hills, mountains, landscapes, streams, rivers, waterfalls, caves and rocks; sacred trees or plants, groves and forests; carvings or paintings on exposed rock faces or in caves; and paleontological deposits of early human, animal or fossilized remains. This heritage may have significance to local community groups or minority populations.

Movable Cultural Heritage: includes objects such as historic or rare books and manuscripts, paintings, drawings, sculptures, statuettes and carvings; modern or historic religious items; historic costumes, jewelry and textiles; fragments of monuments or historic buildings; archaeological material; and natural history collections such as shells, flora, or minerals. Discoveries and access resulting from a project may increase the vulnerability of cultural objects to theft, trafficking or abuse.

Where there is evidence or high probability of any form of cultural heritage in the project area, the client, in consultation with cultural heritage experts, will:

- Conduct desk-based research and field surveys to document, map and investigate cultural heritage
- Document the location and characteristics of cultural heritage discovered during the project life-cycle and provide relevant documents to the national or subnational cultural heritage authorities
- Determine how cultural heritage discovered during the project life-cycle should be managed and whether it should be documented, excavated and documented, or conserved on site
- Determine, in accordance with national and subnational law, who owns and assumes custodial responsibility for cultural heritage
- Until custody of cultural heritage is transferred, arrange to identify, conserve, label, store securely and enable accessibility for future study and analysis
- Identify appropriate mitigation measures to address cultural heritage impacts, including documentation, conservation or rehabilitation on site, or relocation and conservation or rehabilitation
- Maintain the authenticity of form, construction materials and techniques of cultural heritage structures when they are rehabilitated or restored
- Preserve the physical and visual context of individual or groups of historic structures when planning project infrastructure
- Identify natural features with cultural heritage significance affected by the project
- Where necessary, protect and preserve natural features with cultural heritage significance on site
- Where natural heritage artefacts must be transferred to another location, the client should consult project-affected parties, ensure that traditional cultural heritage practices are respected and that affected parties are able to continue performing cultural heritage practices
- Take measures to guard against theft and illegal trafficking of movable cultural heritage items affected by the project and notify relevant authorities of any such activity
- Identify movable cultural heritage objects that the project may endanger and provide for their protection throughout the project life-cycle
- Inform any relevant authorities responsible for overseeing and protecting movable cultural heritage objects of the project activity schedule and alert them to the potential vulnerability of such items

4.5.4. Commercial Use of Cultural Heritage

Where a project intends to use the cultural heritage of affected parties (including individuals and communities) for commercial purposes, the client will:

- Inform affected parties of their rights, and the proposed project scope, nature, potential impacts and consequences
- Not proceed with commercial use of cultural heritage unless meaningful consultation with stakeholders has been carried out
- Provide project affected parties with fair and equitable benefit sharing from commercial use of cultural heritage, and implement appropriate mitigation measures consistent with customs and traditions

4.5.5. Documentation Required

For high risk and medium risk projects the following documents are required, where applicable to the project:

- Cultural Heritage Management Plan
- Chance Find Procedure

5. POLICY IMPLEMENTATION SUPPORT

The following policy documents support the implementation of this policy:

- The **Chitukuko Foundation** Child Protection and Child Safeguarding Policy
- The **Chitukuko Foundation** Gender Policy
- The **Chitukuko Foundation** Anti-Sexual Harassment Policy
- The **Chitukuko Foundation** Elderly Persons Policy
- The **Chitukuko Foundation** Persons with Disabilities Policy

6. GLOSSARY

TERM	MEANING
Chance finds	The discovery of previously unknown cultural heritage and archaeological resources encountered during project construction or operation.
Child or children	Chitukuko Foundation considers a child to be a person under the age of 18 years.
Chitukuko Foundation worker	A Chitukuko Foundation worker is any person carrying out work in any capacity for the department, including work as an employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work in the department, an apprentice or trainee, a student gaining work experience, or a volunteer.
Cultural heritage	Resources inherited from the past that people identify with, independently of ownership, to reflect and express evolving values, beliefs, knowledge and traditions and recognised as having local, regional, national or global value.
Degradation	Modification of a critical or other natural habitat that substantially reduces the habitat's ability to maintain viable indigenous species populations

Displacement	Displacement refers to both physical and economic impacts occurring because of development-induced land acquisition or restrictions on access to land or other resources that is imposed by a partner government on individuals, families or communities. Displacement can include both physical and economic displacement.
Ecologically sustainable development	Using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.
Ecosystem	A community of living organisms (plants, animals and microbes) in conjunction with the non-living components of their environment (like air, water and mineral soil), interacting as a system.
Environment	'Environment' is defined as: a) ecosystems and their constituent parts including people and communities; b) natural and physical resources; c) qualities and characteristics of locations, places and areas; d) heritage values of places; and e) the social, economic and cultural aspects of a thing mentioned in paragraphs a, b or c.
Environmental and social impact assessment (ESIA)	The process of identifying, predicting, evaluating a project's positive and negative environmental and social impacts as well as identifying ways of avoiding, mitigating or at last resort offsetting negative impacts.
Environmental and social management plan (ESMP)	A plan that is an output of the ESIA and details measures to avoid, mitigate or offset negative impacts of the proposed action.
Environmental and social management framework (ESMF)	A document that describes the scope of the potential environmental and social risks of activities and outlines the approach that will be taken to their identification, assessment and management.
Impact	An impact is a change to the environment, including people and communities, whether negative or positive, or wholly or partly resulting from an investment's actions. An investment can have direct and indirect impacts on the environment. Impacts may be cumulative (over time) or combined (more than one impact in one place).
Involuntary resettlement	Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land

	or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.
Mitigation	Where companies do their best to reduce, neutralize and repair the impacts of their activities on people and the natural environment.
Pollution	Both hazardous and non-hazardous chemical pollutants in the solid, liquid or gaseous phases, and includes other components such as pests, pathogens, thermal discharge to water, GHG emissions, nuisance odors, noise, vibration, radiation, electromagnetic energy, and the creation of potential visual impacts, including light.
Resettlement action plan (RAP)	The document that specifies the actions and procedures a responsible party will follow and will undertake to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment.
Resettlement framework	A resettlement framework specifies the required arrangements for resettlement activities for investments where sub-projects or investment components that-cannot be identified before investment approval.
Scoping	Identifies which particular issues, their content and extent, should be covered in the environmental information submitted by the developer to the competent authority within an ESIA.
Screening	The high level process to determine whether the proposed project requires an Environmental Assessment, and the appropriate level of depth required.
Significant impact	A 'significant impact' is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment that is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.
Vulnerable or disadvantaged	Vulnerable or disadvantaged refers to those who may be more likely to be adversely affected by the investment impacts and/or more limited than others in their ability to take advantage of an investment's benefits.

ANNEX 1: GUIDANCE FOR RATING ENVIRONMENTAL AND SOCIAL RISKS

The rating of risks is based on the assumptions that the management measures and plans specified in the respective column are implemented and effective in mitigating the risk. It is good practice that the plans are available before ESMS Clearance. Risk rating is based on the two elements: likelihood and the expected impacts (consequence).

Likelihood represents the possibility that a given risk event is expected to occur. The likelihood should be established using the following five ratings: *Very unlikely to occur (1)*, *Not expected to occur (2)*, *Likely – could occur (3)*, *Known to occur - almost certain (4)* and *Common occurrence (5)*

Impact (or consequence) refers to the extent to which a risk event might negatively affect environmental or social receptors – see criteria distinguishing five levels of impacts in table 1:

Table 1: Rating impact of a risk event

Severe (5)	Adverse impacts on people and/or environment of very high magnitude , including very large scale and/or spatial extent (large geographic area, large number of people, transboundary impacts), cumulative, long-term (permanent and irreversible) ; receptors are considered highly sensitive ; examples are severe adverse impacts on areas with high biodiversity value ¹¹ ; severe adverse impacts to lands, resources and territories of indigenous peoples; significant levels of displacement or resettlement with long-term consequences on peoples' livelihood; impacts give rise to severe and cumulative social conflicts with long-term consequences.
Major (4)	Adverse impacts on people and/or environment of high magnitude , including large scale and/or spatial extent (large geographic area, large number of people, transboundary impacts), of certain duration but still reversible if sufficient effort is provided for mitigation; receptors are considered sensitive; examples are adverse impacts on areas with high biodiversity value ³ ; adverse impacts to lands, resources and territories of indigenous peoples; significant levels of displacement or resettlement with temporary consequences on peoples' livelihood; impacts give rise to social conflicts which are expected to be of limited duration.
Medium (3)	Adverse impacts of medium magnitude, limited in scale (small area and low number of people affected), limited in duration (temporary), impacts are relatively predictable and can be avoided, managed and/or mitigated with known solutions and straight forward measures.
Minor (2)	Adverse impacts of minor magnitude, very small scale (e.g. very small affected area, very low number of people affected) and only short duration, may be easily avoided, managed, mitigated.
Negligible (1)	Negligible or no adverse impacts on communities, individuals, and/or on the environment.

Significance of risks is established by combining likelihood and expected impact (consequence) of a risk event as demonstrated in table 2. The significance rating signals how much attention the risk

³ For the definition see IUCN ESMS Standard on Biodiversity Conservation and Sustainable Use of Natural Resources

event will require during project development and implementation and the extent of control actions to be put in place. See the Guidance Note on Assessment and Management of Environmental and Social Risks for further details on the rating (including factors influencing the likelihood and impact).

Table 2: Rating significance of a risk event

		<i>Likelihood of occurrence</i>				
		<i>Very unlikely to occur (1)</i>	<i>Not expected to occur (2)</i>	<i>Likely – could occur (3)</i>	<i>Known to occur - almost certain (4)</i>	<i>Common occurrence (5)</i>
<i>Impact</i>	<i>Severe (5)</i>	Moderate	Substantial	High	High	High
	<i>Major (4)</i>	Low	Moderate	Substantial	Substantial	High
	<i>Medium (3)</i>	Low	Moderate	Moderate	Moderate	Substantial
	<i>Minor (2)</i>	Low	Low	Moderate	Moderate	Moderate
	<i>Negligible (1)</i>	Low	Low	Low	Low	Low

ANNEX 2: MATRIX OF POTENTIAL RISKS AND IMPACTS.

Table 3: Matrix of potential risks and impacts

Component of the environment and social safeguard to be affected	Potential environmental and social risks	Potential impacts on people and environment	Potential severity. Ranking Key: • <i>Severe (5)</i> • <i>Major (4)</i> • <i>Medium (3)</i> • <i>Minor (2)</i> • <i>Negligible (1)</i>
Environmental protection	Loss of biodiversity and natural habitats	Extinction of fauna and flora	
	Damaging or degrading ecosystem services and natural resources	• Loss of productivity of land • Drying up of water sources	
	Release of pollutants to air, water, and land	Poisoning of human beings, animals, and plants leading to diseases and deaths	
	Generation of wastes	Poisoning of human beings, animals, and plants leading to diseases and deaths	
	Use of hazardous substances that are subject to international bans or phase-outs (such as ozone depleting substances)	Poisoning of human beings, animals, and plants leading to diseases and deaths	
	Investment-related greenhouse gas emissions	Climate change leading to climate related disasters	
	Supporting infrastructure vulnerable to flooding,	Flood disasters	
	Supporting livelihoods that are inappropriate for changing climatic conditions	Unsustainable livelihoods interventions perpetuating poverty	
Children, vulnerable and disadvantaged groups	Exacerbating existing risks of violence that may impact on children and other vulnerable and disadvantaged groups.	Bodily harm on children and other vulnerable and disadvantaged groups	
	Exacerbating existing risks of social inequalities that may impact on children and other vulnerable and disadvantaged groups.	The poor children and other vulnerable and disadvantaged groups become poorer	

	Exacerbating existing risks of conflict that may impact on children and other vulnerable and disadvantaged groups.	Insecurity leading to displacement and loss of or reduction in economic activity, hence increased poverty	
	Exacerbating existing risks of disasters that may impact on children and other vulnerable and disadvantaged groups.	Disasters that may lead to loss of livelihoods and shelter	
Displacement and resettlement	Compulsory acquisition by government of land rights or land use rights in accordance with the legal system of the country	Loss of livelihoods and shelter	
	Government taking possession for development purposes of public land occupied or used by others	Loss of livelihoods and shelter	
	Management and conservation plans or design measures that restrict access to land or other natural resources	Loss of livelihoods and shelter	
	Government legally designating a park or protected area that leads to involuntary restrictions on access to land or natural resources	Loss of livelihoods and shelter	
	Humanitarian assistance in reconstruction and recovery	- Abuse of vulnerable children and women - Exclusion of children, women and other vulnerable groups.	
	Technical assistance supporting the design of investments that will require land acquisition or restrictions on access to land or other natural resources.	Loss of livelihoods and shelter	
Community Health and safety	Forced labour	Poor conditions of service	
	Trafficked persons	Poor conditions of service	
	Slavery	Poor conditions of service	
	Servitude	Poor conditions of service	
	Debt bondage	Poor conditions of service	
	Deceptive recruiting of labour	Poor conditions of service	

	Unsuitable forms of work which might impact on a child's health	Poor health for children	
	Unsuitable forms of work which might impact on a child's wellbeing	Poor wellbeing for children	
	Unsuitable forms of work which might impact on a child's opportunities for education	Children not able to attend school	
	Potential health and risks	Poor health of the community	
	Potential safety hazards and risks	Endangered human life	
	Use of asbestos containing materials in new projects	Poisoning of humans	
	Risks of disruption local marriages from migrant workers	Families breaking down	
Cultural heritage	Compromising or jeopardizing cultural heritage safety	Cultural heritage may be vandalised	
	Loss of confidentiality of the location, characteristics or traditional use of cultural sites that are considered confidential by the relevant affected stakeholders	The original value of the cultural heritage may be diluted	
	Preventing access to previously accessible cultural heritage sites	Loss of income by the cultural heritage	
	Loss of authenticity of form, construction materials and techniques of cultural heritage structures when they are rehabilitated or restored	The original value of the cultural heritage may be diluted	
	Loss of physical and visual context of individual or groups of historic structures when planning project infrastructure	The original value of the cultural heritage may be diluted	
	Loss of respect to traditional cultural heritage practices where natural heritage artefacts must be transferred to another location	The original value of the cultural heritage may be diluted	
	Affected parties not able to continue performing cultural heritage practices where natural heritage artefacts must be transferred to another location	Loss of income by the cultural heritage	
	Theft and illegal trafficking of movable cultural heritage items affected by the project	Loss of income by the cultural heritage	
	Endangering movable cultural heritage objects	Loss of income by the cultural heritage	

ANNEX 3: GUIDANCE ON CONDUCTING/REVIEWING AN ESIA

This document provides specific guidance on the key steps that should be taken to conduct an ESIA. The guidance can be helpful to inform the review of existing assessments produced by partners (or internally within **Chitukuko Foundation**), or as a reference for drafting a Terms of Reference for an ESIA where the assessment is yet to be undertaken.

The assessment process outlined below is now standard international practice, and there are various guidance tools available that can be referred to for additional guidance (see UNDP's SES Toolkit).

Malawi has legal frameworks in place for environmental impact assessment (EIA), which must be adhered to. At the same time, the degree to which social dimensions are fully integrated into national assessment requirements is variable. **Chitukuko Foundation** requires assessments that examine potential social and environmental impacts in an integrated manner.

The SES also require stakeholder engagement and disclosure of information throughout the assessment process

KEY STAGES OF THE ESIA PROCESS

The key stages of an ESIA process are summarized in Table and elaborated further below.

Table 4: Summary of the ESIA Process

Stages	Steps/main tasks within each stage
<u>Stage 1: Screening</u> Key components: Screen all projects for potential environmental and social impacts	Conduct Social and Environmental Screening to identify potential risks and their significance, identify relevant requirements, and determine risk category of project and nature of further assessment that may be required
<u>Stage 2: Scoping (for Moderate or High Risk Projects)</u> Key components: Where initial studies and analysis have not been conducted, it is important to undertake a scoping exercise early in the assessment process (i) to identify and focus the social and environmental assessment on key issues, and (ii) to establish a logical roadmap for the assessment process.	Determine the social and environmental issues to be addressed, spatial and temporal focus, data and information needed and level of analysis required to assess the impacts
	Determine data availability
	Consultations with stakeholders, partners, and project-affected communities and development of stakeholder engagement plan
<u>Stage 3: Conducting an ESIA (for High Risk Projects)</u> Key components: Based on a clearer definition of the project to be implemented, collect necessary data/information and assess full range of impacts and examine project	Prepare ToRs for the ESIA
	Further detail and define the proposed project
	Develop baseline environmental and social information
	Review policy, legal/regulatory and institutional framework
	Examine project alternatives and revise project design

alternatives. Report the results of the assessment and make a draft available publically for consultation.	Analyze and evaluate impacts
	Prepare ESIA Report
<u>Stage 4: Preparing an environmental and social management plan (for High Risk Projects)</u>	Define social and environmental impact mitigation actions/measures per the mitigation hierarchy
Key components: Based on relevant findings of the assessment and the results of consultations with the project stakeholders, define measures that will be needed to, inter alia: avoid, and if avoidance is not possible, minimize, mitigate and manage expected adverse impacts of the project (per the mitigation hierarchy); monitor impacts and mitigation options/measures; build capacities, and communicate results of the environmental and social management plan (ESMP).	Detail social and environmental monitoring to be conducted during project implementation
	Develop a plan to assess and build capacity to implement the environmental and social management plan and other project environmental and social components
	Disclose draft ESIA and ESMP and develop a plan to communicate progress with implementation and effectiveness of the environmental and social management plan
<u>Stage 5: Appraising an ESIA/ESMP and Integrating Management Measures in Project and Budget</u>	ESIA meets its terms of reference, both procedurally and substantively
Key components: Appraisal should ensure that the ESIA/ESMP provides information required for decision-making and that proposed actions are designed to meet national/local regulations. Recommendations of ESIA/ESMP need to be adequately incorporated into project design, work plans and budget	Provides an accurate and complete evaluation of the proposed project
	Describes specific mitigation, monitoring and capacity development measures that comply with applicable law, regulations
	Assesses capacity of institutions responsible for implementing social/environmental management
	Developed through a consultative process with strong stakeholder engagement
	Assesses the adequacy of costs and financing arrangements for social and environmental management implementation

STAGE 1: SCREENING

The objectives of the SESP are to:

- Integrate the SES Overarching Principles (i.e. human rights, gender equality and women's empowerment, environmental sustainability) to strengthen social and environmental sustainability
- Identify potential social and environmental risks and their significance
- Determine a project's risk category (Low, Moderate, High), and
- determine the level of social and environmental assessment and management required to address potential risks and impacts.

Projects categorized as Moderate Risk require limited or focused forms of social and environmental assessment while High Risk Projects require comprehensive forms of assessment (ESIA, SESA).

STAGE 2: SCOPING AND PREPARING TERMS OF REFERENCE FOR AN ESIA

When a Project Developer is asked/required to assist or lead in developing a Terms of Reference for an ESIA, a number of considerations are required. These include:

- Scoping parameters of ESIA. Where initial studies and analysis have not been conducted, it is important to undertake a scoping exercise early in the assessment process (i) to identify and focus the social and environmental assessment on key issues, and (ii) to establish a logical roadmap for the assessment process. The scoping exercise typically informs the drafting of a Terms of Reference for the ESIA. The scoping exercise will vary depending on the range and complexity of potential social and environmental impacts. Scoping typically builds on the results of the screening and involves the following tasks/components:
 - An initial identification of significant social and environmental issues and potential adverse risks and impacts to be assessed.
 - Identification of data availability and gaps for conducting the assessment
 - Identification of national/local project planning requirements
 - Identification of feasible project alternatives that will be considered in the assessment
 - Scoping meetings with stakeholders to establish focus areas and potential issues of concern
 - Identification of types and qualifications of specialists needed to undertake the assessment and required studies. **Chitukuko Foundation** requires that assessments for High Risk projects be undertaken by independent experts. For highly complex projects with multidimensional potential adverse impacts or projects that may be highly contentious among affected stakeholders, **Chitukuko Foundation** requires the use of independent advisory panels to assist in project preparation and implementation.
 - A summary scoping report
 - Drafting of terms of reference (ToR) for the social and environmental assessment.
- Prepare the Terms of Reference for the ESIA. Scoping typically informs the drafting of the ToR for the ESIA. The steps outlined in this Annex provide guidance for conducting ESIA's and may be appended to the ToR. The ToR may contain a number of sections specific to the Project but usually provides for the following sections and actions:
 - Project Description: A summary of project objectives, features, and status. Background on significant social and environmental issues, risks and impacts based on the screening and scoping process.
 - Objectives of Consultant Services: Identification of key objectives and outputs of consultancy, typically the preparation of the draft ESIA and ESMP as well as a final version based on inputs from stakeholder consultation.
 - Scope of Work: Detailed description of tasks to be undertaken. Will vary depending on Project circumstances and should ensure compliance with any requirements identified in scoping process. ToR typically include the following activities (see guidance below):
 - Define project in detail and develop baseline
 - Review Policy, Legal/Regulatory and Institutional Framework
 - Examine Project Alternatives and Propose revisions to Project Design
 - Analyze and Evaluate Potential Social and Environmental Risks and Impacts (ToR will specifically highlight which issues are to be addressed based on the screening and scoping process)

- Prepare ESIA Report and ESMP (both draft and final following consultation)
 - Record of feedback received during consultation and how it was addressed
 - Budget and Schedule of Outputs: A budget and schedule for conducting the assessment. (Note: Budget and schedule must be adequate for preparing the assessment, including data collection and analysis, report preparation, and implementation of the associated public disclosure and stakeholder consultation requirements).
 - Annexes
- Consultations. Consulting project-affected communities on the draft terms of reference for the ESIA should be conducted to assist in identifying potential issue areas or concerns that require further attention in the conduct of the ESIA

STAGE 3: CONDUCTING AN ESIA STUDY

Step 1: Further Detail and Define the Proposed Project.

The assessment must be based on a well-defined project. Based on the Draft Project Document, the project should be further detailed to include, where relevant:

- The geographic, ecological, social and temporal context of the proposed project, including any offsite investments (i.e. associated facilities) that may be required (e.g. dedicated pipelines, access roads, power plants, water supply, housing, and raw material and product storage facilities);
- Project location, site, and design (e.g. technology/process, facilities design, construction, operation and maintenance, and decommissioning or closure); and
- Map showing the project site, project's area of influence (as determined during the scoping phase) and sensitive environmental and social features.

Step 2: Develop Baseline Information.

The current and projected environmental and social, and physical/cultural baseline data must be presented for the project's area of influence. This should include:

- Descriptions of the relevant existing physical, biological, gender, and socio-economic conditions;
- Evaluation of any changes anticipated in these conditions before the project commences, as well as any trends in or projections of data over time after the project commences that are anticipated independently of the project, including current and proposed development activities located in the project area but not directly connected to the project; and,
- Estimation of the reliability of the information sources used and the quality of the information available, including its accuracy, precision, completeness, representativeness, etc.

The baseline data should reflect the objectives and indicators identified in the 'scoping report.' For spatial plans, the baseline can usefully include the stock of natural assets including sensitive areas, critical habitats, and valued ecosystem components. For sector plans, the baseline will depend on the main type of environmental and social impacts anticipated, and appropriate indicators can be selected (e.g. emissions-based air quality indicators for energy and transport strategies).

Step 3: Review Policy, Legal/Regulatory and Institutional Framework

Review the legal and permitting requirements as well as applicable social and environmental standards from:

- Applicable laws and regulations of the local and national jurisdictions in which the proposed project will operate.
- Applicable international obligations and agreements (e.g. Multilateral Environmental Agreements) that must be complied with.
- UNDP Social and Environmental Standards
- Social and environmental safeguard policies and procedures of other donors and project partners.

Assess the adequacy of the identified applicable policy, legal/regulatory and institutional framework relative to implementing and sustaining the proposed project, especially the proposed mitigation, monitoring and institutional responsibilities. Where standards differ, **Chitukuko Foundation** requires adherence to the higher standard. This discussion provides the legal and regulatory context for the project and helps to ensure that all relevant planning approvals are identified. It must be noted that **Chitukuko Foundation** will not support activities that do not comply with national law and obligations under international law, whichever is higher (“Applicable Law”).

Step 4: Examine Project Alternatives and Revise Project Design.

Systematically review and compare feasible⁴ project alternatives identified during scoping and initial public consultation and select the preferred or most socially and environmentally sound and benign option(s) for achieving the objectives of the proposed project. Potential type and scale of likely social and environmental impacts associated with different alternatives should be considered. Consider all types of alternatives related to overall approach and project design, including the “no action” alternative. Factors to consider include:

- Project site locations⁵
- Timing
- Scales
- Partners
- Intensities
- Technologies/processes
- Facilities designs
- Construction
- Operation and maintenance
- Organizational and management setups
- Ways of dealing with impacts

⁴ Determining feasibility of alternatives has several dimensions. Technical feasibility means the proposed measures and actions can be implemented with commercially viable skills, equipment and materials, taking into consideration prevailing local factors such as climate, geography, demography, infrastructure, security, governance, capacity and operational reliability. Financial feasibility means the ability to apply sufficient financial resources to install the measures and maintain them in operation in the long term.

⁵ Whenever feasible, preference should be given to projects, or project components, that are sited on lands already converted (e.g. not on natural habitats). Among other factors, potential climate change risks need to be considered in project siting decisions.

Based on the alternatives analysis conducted above, determine what, if any, modifications will be made to the project design to improve the social and environmental sustainability of the proposed project.

Step 5: Analyze and Evaluate Risks and Impacts.

Review and refine the list of potential risks and impacts identified during the scoping process.

This step of the assessment should consider the type, location, sensitivity and scale of the proposed project, analyze all of the likely and relevant social, environmental and related effects, including where relevant potential impacts on the following features:

- Physical: surface and ground water, air, soil, land use, landform/topography, noise, vibration, geology, seismicity and other natural hazards, resource use, waste, greenhouse gases, etc.
- Biological: terrestrial and aquatic flora and fauna, habitat, ecosystems and ecosystem services, endangered species, protected areas, etc.
- Social and socioeconomic: impacts on socioeconomic conditions, human rights, livelihoods, indigenous peoples, vulnerable or marginalized groups, gender dimensions, risks of physical and/or economic displacement, occupational health and safety, cultural heritage, community health and safety. Examine if individuals or groups may be differentially or disproportionately affected because of their disadvantaged or marginalized status, and if so, ensure adverse impacts do not affect them disproportionately⁶.

This step should also review and refine the project's spatial and temporal area of influence established during the scoping phase. Impacts and risks must be analyzed in the context of the area of influence.

The spatial scope of potential impacts (i.e. area of influence) will encompass:

- The primary project site(s) and related facilities that **Chitukuko Foundation** and its Implementing Partners develop or control, such as buildings and facilities, protected areas, agricultural areas, fisheries, transportation, construction areas (e.g. seawalls, solar installations, roads);
- Associated facilities that are not funded or financed as part of the proposed project (funding or financing may be provided separately by the Implementing Partners or by third parties including multilateral financing institutions), and whose viability and existence depend on the project;
- Areas potentially impacted by cumulative impacts from the incremental adverse impacts of the project when added to other past, existing, planned or reasonably predictable future projects and developments (e.g. incremental contribution to pollutant emissions, forest depletion due to multiple logging concessions). Assessing potential cumulative impacts enlarges the scale and timeframe for assessing combined effects of multiple activities and impacts;
- Areas potentially affected by impacts from unplanned but predictable developments (indirect and induced impacts) caused by the project that may occur later or at a different location (e.g.

⁶ Disadvantaged or marginalized status may be due to such factors as race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority

facilitation of settlements or illegal logging in intact forest areas through expansion of adjacent agricultural activities);¹⁷

- Transboundary impacts, such as pollution of international waterways or transboundary river basins, air sheds and ecosystems; migration of populations; international relations;
- Global environmental and social impacts, e.g. greenhouse gas emissions, ozone depletion, loss of biodiversity and desertification; loss of cultural diversity and heritage.

The temporal scope of potential impacts will encompass:

- Future anticipated or projected short-term impacts, e.g. increases in consumption, waste, pollution, capacity needs, and health problems resulting from the proposed project;
- Future anticipated or projected long-term impacts, e.g. indirect or secondary effects of induced unplanned development and changes in socio-economic conditions;
- Present or baseline pollution of the proposed project site or facilities, e.g. soil and ground water pollution originating from past disposal of or contamination with hazardous substances or wastes.

Impacts must also be analyzed for the key phases of a proposed project's lifecycle.

The organizational/management scope of potential impacts will include **Chitukuko Foundation** and the Implementing Partner as well as the:

- Role and capacity of third party organizations, e.g. governments, construction contractors and suppliers (with whom the proposed project or Implementing Partner has a substantial involvement), or an operator of an associated facility (to the extent of the Project Developer's control or influence over these organizations);
- Supply chain organizations (where the resource utilized by the proposed project is ecologically sensitive, or where low labor cost is a factor in the competitiveness of the item supplied). Use the following parameters to further characterize and quantify the potential social and environmental impacts: positive and negative, direct and indirect (primary and secondary), cumulative and synergistic, and reversible and irreversible.

Determine whether the proposed project will meet applicable social and environmental requirements (e.g. national laws and regulations, international obligations, UNDP SES) and determine what reasonable period of time will be needed. For impacts that cannot be fully mitigated, determine the relative importance and acceptability of the residual impact (e.g., additional resources needed).

The purpose is to identify 'win-win' solutions where multiple, mutually reinforcing gains can strengthen the economic base, provide equitable conditions for all, and protect and enhance social and environmental sustainability.

Step 6: Prepare an ESIA Report

An ESIA Report will be prepared to provide an adequate, accurate and impartial evaluation and presentation of the issues and conclusions of the assessment. This report, which is usually technical, must be presented in an understandable format and in an appropriate language(s). Draft assessments and reports, including any draft management plans, should be disclosed before project appraisal; however if the assessment is conducted as part of project implementation (see Section 4.1 of this Guidance Note), then draft assessments need to be disclosed and consulted on prior to initiation of

any activities that may lead to adverse social and environmental impacts. Short summaries and graphic presentations will often be required to facilitate reading and understanding. Moreover, a non-technical summary – that can be understood by different stakeholders – should be included to facilitate and encourage comments. Where appropriate, independent expertise should be used to assist in the preparation of ESIA reports. Attachment 1 provides an outline of the content of an ESIA Report. Final reports are disclosed upon completion.

STAGE 4: PREPARING AN ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

Taking into account the relevant findings of the ESIA and the results of consultation with the project stakeholders, an Environmental and Social Management Plan (ESMP) needs to be prepared. The ESMP will be integrated into the overall project design, including the Project Monitoring Framework and Monitoring Schedule Plan.

The ESMP consists of a set of mitigation, monitoring and institutional measures, including policies, procedures and practices – as well as the actions needed to implement these measures – to achieve the desired social and environmental sustainability outcomes.

An ESMP may apply broadly across **Chitukuko Foundation** and Implementing Partner organizations for project implementation, or it may apply to specific sites, facilities, or activities relating to the proposed project. The ESMP may range from a brief description of routine mitigation and monitoring measures (e.g. for Moderate Risk projects with limited, readily identifiable potential impacts) to a series of specific plans as required by UNDP's Social and Environmental Standards (refer to specific requirements of applicable standards), including, for example, Resettlement Action Plans/Livelihood Action Plans, Indigenous Peoples Plans, Biodiversity Action Plans, Cultural Heritage Management Plans, Emergency Preparedness and Response Plans. The level of detail and complexity of an ESMP and priority of the identified measures and actions will be commensurate with the proposed project's risks and impacts. All plans will contain specific monitoring measures.

The ESMP will define desired social and environmental management outcomes and specify social and environmental indicators, targets, or acceptance (threshold) criteria to track ESMP implementation and effectiveness. It will also provide estimates of the human and financial resources required for implementation and identify organizational structure and processes for implementation.

Recognizing the dynamic nature of the project development and implementation process, the implementation of an ESMP will be responsive to changes in project circumstances, unforeseen events, and the results of monitoring.

An ESMP will consist of separate sections on:

- I. Social and environmental impact mitigation;
- II. Social and environmental sustainability monitoring;
- III. Capacity development;
- IV. Stakeholder engagement;
- V. Implementation action plan.

(1) *Social and environmental impact mitigation.* The ESMP will include environmental and social impact mitigation actions, in accordance with the following, listed in descending order of preference (i.e. the mitigation hierarchy):

- Avoid, prevent or eliminate environmental and social risks and adverse impacts, wherever technically and financially feasible; for proposed projects involving existing facilities, remediation may need to be undertaken instead of, or in addition to, mitigation;
- Where it is not technically or financially feasible to avoid, prevent or eliminate risks and impacts, identify measures and actions to minimize and mitigate impacts so that the project operates in compliance with applicable international (including UNDP requirements), national and local environmental and social laws and regulations, or achieves acceptable levels of impacts otherwise defined and agreed;
- Where it is not technically or financially feasible to minimize and mitigate risks and impacts, identify measures to offset them by enhancing the proposed project's positive environmental and social impacts;
- Where avoidance, mitigation and offset measures are not technically or financially feasible, identify compensatory measures to balance the residual adverse impacts.

The ESMP will describe each mitigation measure, including the type of impact and social and environmental parameter(s) to which it relates, the location and frequency, timing or conditions under which the measure is required (e.g., continuously or in the event of contingencies), and provide technical details on the mitigation technology, process, equipment, design and operating procedures, as appropriate. Potential social and environmental impacts of these measures will be estimated. Linkages with other mitigation plans (e.g., for displacement, indigenous peoples, or cultural heritage) required for the proposed project will be identified.

(2) *Social and environmental sustainability monitoring and reporting.* The ESMP will detail the social and environmental monitoring to be conducted during project implementation to:

- Provide information about actual versus predicted social and environmental impacts;
- Measure the effectiveness and evaluate the success of mitigation, remediation and enhancement measures;
- Evaluate compliance with applicable international, national, and local policies laws, regulations, UNDP SES, other relevant performance standards, policies and procedures;
- Allow corrective action to be taken when needed.

Specifically, the ESMP will detail the:

- Mitigation measure being monitored;
- Parameters to be measured;
- Sampling and analytical or other monitoring methods to be used, including staff, procedures and detection limits (where appropriate);
- Sampling or monitoring locations;
- Frequency or timing of measurements;
- Definition of thresholds that will signal the need for corrective actions.

In addition to recording information to track performance and establishing relevant operational controls, the monitoring plan will require the use of dynamic mechanisms, such as inspections and audits, where relevant, to verify compliance and progress toward the desired outcomes.

Monitoring activities should involve direct participation of affected stakeholders, where possible.

Stakeholder complaints or grievances are to be tracked and monitored.

Monitoring and reporting should include data disaggregated by categories of potential beneficiary and/or affected groups, and include specific gender indicators.

The monitoring plan should require the retaining of qualified and experienced external experts to verify monitoring information.

Evaluation, reporting and management of monitoring measures will also be specified in the ESMP. This will include required documentation and reporting of monitoring results and provisions for adjusting and amending the ESMP (e.g. incorporating corrective actions) in accordance with monitoring experience and feedback (see also stakeholder engagement section below).

Periodic reports are to be provided to the affected communities that describe progress with implementation of the ESMP and related action plans and on issues that the consultation process or grievance process has identified as a concern. Any material changes or additions to the mitigation measures or actions plans will be communicated to affected communities. Reports will be provided at a frequency proportionate to the concerns of affected communities but not less than annually; quarterly reporting is recommended.

(3) Capacity development. The ESMP will assess and detail a plan to develop implementation capacity, where needed. This will involve determining if there is sufficient capacity within the responsible organizations or institutions for implementing the ESMP. If not, a determination should be made as to whether it will be possible to develop the appropriate capacity and, if so, at what cost and in what timeframe.

The capacity development section of the ESMP will:

- Recommend management arrangements for the project, including structure, roles, responsibilities, and authorities;
- Designate specific personnel, including management representative(s), with well-defined and clearly communicated lines of responsibility and authority;
- Require sufficient oversight and human and financial resources be provided on an ongoing basis to achieve effective and continuous environmental and social management throughout the life of the proposed project.

If needed, the capacity development section of the ESMP will outline a plan for strengthening capacities of **Chitukuko Foundation** staff, Implementing Partner staff, and contractors with direct responsibility for activities relevant to the social and environmental sustainability of the proposed project so that they have the knowledge and skills necessary to perform their work, including current knowledge of the country's regulatory requirements. Capacity development will also address the methods required to perform the specific actions and measures of the ESMP in a competent and efficient manner. The capacity development plan will have the following components:

- Identification of capacity needs;
- Development of a capacity development plan to address defined needs;

- Monitoring and Evaluation of capacity development plan.

(4) Stakeholder Engagement. The ESMP will be developed in close consultation with project stakeholders and disclosed in draft and final form. The ESMP is to include a section that outlines a stakeholder engagement plan to promote meaningful, effective consultations during project implementation, including identification of milestones for consultations, information disclosure, and periodic reporting on progress on project implementation and issues of concern to project stakeholders. The plan should also include a description of effective processes for receiving and addressing stakeholder concerns and grievances regarding the project's social and environmental performance.

If ESMP review and evaluation result in material changes in, or additions to, the mitigation, monitoring or capacity development measures or actions described in the ESMP on issues of concern to the stakeholders, the updated measures or actions will also be developed in close consultation with stakeholders and disclosed.

Periodic reports will be provided to potentially affected communities describing progress with implementation of the ESMP and on issues that the consultation process or grievance mechanism has identified as a concern. The frequency of these reports will be proportional to the concerns of the stakeholders but not less than annually. For projects designated as highly complex and sensitive, quarterly reporting should be required.

(5) Implementation action plan (schedule and cost estimates). For above aspects (mitigation, monitoring, capacity development, and stakeholder engagement), the ESMP 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 ESMP. These figures are also integrated into the total project cost tables.

(6) Consultations on draft ESIA and ESMP. Meaningful, effective and informed consultations with project affected stakeholders should be undertaken on the draft ESIA and ESMP to ensure that they adequately respond to potential issues and concerns. The draft ESIA and ESMP are to be disclosed. At a minimum the draft ESIA report, which includes a summary of the draft ESMP, should be translated into local languages and made accessible with appropriate lead-time before consultation meetings. A summary of the consultation should be produced and disclosed and the draft ESIA and draft ESMP should be revised as appropriate per input from project-affected stakeholders

STAGE 5: APPRAISING THE ESIA

As has been mentioned earlier, one of the main purposes of this guidance note is to provide information that will enable **Chitukuko Foundation** staff to ensure quality of the ESIA process (usually undertaken by external specialists), and appraise ESIA documentation completed by government or donor partners.

Appraisal should ensure that the ESIA/ESMP work:

- Meets its terms of reference, both procedurally and substantively;
- Provides an accurate and complete evaluation of the proposed project;
- Contains the information required for decision-making;
- Describes specific mitigation, monitoring and capacity development measures that comply with applicable law, regulations, and UNDP Social and Environmental Standards;
- Assesses capacity of institutions responsible for implementing social/environmental management;
- Was developed through a consultative process with strong iterative stakeholder engagement;
- Assesses the adequacy of the capacities, cost of and financing arrangements for environmental and social management implementation.

ANNEX 4. INDICATIVE OUTLINE OF ESIA REPORT

An ESIA report should include the following major elements (not necessarily in the following order):

(1) Executive summary: Concisely discusses significant findings and recommended actions.

(2) Legal and institutional framework: Summarizes the analysis of the legal and institutional framework for the project, within which the social and environmental assessment is carried out, including (a) the country's applicable policy framework, national laws and regulations, and institutional capabilities (including implementation) relating to social and environmental issues; obligations of the country directly applicable to the project under relevant international treaties and agreements; and (c) and other relevant social and environmental standards and/or requirements, including those of any other donors and development partners.

(3) Project description: Concisely describes the proposed project and its geographic, social, environmental, and temporal context, including any offsite activities that may be required (e.g., dedicated pipelines, access roads, power supply, water supply, housing, and raw material and product storage facilities), as well as the project's primary supply chain. Includes a map of sufficient detail, showing the project site and the area that may be affected by the project's direct, indirect, and cumulative impacts. (i.e. area of influence).

(4) Baseline data: Summarizes the baseline data that is relevant to decisions about project location, design, operation, or mitigation measures; identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions; assesses the scope of the area to be studied and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences; and takes into account current and proposed development activities within the project area but not directly connected to the project.

(5) Social and environmental risks and impacts: Predicts and takes into account all relevant social and environmental risks and impacts of the project, These will include, but are not limited to, the following: (a) Environmental risks and impacts, including: any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats, biodiversity, and ecosystems; those related to climate change and other transboundary or global impacts; those related to community health and safety; those related to pollution and discharges of waste; those related to the use of living natural resources, such as fisheries and forests; and those related to other applicable standards⁷. (b) Social risks and impacts, including: any project-related threats to human rights of affected communities and individuals; threats to human security through the escalation of personal, communal or inter-state conflict, crime or violence; risks of gender discrimination; risks that adverse project impacts fall disproportionately on disadvantaged or marginalized groups; any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of disadvantaged or marginalized groups; negative economic and social impacts relating to physical displacement (i.e. relocation or loss of shelter) or economic

⁷ For example, the Environmental, Health, and Safety Guidelines (EHSGs), which are technical reference documents with general and industry-specific statements of Good International Industry Practice. The EHSGs contain information on industry-specific risks and impacts and the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable cost. Available at www.ifc.org/ehsguidelines.

displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land or resource acquisition or restrictions on land use or access to resources; impacts on the health, safety and well-being of workers and project-affected communities; and risks to cultural heritage.

(6) Analysis of alternatives: systematically compares feasible alternatives to the proposed project site, technology, design, and operation – including the "without project" situation – in terms of their potential social and environmental impacts; assesses the alternatives' feasibility of mitigating the adverse social and environmental impacts; the capital and recurrent costs of alternative mitigation measures, and their suitability under local conditions; the institutional, training, and monitoring requirements for the alternative mitigation measures; for each of the alternatives, quantifies the social and environmental impacts to the extent possible, and attaches economic values where feasible. Sets out the basis for selecting the particular project design.

(7) Mitigation Measures: Inclusion or summary of (with attachment of full) Environmental and Social Management Plan (ESMP) (see indicative outline of ESMP below.) The ESMP identifies mitigation measures required to address identified social and environmental risks and impacts, as well as measures related to monitoring, capacity development, stakeholder engagement, and implementation action plan. **(8) Conclusions and Recommendations:** Succinctly describes conclusion drawn from the assessment and provides recommendations.

(9) Appendices: (i) List of the individuals or organisations that prepared or contributed to the social and environmental assessment; (ii) References – setting out the written materials both published and unpublished, that have been used; (iii) Record of meetings, consultations and surveys with stakeholders, including those with affected people and local NGOs. The record specifies the means of such stakeholder engagement that were used to obtain the views of affected groups and local NGOs, summarizes key concerns and how these concerns addressed in project design and mitigation measures; (iv) Tables presenting the relevant data referred to or summarized in the main text; (v) Attachment of any other mitigation plans; (vi) List of associated reports or plans.

ANNEX 5. INDICATIVE OUTLINE OF AN ESMP

An ESMP may be prepared as part of the Environmental and Social Impact Assessment (ESIA) or as a stand-alone document⁸. The content of the ESMP should address the following sections:

(1) Mitigation: Identifies measures and actions in accordance with the mitigation hierarchy that avoid, or if avoidance not possible, reduce potentially significant adverse social and environmental impacts to acceptable levels. Specifically, the ESMP: (a) identifies and summarizes all anticipated significant adverse social and environmental impacts; (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 social and environmental impacts of these measures and any residual impacts following mitigation; and (d) takes into account, and is consistent with, other required mitigation plans (e.g. for displacement, indigenous peoples).

(2) Monitoring: Identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the environmental and social assessment and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP 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.

(3) Capacity development and training: To support timely and effective implementation of social and environmental project components and mitigation measures, the ESMP draws on the environmental and social assessment of the existence, role, and capability of responsible parties on site or at the agency and ministry level. Specifically, the ESMP provides a description of institutional arrangements, identifying which party is responsible for carrying out the mitigation and monitoring measures (e.g. for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). Where support for strengthening social and environmental management capability is identified, ESMP recommends the establishment or expansion of the parties responsible, the training of staff and any additional measures that may be necessary to support implementation of mitigation measures and any other recommendations of the environmental and social assessment.

(4) Stakeholder Engagement: Outlines plan to engage in meaningful, effective and informed consultations with affected stakeholders. Includes information on (a) means used to inform and involve affected people in the assessment process; (b) summary of stakeholder engagement plan for meaningful, effective consultations during project implementation, including identification of milestones for consultations, information disclosure, and periodic reporting on progress on project

⁸ This may be particularly relevant where contractors are being engaged to carry out the project, or parts thereof, and the ESMP sets out the requirements to be followed by contractors. In this case the ESMP should be incorporated as part of the contract with the contractor, together with appropriate monitoring and enforcement provisions.

implementation; and (c) description of effective processes for receiving and addressing stakeholder concerns and grievances regarding the project's social and environmental performance.

(5) Implementation action plan (schedule and cost estimates): For all four above aspects (mitigation, monitoring, capacity development, and stakeholder engagement), ESMP 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 ESMP. These figures are also integrated into the total project cost tables. Each of the measures and actions to be implemented will be clearly specified and the costs of so doing will be integrated into the project's overall planning, design, budget, and implementation.

ANNEX 6. INDICATIVE OUTLINE OF AN ESMF

This document provides an outline and key steps that should be considered when conducting or reviewing an Environmental and Social Management Framework (ESMF). The outline provided below can also be used as a general reference to assist in developing a Terms of Reference for undertaking an ESMF.

An ESMF sets out the principles, rules, guidelines and procedures for screening, assessing, and managing the potential social and environmental impacts of forthcoming but as yet undefined interventions. It contains measures and plans to avoid, and where avoidance is not possible, to reduce, mitigate and/or offset adverse risks and impacts. The ESMF specifies the most likely applicable social and environmental policies and requirements and how those requirements will be met through procedures for the screening, assessment, approval, mitigation, monitoring and reporting of social and environmental risks and impacts associated with the activities to be supported.

An ESMF is typically utilized when a project consists of a series of sub-projects/activities or subsequent downstream implementation of policies, plans, programmes that cannot be fully assessed until the details of the sub-project or activities have been identified (often later in the project cycle). The ESMF ensures that the sub-project/activities are screened and assessed and that appropriate management measures are in place prior to implementation.

The ESMF procedures are to be designed to ensure compliance with the relevant social and environmental policy framework, including UNDP's SES, during the implementation of the activities. The ESMF also specifies the inter-institutional arrangements for the preparation of time-bound action plans for avoiding, and where avoidance is not possible, reducing, mitigating, and managing adverse impacts related to the future activities or policies/regulations. It also contains provisions for estimating and budgeting the costs of such measures.

The ESMF should be prepared as a stand-alone document. A draft ESMF should be prepared as early as possible so that it can be publicly disclosed and be the subject of meaningful public consultation. Early disclosure and consultations on the draft ESMF ensure that stakeholders are kept informed of relevant issues that may affect them before specific activities or policies/regulations with potentially adverse social and environmental impacts are adopted.

It is critical to ensure that implementation of the ESMF is properly supervised. Project documentation needs to specify that sub-projects/activities which may potentially cause adverse social and environmental impacts may not proceed until they are screened and assessed and that appropriate management measures are in place, according to the rules and procedures of the ESMF.

Indicative outline of an ESMF –

(1) Executive Summary: Concise description of the ESMF including information summarized from preliminary assessments (if conducted) and stakeholder consultations carried out during project preparation, including on the draft ESMF document.

(2) Project description: Concisely describes the proposed project and its social and environmental context. Summarize project components, including typology of the future activities, sub-projects, policies, and/or regulations to be supported by the project.

(3) Potential social and environmental impacts: A description of the potential social and environmental impacts, both positive and negative, related to typology of likely activities, sub-projects, policies, and/or regulations to be supported during project implementation.

(4) Legal and institutional framework: Summarizes the legal and institutional framework for the project, including (a) the country's applicable policy framework (e.g. national laws and regulations) relating to relevant social and environmental issues; obligations of the country directly applicable to the project under relevant international treaties and agreements; (b) likely applicable requirements under UNDP's SES; and (c) and other relevant social and environmental standards and/or requirements, including those of any other donors and development partners. Compares the existing social and environmental frameworks and applicable requirements of other donors/development partners including UNDP's SES, and identifies any potential gaps that may need to be addressed.

(5) Procedures for screening, assessment and management: Specify the procedures for reviewing and addressing potential social and environmental issues and impacts of specific project activities, subprojects, policies, or regulations to be adopted during implementation, including the following: (a) Screening of social and environmental issues and impacts and determining applicable social and environmental standards and requirements (including UNDP SES) and the appropriate types of social and environmental assessment needed to address identified impacts. (b) Preparing and approving time-bound action plans for avoiding, and where avoidance is not possible, reducing, mitigating, and managing adverse impacts, including development of specific management plans according to applicable policies and regulations, including UNDP's SES (e.g. Environmental and Social Management Plans, Indigenous Peoples Plans, Resettlement or Livelihood Action Plan). Generic outlines of such plans may be included (to be completed post-assessment).

(6) Institutional arrangements and capacity building: Clear definition of roles and responsibilities of project staff and associated agencies in implementation of project activities and application of social and environmental procedures (e.g. screening, assessment, preparation of management plans, monitoring). Assess the particular institutional needs within the implementation framework for application of the ESMF, including a review of the authority and capability of institutions at different administrative levels (e.g. local, district, provincial/regional, and national), and their capacity to manage and monitor ESMF implementation. Where necessary, capacity building and technical assistance activities should be included to enable implementing agencies and involved institutions and stakeholders to implement the ESMF, including preparation, implementation and monitoring of specific social and environmental management plans/measures.

(7) Stakeholder engagement and information disclosure process: Describe procedures for ensuring consultation and stakeholder engagement during assessment, development of action plans, and monitoring of social and environmental impacts associated with specific project activities, including information disclosure requirements.

(8) Grievance redress mechanism: Describe mechanisms to provide stakeholders and potential affected communities avenues to provide feedback or grievances, and receive responses, with regard to the implementation of specific activities, policies, or regulations.

(9) Monitoring and evaluation arrangements: Define the monitoring and evaluation arrangements in order to monitor the implementation of the ESMF and specific social and environmental management plans/measures, including the parameters to be measured and arrangements for stakeholder participation in such monitoring.

(10) Budget for ESMF implementation.

(11) Annexes and List of Figures as applicable