



PROJECT INCEPTION REPORT

Country: Cook Islands

Project ID: COK/NIE/Multi/2017/1

Project Title: “Akamatutu’anga kia Tukatau te Ora’anga ite Pa Enuā”

PA ENUA ACTION FOR RESILIENT LIVELIHOODS (PEARL)

Implementing Entity: Ministry of Finance and Economic Management (MFEM)

Executing Agency: Office of the Prime Minister

Amount of Financing Requested: USD 2,999,125

Programme Management Unit (PMU)

Report Prepared by: _____ (signature)

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Date: January 31st 2019

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1 Introduction

1.1 Project Overview

The Cook Islands experiences a range of natural hazards, including tropical cyclones, tsunamis, floods and droughts. It is increasingly vulnerable to slow and fast-onset events resulting from natural, man-made and climate related hazards such as coastal erosion from sea level rise, ocean acidification, tropical cyclones and drought. In addition, the existing socio-economic, infrastructure and environmental pressures intensify this vulnerability. The outer islands of the Cook Islands (known as Pa Enua) has been challenged to effectively implement disaster risk management, water and food security plans due to limited national coordination frameworks, information gaps, and duplication of effort resulting in poor and/or insufficient early warning systems and coping strategies.

The widely dispersed islands of the Cook Islands have a significant impact on the economy. Rarotonga is the hub of commercial activities and tourism, and is home to around 72 per cent of the population as at Census 2016. The emergence of climate change has served to compound an already vulnerable situation for the Pa Enua islands by, amongst other things, making extreme climatic events become more frequent and more intense. Apart from the hazards created by more intense weather events climate change has also added a whole new suite of inter-related hazards, many of them slow-onset in nature – such as global warming, changing patterns of seasonal climatic conditions, sea level rise, ocean acidification and changes to our ecosystems. These changes in turn impact on the distribution, and indeed survival, of many important plant and animal species essential for the Pa Enua. This holds potentially catastrophic implications for certain key sectors such as agriculture and fishing in the Cook Islands. Capacity to adapt to these changes are addressed by the Pa Enua Action for Resilient Livelihoods Programme.

On 14 July 2016, the Ministry of Finance and Economic Management (MFEM), on behalf of Cook Islands Government (CIG) became the 24th National Implementing Entity (NIE) with Development Coordination Division (DCD) as the NIE for five years ending July 2021. On 22 March 2018, the Pa Enua Action for Resilient Livelihoods (PEARL) Programme was approved as the first ever programme for implementation by the NIE. This a three year programme with a total budget of about US\$3million designed to support activities that strengthen the resilience of Pa Enua communities to disasters and climate change.

This project is key to strengthening the livelihoods and capacity of the Pa Enua Communities to Disaster Risk and Climate Change Impacts.

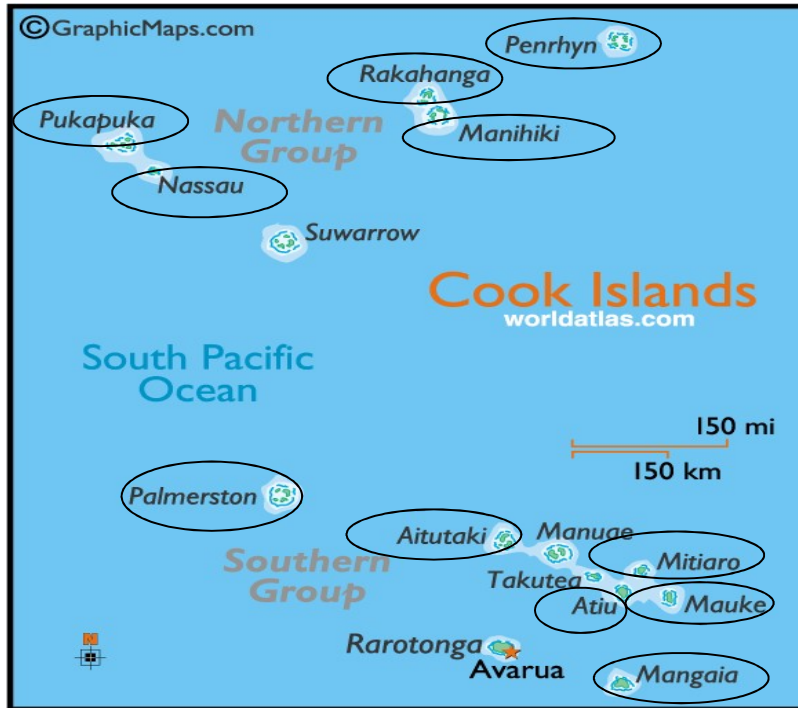


Image 1 Map of Cook Islands. The circled islands are Pa Enua PEARL Project sites. Source: www.worldatlas.com

1.2 Objectives

The objective of the Adaptation Funded Pa Enua Action for Resilient Livelihoods (PEARL) Programme is to “build and implement an integrated approach to further increase the adaptive capacity of remote island communities and ecosystems to disaster risk and climate change impacts”.

The project consists of three components:

Component 1: Strengthening disaster risk governance to manage disaster risk and enhancing disaster preparedness for effective response to “Build Back Better” in recovery, rehabilitation and reconstruction.

Component 2: Integrated Water Security Management Planning and Implementation

Component 3: Revitalized agricultural production systems strengthening island food sources and livelihoods in the Pa Enua

2 Inception Phase Discussions and Activities

2.1 PSG Meeting Summary

During the Inception Phase the Programme Steering Group of the “Pa Enea Action for Resilient Livelihoods (PEARL)” convened for the first meeting of the committee at the office of Climate Change Cook Islands on 24th January 2019 with key stakeholders. The PSG meeting served as an overview and discussion of key project components, alignment with the PEARL Programme Document, Results Framework, Reporting and defining the 2019 Annual Work plan.

The agenda for the first Project Steering Committee (PSG) meeting was:

- 1) Introduction of PSG
- 2) PEARL Programme Document
- 3) PSG Terms of Reference (TOR)
- 4) Quarterly Progress Report
- 5) Endorsement of the
 - a. 2019 Annual Work Plan
 - b. 2019 Quarterly Work Plan and Activities for first quarter
 - c. Annual Budget
 - d. Inception Report
- 6) Any Other Business

The PSG endorsed and confirmed the proceedings of the first Programme Steering Group Meeting unanimously with sufficient representatives for each of the key stakeholders represented by those in attendance to reach the quorum.

PSG agreed in principal to all of the presented and emailed documents and were given 48 business hours to make any comments on any of the documents to be decided on. If no comments were made the documents were to be fully endorsed by PSG. No comments were received for change.

2.2 The Inception Workshop

The project proposal was officially approved by the Adaptation Fund in March 22nd of 2018. The project document which was the main focus of the Inception Workshop, was officially endorsed and signed between the Government of Cook Islands and MFEM in 2018.

The Inception Workshop was conducted on the 6th December 2018 with the aim of gauging stakeholder perspective and input to project components and activities as identified in the Project Document. The purpose of this workshop was to provide an opportunity to review the approved Project Document and seek stakeholder contribution to the overall approach, components and activities that incorporates any new information. The stakeholders invited included the Ministry of Finance (MFEM), Ministry of Health (MOH), Ministry of Works Transport and Infrastructure (ICI), Ministry of Internal Affairs (INTAFF), Ministry of Agriculture (MoA), Cook Islands Tourism (CIT), and the Cook Islands Umbrella for Non-Governmental Organizations (CISCO). See Annex 1.



Image 1 : PEARL Inception Workshop Group Photo

The Inception Workshop started with welcome remarks delivered by the Manager of DCD Ms Lavinia Tama.

A presentation on the overview of the project was delivered by Mr Mani Mate National Programme Manager, National Implementing Entity (NIE) from Ministry of Finance and Economic Management (MFEM), Mr Mia Teaurima Programme Development Manager (NIE) from MFEM and Mrs Melina Tuiravakai PEARL Project Coordinator of Project Management Unit (PMU) from Climate Change Cook Islands (CCCI) of the Office of the Prime Minister (OPM).

Presentations were conducted on each Component and Programme Results Framework by Component Coordinators, Component One Coordinator Mr Timoti Tangiruaie from Emergency Management Cook Islands (EMCI) of the Office of the Prime Minister (OPM), Component Two Coordinator Mr Taukea Rau from Ministry of Infrastructure and (ICI) and Component Three Coordinator Mr Takili Tairi from Ministry of Agriculture (MOA).

The discussions and suggestions put forward will be assessed and relevant matters incorporated in to the Project Document.



Images above – taken during the PEARL Inception Workshop on December 2018.

The matters raised during the PEARL Inception Workshop are highlighted under Section 2.2 of this report.

2.3 Inception Workshop Feedback

The majority of the stakeholder comment and feedback focused on the implementation approach and the identified activities.

The discussions also targeted the similarities between the AF programme and the other government and NGO’s projects and the potential for harmonization where appropriate.

The comments given for each of the three components are summarized below:

Component 1

- Project team to ensure proper and coherent coordination of all Climate Change projects to ensure effectiveness of outcomes.

- Results framework to identify qualitative targets to complement identified quantitative figures.
- Recommendation given to have a centralized system for data management from all government agencies to avoid duplication and established data management standards.
- Highlight the importance of having trained participants from Pa Enuua to disperse knowledge to all community members for increased awareness.
- Provide an avenue or career path opportunity within agencies to sustain the project. .
- Use existing government structures in channelling communications and networking.
- Highlight the importance of awareness and the importance of the maintenance of infrastructure.
- Identify Gender and Environmental and Social Safeguard (ESS) issues.
- Identity a Focal Point (recommendation to be employed by the Island Government) within the Pa Enuua to be trained in the first year of the project working in partnership with the Island Government and NGO's. Lessons Learned from previous projects is that when the project is over there is limited human resources and training opportunity for existing staff (SPC Water Security Exit Strategy¹).

Component 2

- Project team to ensure proper and coherent coordination of all Climate Change projects to ensure effectiveness of outcomes.
- Results framework to identify qualitative targets to complement identified quantitative figures.
- Have sufficient Climate Change related information reflected in baseline information to support implementation.
- Reliability of water supply to be ensured.
- 'Water Quality' to comply with National Drinking Water Standards led by the Ministry of Health.
- Recommendation to include household water tank in Tutaka Form, data collection in Pa Enuua in partnership with Ministry of Health and respective agencies.
- Identify Gender and Environmental and Social Safeguard (ESS) issues.
- Highlight the importance of having trained participants from Pa Enuua to disperse knowledge to all community members for increased awareness. To provide an avenue or career path opportunity within agencies to sustain the project.
- Identity a Focal Point (recommendation to be employed by the Island Government) within the Pa Enuua to be trained in the first year of the project working in partnership with the Island Government and NGO's. Lessons Learned from previous projects is that when the project is over there is limited human resources and training opportunity for existing staff.
- Use existing government structures in channelling communications and networking.
- Highlight the importance of awareness and the importance of the maintenance of infrastructure.

Component 3

- Project team to ensure proper and coherent coordination of all Climate Change projects to ensure effectiveness of outcomes.
- Results framework to identify qualitative targets to complement identified quantitative figures.

¹ Proposal to assist with budgeting for Focal Point on all Pa Enuua as an exit strategy for the Water Security Project in the Pa Enuua.

- Have sufficient Climate Change related information reflected in baseline information to support implementation.
- Reliability of water supply to be ensured. (Harmonized with Component 2)
- Identify Gender and Environmental and Social Safeguard (ESS) issues.
- Use existing government, NGO's and private sector structures in channelling communications, marketing, supply chain and networking.
- Highlight the importance of awareness and the importance of the maintenance of infrastructure.
- Establish reliable markets to provide a consistent supply of produce, crafts and added value/niche products.
- Improved variety of staple crops that are resilient in the face of increased climate variability
- Encourage climate resilient native foods and organic farming.
- Promote reforestation in terms of Climate Change.
- Support Traditional knowledge and building capacity in the Pa Enuu.
- Identity a Focal Point (recommendation to be employed by the Island Government) within the Pa Enuu to be trained in the first year of the project working in partnership with the Island Government and NGO's. Lessons Learned from previous projects is that when the project is over there is limited human resources and training opportunity for existing staff.

The revised result framework is attached as Annex 5.

2.4 Key Concerns

One of the key concerns raised during the Inception Workshop takes into account the alignment of the project activities for the AF programme with that of the NSDP, JNAP II, Island Governments, Island Community Development Plans (CSDP) and the PEARL Programme Document. The participation and support from MFEM with regards to the alignment of the AF with the PEARL Programme has been an important aspect of the Inception Phase of the project.

Another identified key issue looks at the coordination of all implementing partners to ensure an efficient and coordinated approach during project implementation. To avoid duplication of works and inefficient use of resources each of the Component Coordinators will be based in the implementing agencies working with the Project Management Unit at Climate Change Cook Islands and their respective stakeholders.

With respect to the approach taken by the project, it was recommended that a sector-wide approach be adopted. As recommended, this approach has been taken by most projects to ensure all relevant Agencies, Ministries and Organizations are taken account to avoid duplication.

2.5 Other Activities

The PEARL NIE and PMU team also attended the quarterly Climate Change & Disaster Risk Management Platform meeting which was attended by 20 participants (14 Women and 6 Men) on December 3rd 2018 from Government, Private Sector, Civil Societies and Representative from the New Zealand High Commission at USP Campus. The meeting was held over 1/2 day. The purpose of the meeting was to strengthen project synergies, raise CCA and DRM activities awareness and report project progress.

3 Project Management Arrangements

3.1 Management Organization

The PEARL Programme is a first in the Pacific region as it was approved for implementation through a National Implementing Entity, the Cook Islands Ministry of Finance and Economic Management (MFEM).

MFEM on behalf of government is the accredited National Implementation Entity (NIE) for the international environment funding mechanism, the Adaptation Fund (AF). Adaptation Fund NIE functions is managed by DCD, a division within MFEM, as government's preferred operational focal point for all Official Development Assistance (ODA) to the Cook Islands.

The Executing Agency comprising the Project Management Unit (PMU) has been established in the Climate Change Cook Islands Division of the Office of the Prime Minister (OPM). The PMU will oversee the project execution, supporting the individual agencies that will be executing each component.

Although the PEARL Programme Document (ProDoc) has provided guidance on positions necessary for implementation of the PEARL Programme, this has since been revised with a focus on resources in support of the actual programme execution. Applying the programme structure in practice has required changes since the PMU and the executing agencies were not on existing organization structures for respective executing agencies.

As of November 2018, the Office of the Public Service Commission has endorsed the NIE Unit with DCD comprising of the National Programme Manager, a Development Programme Manager and the Finance Manager. The PMU with CCCI-OPM one Project Coordinator position who will oversee and work closely with one coordination position with Emergency Management Cook Islands (EMCI) as executing agency for Component 1, one coordinating position with Pa Enea Governance Division-OPM as executing agency for component 2, however this component is in the process of being officially moved to Infrastructure Cook Islands (ICI) Water Division along with the Water Coordinator position and one coordination position with Policy, Project & Planning Division-Ministry of Agriculture (MOA) as the executing agency for Component 3.

The following management structure was been presented and discussed at the Inception Workshop. This was also presented and endorsed by the PEARL Programme Steering Committee.

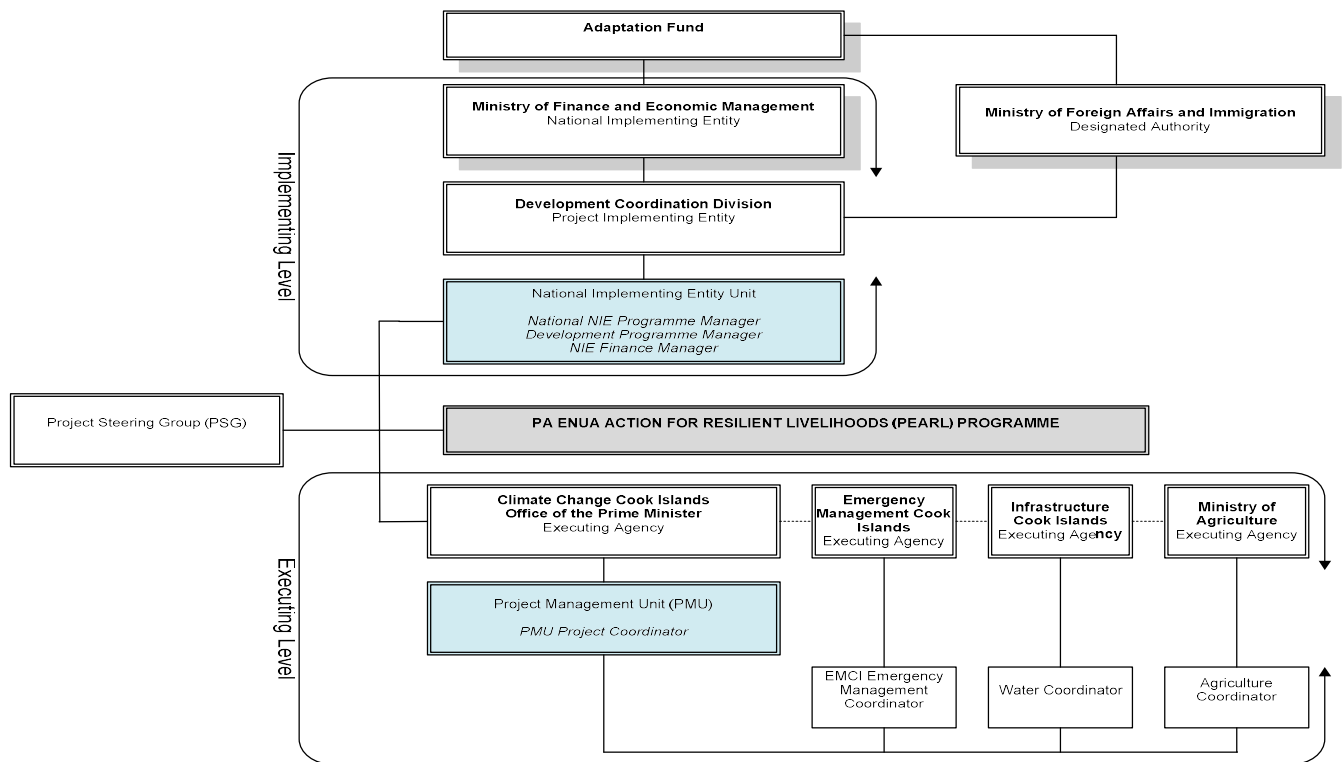


Image 3 : Implementation Arrangements

It was highlighted in the discussions the importance of all relevant stakeholders playing their part in the implementation of the identified project activities. Comments put forward regarding this part of the Project Document have been highlighted below.

- Draft MOUs between different Ministries/Corporations involved in project implementation.
- Use a Sector-wide approach to address different stakeholder involvement.
- Take into consideration coverage of ESS and Gender.

3.2 Programme Steering Group

The Programme Steering Group (PSG) (Terminology changed from “Project Advisory Committee” in Project Document) will support the PEARL Project. The PSG acts as an advisory body to the project providing budget accountability, project guidance, policy input and support. The PSG ensures project alignment to national priorities. The PSG terms of reference is to provide clarity in the role of the PSG, particularly in overseeing progress in achieving the objectives of the PEARL programme. The terms of reference are effective from December 2018.

3.2.1 Roles and Responsibilities

The role and responsibilities of the PSG are to:

1. Provide direct operational oversight of implementation, and support the integration of PEARL actions into the Medium Term Budgetary Framework and annual work/business plan and budgets of the relevant Ministries.
2. Provide feedback to the PEARL project management unit on work plans, reports and project proposals including the monitoring and evaluation framework to support PEARL.

3. Ensure that lessons learned from monitoring and evaluation system are accounted for in the on-going implementation of PEARL.
4. PEARL-PSG will provide overall strategic and policy guidance to ensure the successful implementation of PEARL related CCA/DRR programmes. Specifically;
 - Review and approve programme plans and reports including audits, quality control, lessons learned and evaluations
 - In conjunction with National Implementing Entity Unit and PEARL project management unit authorise any major deviation from agreed plans
 - Provide advice or support to PEARL project management unit to ensure barriers and risks to successful implementation are resolved (e.g. conflict resolution, risk management profiles, barrier removal)
 - Provide guidance to ensure alignment to government and development partners policies, procedures and legislation
 - PEARL-PMU will provide quarterly progress reports to the PEARL-PSG
 - PEARL-PSG shall provide approval to the Water Security Fund and Economic Resilience Fund, submitted from stakeholders through the PEARL-PMU.
5. Support effective communication with key stakeholders (government, development partners, private, NGO's and communities) and decision-making mechanisms for CCA/DRR programmes
6. All PMU members including PEARL Component Coordinators will endeavour to attend PEARL-PSG meetings for relevant project decisions as required

3.2.2 Membership

The membership of the PSG is:

- Chief of Staff – Office of the Prime Minister (OPM)
- Secretary of ICI – Infrastructure Cook Islands (ICI)
- Secretary of Agriculture – Ministry of Agriculture (MoA)
- Manager – Development and Coordination Division (DCD)
- Director – Climate Change Cook Islands (OPM)
- Director – Emergency Management Cook Islands (EMCI)
- Director – National Environment Service (NES)
- Director - Pa Enea Governance Unit (OPM)

4 Project Implementation

4.1 Work Plan for 2019

Key project activities that have been identified for the first few months of the project include the Project Management Unit who will be tasked with project activity administration and coordination. Activities to be implemented during 2019 have been identified and itemized in the Annual Work Plan (AWP) for 2019 as shown in Annex 4.

4.2 Integrating ESS and Gender aspects into the Project

Environmental Social Safeguard and Gender integration in the project will be monitored and emphasised in the implementation of project activities. This will be guided by the Cook Islands Government Gender Policy 2018 (Annex 2) and the Environmental Social Safeguards Framework (Annex 3)

4.3 Lessons Learned and Good Practices

Lessons Learned from the Adaptation Funded Program Strengthening the Resilience of our Islands and Communities to Climate Change (SRIC-CC) is that good communication skills is needed to work through concerns with stakeholders suppliers, shipping and projects. Partnerships with Island Governments, Government Agencies, NGO's and Private Sector can assist in implementing and moving projects to completion. It is important to establish a great network with the Pa Enua and keep stakeholders informed.

Robust mechanism and capacity building is essential for the project. Purchasing materials in bulk will save on shipping and product costing.

5 Monitoring, Evaluation and Reporting

5.1 Monitoring and Reporting Indicators

Regular Progress Report:

The Project Coordinator will submit quarterly progress reports to the Programme Steering Committee for informational purposes before this is submitted to the NIE. The exact progress reporting format will be agreed to in advance between the Project Coordinator and the PSG with input from the NIE.

Update of Risk Log:

Based on the initial risk analysis outlined in the project document, the risk log will be regularly updated by the Project Coordinator to re-assess the status of existing risks.

Programme Performance Report:

The Annual Programme Performance Report will be prepared by the Project Coordinator with the support of Component Coordinators and the NIE and endorsed by the Programme Steering Committee. The report should consist of the standard format for the Programme Performance Report (PPR) covering the whole year with updated information for each element of the PPR as well as a summary of results achieved against pre-defined annual targets at the output level. The report also includes:

- In light of operational experience, revalidate the logic of project and programme results and discern what issues have emerged during implementation: Have the foreseen risks and assumption materialised? Have other unforeseen challenges, opportunities and risks materialised? Are they being managed?
- Confirm that the delivery of outputs would lead to the desired outcome. If not, state what changes are needed. If revisions to project and programme plans are needed, then revisions, results framework with new cost estimates, annual targets etc. should be drafted to facilitate decision making at higher levels.

Annual Project Review:

Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise annual work plan for the following year. In the last year, this review will be a final assessment. This review is driven by the PSG and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to results framework. Once endorsed, key elements from the reports shall feed directly into annual reporting exercise on results at the outcome level.

5.2 Monitoring Strategy

Report Type	Frequency	Responsibility	Tentative Due Date	
Quarterly Work Plans (QWP's)	Quarterly	Component Coordinators & PMU	January 15 th 2019 April 15 th 2019 July 15 th 2019 October 15 th 2019 January 15 th 2020 April 15 th 2020 July 15 th 2020 October 15 th 2020 January 15 th 2021 April 15 th 2021 July 15 th 2021 October 15 th 2021	To refine project delivery targets and re-align project work upon consultation and endorsement by the PSG
Annual Work Plans (AWP's)	Annually	Component Coordinators & PMU	December 2019 December 2020 December 2021	To refine project delivery targets and re-align project work upon consultation and endorsement by the PSG
Quarterly Progress Report	Quarterly	PMU	January 15 th 2019 April 15 th 2019 July 15 th 2019 October 15 th 2019 January 15 th 2020 April 15 th 2020 July 15 th 2020 October 15 th 2020 January 15 th 2021 April 15 th 2021 July 15 th 2021 October 15 th 2021	Monitor progress made since project start and in particular for the previous reporting period
Project Performance Report (PPR)	Annually	PMU & NIE	December 2019 December 2020 December 2021	To provide reporting on, financial, procurement, risk, implementation progress, and progress toward outputs and outcomes, and against the identified milestones. Disbursements of tranches of funding are tied to the clearance of PPRs.

6 Risk Management

The Project Risks and mitigation measures matrix was not discussed at the Inception workshop. The risks and mitigation measures already identified within the Project Document are seen as relevant and have therefore remained unaltered.

7 Conclusion and Recommendation

The Inception workshop was a success with comments and recommendations given being incorporated into the Project Document to ensure better coordination and implementation of project activities.

It is recommended that both the Executing Entity and the Implementing Agency work closely together to ensure that identified project activities are executed at a timely manner to avoid delay.

Annex 1: Inception Workshop Participants – Total of 22 Participants (9 Men and 13 Women)



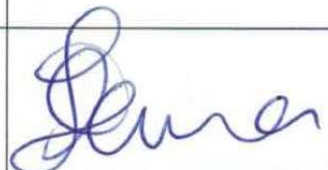

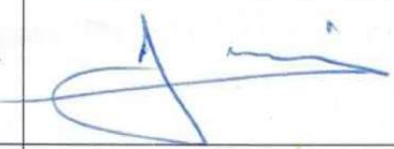







Attendance Sheet




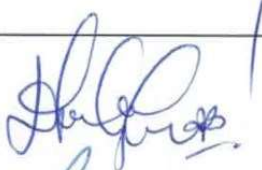




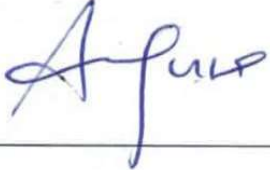

Inception Workshop Thursday, December 6th, 2018 Venue – USP

#	Name	Company/ Department	Email Address	Signature	Gender	
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1	Teariki Vakalalabure	BTIB CEO	teariki.vakalalabure@cookislands.gov.ck	apologises	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4	Melina Tuiravakai	CCCI – PEARL PMU	Melina.tuiravakai@cookislands.gov.ck		<input type="checkbox"/>	<input checked="" type="checkbox"/>
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M / F.

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					M	F
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33	Teina Ringi	MoH		Teina		/
34	Melinda Pierre	MFem		Melinda		/
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36	Tu Bale Vakalabure	BTIR		Bale	/	



**MINISTRY OF FINANCE AND
ECONOMIC MANAGEMENT**

GOVERNMENT OF THE COOK ISLANDS

**GENDER POLICY
2018**

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INTRODUCTION

The overarching Cook Islands national framework on gender equality and women's empowerment

The Cook Islands National Policy on Gender Equality and Women's Empowerment and Strategic Plan of Action, recognises that women and men are equal partners to the development of the Cook Islands, and places gender equality at the heart of economic and social progress, giving equal value to the roles and responsibilities of Cook Islands women and men. It also recognises that in order to redress gender it is necessary to create the conditions for women's empowerment while women and men work together to address attitudinal and institutional barriers to gender equality.

The **operating principles** underpinning the National Policy are that:

- Women and men are equal partners in the development of the Cook Islands and gender equality is at the heart of economic and social progress, and equal value needs to be given to the roles and responsibilities of the country's women and men.
- Women's empowerment will help achieve the national objective of ensuring the benefits of development are shared equally throughout the islands and the population, in order to ensure real improvement in their standard of living.
- The realisation of women's human rights is the basic guiding principle for the National Policy on Gender Equality and Women's Empowerment.
- Gender equality is a right and customary practices are subject to the principle of equality enshrined in the Constitution of the country.
- The principle of equality is guiding the adoption of affirmative actions for compensating for historical and social disadvantages women undergone which have deprive them of equal opportunities.
- Identified priority outcomes are linked to the national priorities in the revised National Sustainable Development Plan (NSDP).
- While Government policy priorities may change, the priority outcomes identified in this Policy will remain valid.
- Women economic empowerment is critical for achieving the social and economic development goal of the country.
- Policy makers and managers need to develop their capacity to mainstream gender and address women human rights issues into their field of intervention and sector.
- Strong partnerships and coordination mechanisms need to be in place between the national women machinery – the Gender and Development Division (DAD) housed under the Ministry of Internal Affairs – and other line and sectoral ministries and with outer islands governance mechanisms.

The aim of the National Policy on Gender Equality and Women's Empowerment is to guide the Cook Islands Government in implementing and monitoring its commitments to advancing gender equality and the empowerment of women. The Policy is also a tool for dialogue with and between different sectors and agencies to achieve the following **objectives**:

1. Define agreed priorities for empowering women and achieving gender equality;
2. Create an enabling environment for translating Government commitment to gender equality into reality;
3. Align national plans and implement Government's international and regional commitments on gender equality and women's empowerment; and
4. Define a mechanism for monitoring and reporting on the progress in line with the Cook Islands commitment to regional and international state obligations.

The **vision** of the National Policy on Gender Equality and Women's Empowerment is:

A society in which social justice enable all individuals to live in dignity, enjoy their human rights, achieve their full potential and contribute to the development and wellbeing of the society; where women and girls have equal access to and benefits from the development and growth of the country; where women and girls are protected from all forms of discrimination and violence.

Government institutions in partnership with civil society and all key stakeholders will strive to achieve the **mission** of the National Policy on Gender Equality and Women's Empowerment, to:

Establish and reinforce mechanisms to eliminate gender equalities and for addressing the needs of women of the Cook Islands and ensure that they fully enjoy their human rights.

The **goal** of the National Policy on Gender Equality and Women's Empowerment is:

To advance gender equality and enhance women's empowerment ensuring the active contribution and meaningful participation of both Cook Islands women and men in all spheres; and at all levels, of development and decision making.

In order to achieve gender equality in the Cook Islands and further empower women, the National Policy on Gender Equality and Women's Empower proposes the six following **outcomes**:

1. Gender responsive Government's programs and policies;
2. Equitable participation of women and men in decision making and governance systems;
3. Enabling environment for the full participation of women in economic development;
4. Improved capacity of women to contribute to climate change adaptation and disaster risk reduction strategies;
5. Improved capacity of women to address health issues; and 6. Elimination of violence against women.

In line with the National Policy on Gender Equality and Women's Empowerment and to contribute positively to the achievement of the National Policy's six outcomes, the Ministry of Finance and Economic Management (MFEM) has developed its own specific Gender Policy. This Policy is also aligned to the Convention on the Elimination of Discrimination Against Women (CEDAW), which the Cook Islands ratified in 2006. Furthermore, this Policy also serves to implement Goal 9 of the National Sustainable Development Plan (NSDP), which is to "Accelerate gender equality, empower all women and girls, and advance the rights of youth, elderly and disabled".

The development of this Policy has been guided by consultations with key stakeholders, including Office of the Prime Minister, MFEM program development managers, Gender Division of the Ministry of Internal Affairs, Heads of Government Ministries and the Cook Islands National Council of Women.

MFEM's Gender Policy will enable the Ministry to serve as a key promoter of gender equality and women's empowerment. This Gender Policy should be implemented in conjunction with the MFEM Environmental and Social Safeguards Framework and its environmental and social safeguards standards.

THE MINISTRY OF FINANCE AND ECONOMIC MANAGEMENT (MFEM) GENDER POLICY

Rationale

The MFEM Gender Policy reinforces the recognition in the National Policy on Gender Equality and Women's Empowerment that women and men are equal partners in the development of the Cook Islands. Therefore gender equality should be at the heart of economic and social progress.

The MFEM is motivated by the fact that considerations related to gender issues and women's participation influence the success and sustainability of a project. Therefore, through this Policy, MFEM hopes to work with other parts of the machinery of Government, civil society, non-government organisations, development partners and communities to consider the different roles, needs and perceptions of women and men during the planning, implementation, and management of projects supported through MFEM. It is recognised that the lack of gender consideration can result in project delays, implementation bottlenecks, and generally unsuccessful project performance.

A focus on gender issues produces results that extend beyond good project performance. Direct involvement of both women and men through active participation in project planning, design, implementation, and evaluation empowers women and gives them a stronger sense of ownership and a more definite interest in the success of the project.

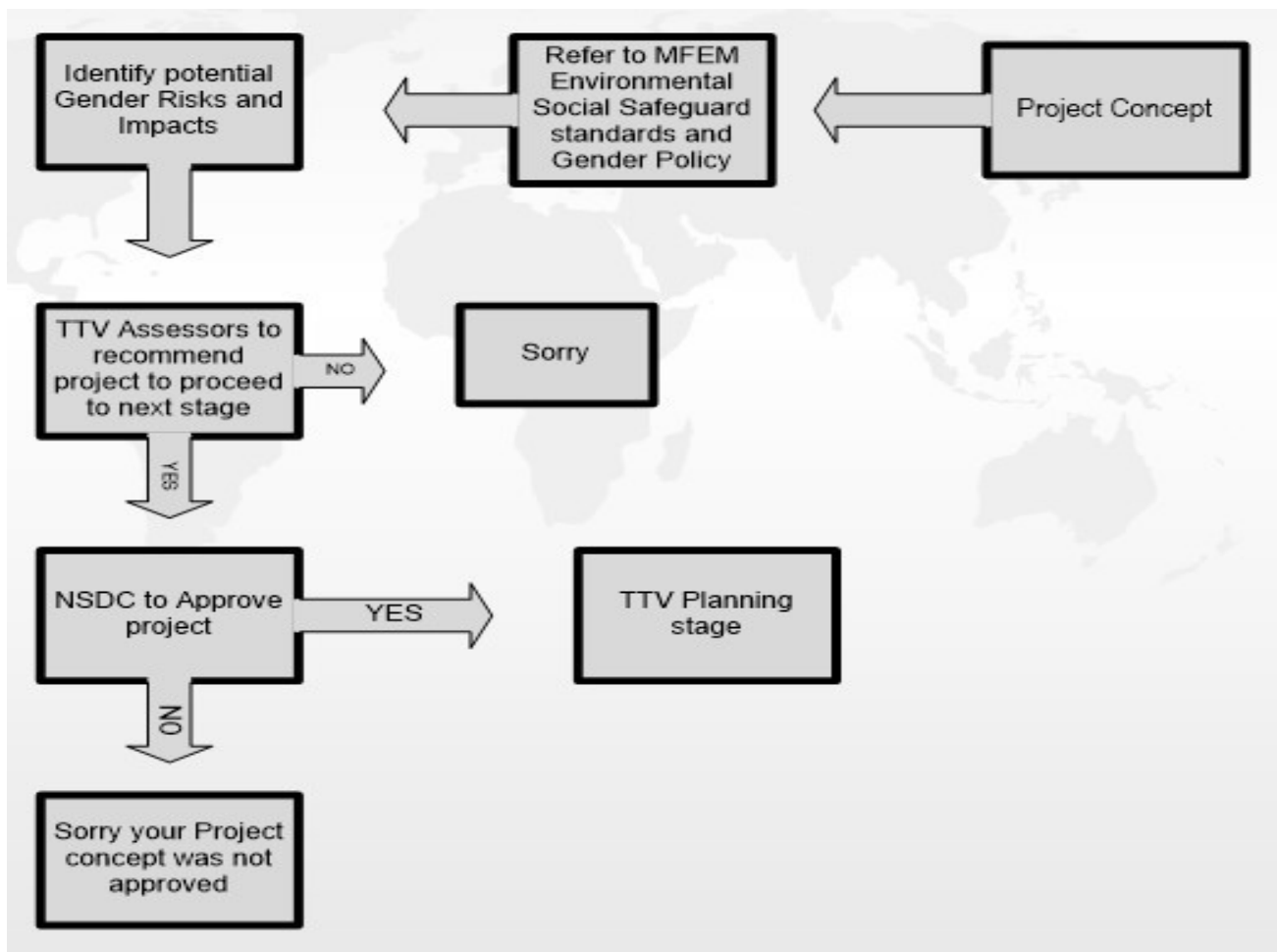
Objectives

- To adopt a gender sensitive approach which will achieve greater and more sustainable development results, in an efficient manner.
- To ensure that women and men equally benefit from activities which are funded through MFEM from both national resources and development partner assistances.
- To avoid or minimise potential risks and impacts on women and men from projects funded through MFEM.
- To contribute positively to removing the institutional barriers to gender equality.

Scope

The applicability of this Policy is established as soon as an approach is made to MFEM to support a project. During the Concept stage of the Te Tarai Vaka (Cook Islands Government Activity Management System), the implementing agency should identify the potential environmental and social risks and impacts of a proposed project, including risks and impacts on gender relations. The implementing agency should use the MFEM Environmental and Social Safeguards Framework and the tools annexed with this Gender Policy to guide its determination of gender risks and impacts.

When the proposed concept is approved to progress to the Planning stage of Te Tarai Vaka, the implementing agency will again refer to the MFEM Environmental and Social Safeguards Framework and complete the appropriate Environmental and Social Safeguards Standard/s (ESSS). Where there are gender issues associated with the proposed project, the implementing agency will refer to this Gender Policy and particularly the tools annexed for guidance.



In the case, where GCF funding is being sought and MFEM has been identified as the accredited entity for the project, the implementing entity must first approach the National Designated Authority for a 'No objection', before progression to the MFEM and compliance with the MFEM policies, procedures, systems and processes.

MFEM'S ACTIONS FOR POLICY IMPLEMENTATION

14. The key elements and actions of MFEM's Gender Policy are:

1. Gender Sensitivity

To observe how MFEM's operations affect women and men, and to account for women's needs and perspectives in planning the Ministry's systems and operations.

2. Gender Analysis

To assess systematically the impact of a project, funded through MFEM, on men and women, and on the economic and social relationship between them.

3. Gender Planning

To ensure the formulation of specific strategies (within the parameters of MFEM's mandate) that aim to bring about equal opportunities for men and women to reduce disparities where they exist.

4. Mainstreaming

To consider gender issues in all aspects of MFEM's operations, accompanied by efforts to encourage women's participation in the decision making process of development activities.

5. Non-discrimination

When on-granting MFEM will ensure that there is no discrimination in the benefits and remuneration, for both men and women employed by the project.

6. Improving data collection

The MFEM will improve data collection relating to gender. As such the MFEM, will disaggregate data on grant funding support provided to women or women/gender related projects in comparison to overall grant funding support provided. The MFEM will ensure that this must be undertaken for all projects supported by the Green Climate Fund (GCF).

IMPLEMENTATION STRATEGY

The MFEM's Gender Policy is conjoined with its Environmental and Social Safeguards Framework and is a key part of the Te Tarai Vaka Activity Management System. This will ensure that the policy actions articulated will be followed through and will become part of the MFEM's normal business. Gender Checklists have been designed (and annexed) to help guide the MFEM staff, implementing agencies and consultants in the implementation of this Policy.

The MFEM also recognises that its own capacity and appreciation of the importance of gender in development requires strengthening. It is therefore imperative that the MFEM builds gender awareness, and the capabilities to recognise and address gender issues amongst all its staff – male and female, with particular emphasis on those involved in the Te Tarai Vaka Activity Management System and in ensuring the implementation of this Policy.

Where gender specialist skills are required to assist the MFEM in complying with this Policy, the MFEM will engage such expertise. In doing so, the MFEM will ensure that the expert engaged has the relevant qualifications and experience to fulfil the Terms of Reference, as annexed to this Policy. For projects seeking Green Climate Fund (GCF) support, it is a requirement that MFEM will engage gender expertise to ensure the implementation of this Policy, in all GCF supported projects.

REVIEW AND REVISION

As the MFEM gains experience in the application of this Gender Policy, and lessons learned are appreciated, the MFEM may adjust this Gender Policy. Any revision to the Cook Islands National Policy on Gender Equality and Women's Empowerment, may also require the MFEM to effect changes and align this Policy to the National Policy. In light of this, MFEM will review its Gender Policy after three years of being operational.

INDICATORS OF IMPLEMENTATION

- 100% of funding proposals submitted considered gender and social inclusion
- Number of training sessions conducted the implementation of the MFEM Gender Policy
- 100% of all approved funding proposals contain a gender and social inclusion action plan
- % of projects that apply gender and social inclusive stakeholder consultations
- Number of funding proposals whose principle objective is to promote gender equality and social inclusion

REFERENCES

Asian Development Bank, "Gender and Development", 2003, Manilla: Asian Development Bank

Green Climate Fund, "Gender Policy and Action Plan", 2014, <http://www.greenclimate.fund>

Government of the Cook Islands, "Cook Islands National Policy on Gender Equality and Women's Empowerment and Strategic Plan of Action" 2011, Rarotonga: Ministry of Internal Affairs

World Bank Group, "Gender Equality, Poverty Reduction and Inclusive Growth", 2016, <http://www.documents.worldbank.org>

**MINISTRY OF
FINANCE
AND ECONOMIC
MANAGEMENT**

**GENDER
POLICY TOOLS**

Annex 1 GENDER CHECKLIST FOR AGRICULTURE AND NATURAL RESOURCES PROJECTS

This checklist follows a gender analysis framework and is intended to be flexible and adaptable. Gender analysis assumes that women and men differ in the goods and services they produce and in their degree of access to and control of resources. Gender differentiated data should be collected to identify women's contribution to the productive system for which the development assistance project is designed.

Key questions in a project cycle

Two cluster of questions arising from the gender analysis should be asked when examining the feasibility of a project and designing the project:

- a. What are the practical implications of the different roles and status of women and men in the project area for the feasibility of the project and its effective design? How will the project accommodate the different roles of women and men?
- b. What is the strategic potential of the project for enhancing the status of women and promoting gender equity? How will the project affect women and men? How can the project contribute to long-term strategies to achieve gender equity?

In the 'Concept' stage of Te Tarai Vaka, implementing agencies are urged to use the checklist as part of the process of identifying environmental and social risks and impacts of proposed project. The checklist will assist in finding the social dimensions of a project, including gender issues. Box 1 below summarises the main gender issues to be explored at the project 'Concept' stage.

Box 1: Key gender questions for the initial social assessment during the project

‘Concept’ stage a. Who are the target beneficiaries?

- Disaggregate the beneficiaries according to gender.
- Talk to both women and men.

b. Are the women visible in the sector?

- Determine the gender division of labour in general.
- Are women’s needs in the sector the same as those of men?
- Identify if possible, the main sources of income for women and men.

c. How might the project affect women? Is the project likely to have the same positive and negative effects on women and men?

d. Can a gender inclusive design be drawn up for the project, and could it effectively and equitably target women?

e. Identify, if possible, legal, cultural, or religious constraints on women’s potential participation in the project?

f. Does the implementing agency have the capacity to deliver benefits to or involve women?

g. Will the project planning stage require the services of a consultant with specialised gender and development expertise to assist in developing a gender inclusive design?

During the project ‘Planning’ stage, more detailed analysis may be required. Box 2 summarises the key gender considerations for social analysis and design. Box 3 suggest some key gender considerations in project design. These considerations will also be part of the requirements to meet the Environmental and Social Safeguards Standards applicable to the project.

Box 2: Key gender issues for the Social Assessment

- a. **Identify and describe the target population.** Disaggregate demographic data by gender. Consider how women and men differ in their roles and their economic, educational, and health status.
- b. **Collect information on the gender division of labour.** How the production, household, and social responsibilities are shared – who does what, where, when, and for how long?
- c. **Assess the target population's needs and demands in relation to the project.** Consider whether women and men have different priorities and how these differences might affect the proposed project.
- d. **Assess the absorptive capacity.** Consider how women and men will participate in the project – their motivation, knowledge, skills, and organisational resources - and how the project will fit into their community.
- e. **Assess the resource access and control.** Will project activities adversely affect women's access to and control of resources? For example, will the project lead to loss of land or land use or reduce access to markets?
- f. **Assess institutional capacity.** Does the implementing agency have the capacity to deliver the services to women? Does the implementing agency have female staff and female extension workers?
- g. **Identify institutions.** Consider with government and nongovernment agencies and organisations with a focus on women or an interest in gender and development might contribute to the project.

Box 3: Key gender considerations in project design

Participatory approach: Consult and involve women and men equitably in project planning, design, and implementation.

Gender analysis

- a. Have both men's and women's needs in the project sector been defined?
- b. Have cultural, social, and other constraints on women's potential participation been identified?
- c. Have strategies been formulated to address the constraints?
- d. Have local women's organisations been consulted?
- e. Will women directly benefit from all project components?

Project design

- a. Apply the information and analysis from the social and gender analysis to all phases of the project cycle.
- b. Does the project design include components, strategies, design features, or targets to promote and facilitate women's active involvement in the project?
- c. Is there a budgetary allocation for these design features, strategies and mechanisms?
- d. Consider setting aside a separate budget for facilitating the participation of women?
- e. Consider using gender expertise during project implementation.
- f. Consider strengthening implementing agency staff to plan and implement genderinclusive projects.

Benefit monitoring and evaluation

- a. Are there indicators to measure progress in achieving benefits for men and women?
- b. Develop indicators that define benefits to women and men.
- c. Ensure that sex disaggregated data are collected to monitor gender impact.
- d. Consider involving women in monitoring and evaluation.

GENDER ISSUES IN FISHERIES

The following key issues should be considered to ensure that women's role in fisheries activities are taken into account.

Key issues

- a. What different activities are carried out by girls and women and by men and boys in fish catching and processing, aquaculture, and marketing? Do women catch or buy fish for processing, or process the catch of male household members?
- b. What activities are performed jointly by women and men?
- c. Are there differences in time spent, or seasonal differences for separate or joint activities?
- d. Will the project affect any of these activities and the level of female involvement or women's incomes?
- e. Will the project increase the burden on women's time? Will this be to their advantage or disadvantage?
- f. Do women work in fish processing centre as wage labourers or are they self-employed (buy fish to process and market)?
- g. Do women regularly go fishing or is this a seasonal activity?
- h. Is marketing of fish a regular activity or an extra source of income for the women?
- i. Do women depend on middlemen to market their fish or do they market it themselves?
- j. Do women fish sellers have a place to sell in the market?
- k. Do women and men have fishing equipment, such as boats and nets? How is such equipment financed?
- l. Do women and men fisher folk have enough skills in fishing, as required for sustainable fish harvesting/catching?
- m. Are women involved in pond fishery?
- n. Will the project activities change the gender division of labour in catching, processing, and marketing of fish?

GENDER ISSUES IN NATURE BASED ECO-TOURISM

Key issues

- a. Does tourism provide a source of income for women through the sale of goods and food? If so, is it a major or an extra source of income for them?
- b. What types of activities are involved in the tourism industry for men and women?
- c. Will the project activities relating to tourism negatively affect the activities of women in the tourism industry?
- d. Will the project activities change the involvement of women in the tourism industry?

GENDER ISSUES IN FORESTRY AND WATERSHED MANAGEMENT

Key Issues

- a. In the project area, is there a gender division of labour and responsibilities in the forestry use and related activities? The following should be considered:
 - Gathering forest products for domestic/household use;

- Gathering fuelwood;
 - Gathering forest materials for use for craft or commercial products;
 - Planting, protecting, or caring for seedlings and small trees;
 - Planting and maintaining wood lots and plantations on public or government lands;
 - Attitudes and knowledge with respect to forest and tree uses;
 - Destructive practices with respect to forest, soil and tree use;
 - Income earning and employment opportunities in general; and □ Varieties of trees used or preferred by each gender group.
- b. Will the project affect the level of women's involvement in each of these activities?
 - c. What are the time, time, financial, and social constraints on the participation of women in the project forestry activities? Do these vary at different times of the year?
 - d. Will the project impose an extra burden on women's workday or patterns of work? Will this benefit or disadvantage women?
 - e. What is the nature of ownership of the forest? Is the forest on crown land? Community forest? Are men and women both owners? Do women or men or both own the indigenous people's forest or does the whole tribe/community own it?
 - f. What are the traditional pattern of ownership of forest land by women and men?
 - g. Are there any constraints on women collecting and using forest products?
 - h. Does ownership determine access to, collection, use, and benefits from forest products?
 - i. Will the project affect women's and men's traditional right to collect and use forest products?
 - j. Will the project change indigenous women's and men's rights to forest use?
 - k. Will the project introduce new plantation and reforestation work? If so, how will the project activities affect:
 - Women's and men's traditional source of livelihoods?
 - Employment opportunities?
 - Access to community forests and development of forests?

GENDER ISSUES IN COASTAL ZONE MANAGEMENT

Key Issues

- a. What activities are carried out by women and girls and by men and boys in coastal areas?
- b. What activities are performed jointly by women and men?
- c. What are the traditional resource users' rights for women and men?
- d. Do families sell products from the coastal zone or do they use them for subsistence? If the products are sold, who does the selling – women and girls, men and boys, or both women and men?
- e. Will the project activities affect any of these activities and the level of women's involvement in meeting family subsistence needs or their access to cash income?
- f. Will the project introduce activities that will affect women's workload or diminish their income earning opportunities?

- g. Will the project affect the traditional user rights of women or their access to common resources in the coastal area? If so, how? What are the implications?

GENDER ISSUES IN INTERGRATED RURAL/ISLAND DEVELOPMENT

Key Issues

- a. Are data about the population(s) in the project area disaggregated by gender (population, socioeconomic characteristics, gender division of labour, and time inputs in the main productive activities, etc.)?
- b. If the project is focused on integrated sectors, such as agriculture, fisheries, or livestock, collect data on gender division of labour in the agriculture, livestock, or fishery sector.
- c. Are there significant numbers of female headed household in the client population?
- d. What impact will the project have on women's food production activities?
- e. Will the project provide support for women's crops?
- f. What type of social structure exist in the project area and what groups have access to and control over land, community resources, business and other activities?
- g. What other non-farming activities do women engage in?
- h. Do women have property rights? Land rights?
- i. What type of social organisations or community groups exist in the project area, and what control do they have over resource distribution, such as the distribution of development project inputs to women in the project area?
- j. Is there an informal network of women in the project area? If so, what kind of support does it provide to women?
- k. Where do women access finance from?
- l. Who markets the products of women?
- m. What impact will the project activities have on the gender division of labour; on subsistence activities; on women's workload; income earning activities; and access to land, livestock, or common property resources?
- n. Does the implementing agency have the capacity to develop and deliver services to women?

GENDER ISSUES IN INDUSTRIAL CROPS AND AGRO-INDUSTRY

Key Issues

- a. Are the data about the population(s) in the project area disaggregated by gender (population, socioeconomic characteristics, gender division of labour, and time inputs in the main productive activities)?
- b. What percentage of farming households are headed by women? In what percentage of these is there an absent (emigrant) husband?
- c. What field tasks are traditionally performed by women, and which by men?
- d. What factors determine tasks defined as women's work and men's work?

- e. How will new technologies introduced affect the work done by women and men, with particular emphasis on the impact on women?
- f. How will changes proposed within the project affect the gender division of labour in the areas to be covered?
- g. What is the pattern of land ownership? To what extent do women own, co-own and or have right to use land?
- h. How are the decisions made about what to plant on land made?
- i. Who controls the earnings made from cash crops? How are these earnings allocated and spent?
- j. How are the men's earnings from agricultural production spent? How are women's earnings from agricultural production spent?
- k. Could increase cash crop production lead to a loss of land for women's household subsistence farming? With what effects?
- l. What constraints prevent women from growing and marketing cash crops?
- m. Does female household head have legal ownership rights, rights to production from land, rights to earnings from production? What are these rights?

GENDER ISSUES IN LIVESTOCK

Key Issues

- a. What roles do women and men play in livestock husbandry and in the project area?
- b. For which aspects of animal care are women mainly responsible, for example, which of the following activities are women involved daily or regularly:
 - Collection and fodder preparation, feeding;
 - Watering;
 - Cleaning;
 - Herding;
 - Milking, sheaving, or other harvesting activities, or □ Care of sick animals?
- c. How will the project affect the amount labour men and women spend on livestock care? Will women or men do more work or less?
- d. If the project involves new productive tasks, will these be done by women or men? Will the labour have to be shifted from other activities? How will such changes affect women?
- e. Will the project inputs to livestock development affect women's roles in the overall farming system? How?
- f. If the care of large livestock is thought to be a responsibility of men, do women actually do some of the work? How much?
- g. If commercial livestock production technologies are provided to men, how will women's traditional workload and responsibilities be affected?
- h. Will the project create extra work for women? If so, how will they benefit from it?
- i. Will new livestock production methods or new forms of livestock affect land use? Will they affect women's access to land?

- j. Do women have access to the resources (land and capital) to participate in the project and benefit from the improved stocks, feeds, or other inputs?
- k. Do women own the animals they tend, and do they have control over or access to the income derive from project activities?

Annex 2 GENDER CHECKLIST FOR WATER SUPPLY AND SANITATION PROJECTS

Water supply and sanitation projects undertaken everywhere suggest a strong positive link between a focus on gender and women's participation, on the one hand, and the degree of project success and of water supply and sanitation management sustainability, on the other. Amongst major lessons learned are that women are the primary collectors, transporters, users, and managers of domestic water and promoter of home and community based sanitation activities. Yet, in some instances, women's views are not systematically represented in decision making bodies. Water supply and sanitation projects provide opportunities to close this gap.

KEY QUESTIONS AND ACTION POINTS IN THE PROJECT CYCLE

There are three main tools used to identify and deal with gender issues in the project cycle: gender analysis, project design, and policy dialogue.

When are these tools used in the projects? What actions should be taken at which stage? Table 1 summarises the key actions for each stage of the project cycle.

Project Cycle	Key Action Point
Concept stage of Te Tarai Vaka	<ul style="list-style-type: none">• Identify key gender and women's participation issues and further information needs.• Identify the role of gender in the project purpose, outcomes and outputs.• Prepare terms of reference (TOR) for gender specialist or social scientist, if so required.

<p>Planning stage of Te Tarai Vaka</p>	<ul style="list-style-type: none"> • Conduct gender analysis as part of the overall Environmental and Social Impact Assessment. • Draw up a socioeconomic profile of key stakeholder groups in the target population and disaggregate data by gender. • Examine gender differences in knowledge, attitudes, practices, roles, status, wellbeing, constraints, needs, priorities, and factors that affect those differences. • Access men's and women's capacity to participate and the factors affecting that capacity. • Access the potential gender differentiated impact of the project and options to maximise benefits and minimise adverse effects. • Identify government agencies and nongovernment, community based organisations, and women's groups that can be used during the planning and project implementation. Assess their capacity. • Review related policies and laws, as necessary. • Identify information gaps related to the above issues.
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Project teams in the field should have adequate gender balance and sensitivity to cultural and gender concerns.

GENDER ANALYSIS

Gender analysis for a project is usually done as part of the overall initial social assessment during the 'Concept' stage of Te Tarai Vaka or as part of the Environmental and Social Assessment in the project 'Planning' stage. Attention should also be paid to the methodologies used. Key actions to be taken and questions to be asked during the analysis are listed below:

METHODOLOGIES

Desk review

- Review available information (e.g. statistics, gender analysis, documents applicable to the project) on the water supply and sanitation proposed in the project area and the socioeconomic profile of the target population.
- Review the relevant legal, policy, and institutional framework and their gender implications.

	<ul style="list-style-type: none"> <input type="checkbox"/> Involve men and women in project design. <input type="checkbox"/> Incorporate gender findings in the project design.
Assessing the project/activity design	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure that gender concerns are addressed in relevant sections (including project objectives, scope, cost estimates, institutional arrangements, and technical assistance for implementation and monitoring and evaluation support. <input type="checkbox"/> List major required actions in assurances to ensure the implementing agency's compliance.
Implementation	<ul style="list-style-type: none"> <input type="checkbox"/> Review progress reports. <input type="checkbox"/> Modify the project design, as required.
Monitoring and Evaluation	<ul style="list-style-type: none"> <input type="checkbox"/> Monitor gender disaggregated indicators. <input type="checkbox"/> Modify the project design, as required.

Household surveys

- Draw up gender disaggregated socioeconomic profiles and identify water supply and sanitation practices, constraints, and needs of the target population. Collect quantitative information.

Participatory methodologies (e.g. participatory rapid appraisal, focus group discussions, random interviews, project site visits)

- Collect quantitative information which cannot be collected through surveys.
- Define ways in which men and women beneficiaries and other stakeholders can participate in the project.
- Map out the target areas. Which are the most disadvantaged areas in terms of access to services.
- Identify major stakeholder groups and their interest.

Staffing

- Ensure adequate gender balance in field teams.
- Select team members with gender awareness, local knowledge, cultural understanding, and willingness to listen.

DATA TO BE COLLECTED

Macro institutional framework

- Gender impact of sector policy; legal and institutional framework.
- Implementing agency's capacity and commitment to participatory approaches and gender focus.

Socioeconomic profile

- Demographic – Composition of project area (gender, age, etc.); Migration trends – male and female; Percentage of households headed by women; and Household size.
- Economic – Income level and sources, by gender; Expenditure patterns and decision making, by gender; Land tenure and use, by gender.
- Health – Population growth rate; Infant and maternal mortality rates; Service availability; Fertility level and decision making; Food allocation and nutrition level within households, by gender; Incidences of domestic violence.
- Education – Literacy and school enrolment ratios, by gender; School dropout ratio, by gender.
- Status of women – Political representation and awareness; sociocultural perceptions and practices of men and women; gender discriminatory policies and laws.
- Gender roles and responsibilities – Broad gender division of labour in productive (e.g. agriculture, income generating activities) and reproductive (e.g. household chores, child care) responsibilities, and time allocation for each responsibility.

Water use and knowledge, attitudes and practices

- Availability, quantity, and quality of services – Who provides the service; Are the services available 24 hours a day? Are there seasonal differences in availability, quantity, or quality?
- Costs – Is there a fee for water and sanitation services? Who pays to whom? How much is the fee?
- Water sources – What sources are used?
- Use of domestic water – How is water used differently by men and women (e.g. for cooking, sanitation, home gardening, livestock)? Who decides the allocation?
- Dry season management – Is water available in the dry season? How is water use managed when water is scarce? By whom?
- Roles in agricultural water – Who collects, transports, and manages water for agricultural use and how?
- Conflicts in water distribution – Is there any conflict between agricultural and domestic water allocation? How can these needs be prioritised? Are there any conflicts in water distribution in general, based on gender, income level, etc.? How can these be resolved?
- Community water management responsibilities – Who is responsible for the upkeep of the community water infrastructure? Who could be key informants? Are there significant differences in responsibilities based on gender, income level, etc.?

Sanitation knowledge, attitudes, and practices

- Family hygiene education – Is hygiene taught in the family? By whom?
- Sanitary arrangements – What are the sanitary arrangements for men and women? How is privacy ensured?
- Treatment of human waste – How is human waste treated? How is it collected and disposed of? By whom? Is human waste used as fertilizer? If so, who are the collectors?

- Community hygiene responsibilities – Who is responsible for community hygiene? Who could be key informants? Are there significant differences in the responsibilities based on gender, income level, etc.?

Access, control, constraints (non-water issues)

- Access to productive resources or services – How do men and women differ in their access to and control of land, agricultural inputs, extension, markets, employment opportunities, etc.? □ Is external assistance provided to improve access/control? By whom?

Needs, demands, perceptions, and priorities

- Sectoral priority – Does domestic water have priority over other infrastructure services for men and women? Are men or women interested in the project? Why? Or Why not?
- Needs – Given current practices and constraints, what are the needs of men, women, the elderly, and children in the design and location of water supply and sanitation facilities and services? Why?
- Willingness to pay – Are men and women in the community willing to pay for improved water supply and sanitation services, and up to how much?

Participation

- Factors affecting participation – What factors affect the level of men's and women's participation? What are the incentives and constraints?
- Modes – Which modes of participation do men and women favour (e.g. decision making in planning, cash contribution, labour contribution for construction, training, operations and maintenance, financial management, organisational management? Why?

Project impact

- Perceptions and distribution – Do men and women perceive positive and negative impacts of the project differently? Are the benefits likely to be distributed equitably? How can negative impacts be avoided or mitigated?
- Disadvantaged or vulnerable groups – Are there any? Who are they? Where do they live? What are their socioeconomic characteristics? How will the project affect these groups?
- Land acquisition/resettlement – Is any expected? To what extent? What are the gender specific implications? Is there any possibility of land donation by the community?

Organisation

- Water user groups – Are there water user groups for agriculture and domestic water? If domestic water user groups exist, assess their performance in operations and maintenance and organisational structure (size, committee members by gender, membership rules); If water user groups do not exist, are men and women willing to establish water user groups?
Are women interested in participating in water user groups? Why or Why not?
- Women's representation – What is the current level of women's representation in other community decision making bodies?

- Local organisations – Are there local organisations that address women’s constraints and needs? How can the project link up with them? What mechanisms can be used to ensure women’s active participation in project activities? What organisations can be used to mobilise and train women in the project activities?

PROJECT DESIGN

SPECIFIC COMPONENTS

Hardware options

- Incorporate the preferences of community men and women on such issues such as: type of infrastructure; number and location of facilities; sharing vs. individual arrangement of facilities; etc.

Financing options

- Incorporate the preferences of men and women in the community on financing arrangements (e.g. level of fixed cost and operations and maintenance fees, cash vs. in-kind/labour contribution); possible preferential treatment for the female headed and disadvantaged families; credit or community based revolving funds for water supply and sanitation services.

Community participation mechanism

- Develop a participation strategy for men and women during the project implementation and monitoring and evaluation. Avoid overly high expectation of women’s participation and develop a practical schedule, as women often have time and financial constraints. The strategy could incorporate the following:
 - Organisational setup: Establish a water users group and promote women’s representation in the executive committee. Consider stipulating a mandatory number of women in the executive committee to ensure their representation.
 - Group rules: Clearly define rules and responsibilities of members. Establish and document grievance mechanisms and water sharing rules.
 - Construction: Ensure work conditions that are conducive to women’s participation (e.g. gender equal wage rates, construction season, toilet and child care facilities).
 - Operation and Maintenance: Appoint female operators, caretakers, water monitors, where possible.
 - Sanitation/hygiene: Use women as active agents, while also ensuring the involvement of husband and male leaders.
 - Monitoring and evaluation (M & E): Develop a feedback mechanism in which both male and female beneficiaries have a voice.
 - NGOs/CBOs: Identify organisations that could facilitate women’s participation during implementation and M & E.

Training Options

- Develop a program of community hygiene education and awareness raising. Consider types media to be used, depending on the target group (e.g. school curriculum, posters, billboards, radio, television, print media).
- Consider training women in mechanics and operating and maintenance.
- Consider training in financial and organisational management, especially for women.
- Provide gender-awareness training for all project staff, male and female. □ Train implementing agency officials and project staff in M & E.

POLICY DIALOGUE

What is discussed in the policy dialogue depends very much on the counterpart agencies acceptance of gender issues, their commitment to help resolve those issues, and the nature and complexity of the issues. Continuous policy dialogue between the MFEM and the implementing agency is important.

The policy dialogue should confirm that the implementing agency understand the key gender issues and are ready to commit the appropriate implementation arrangements and adequate resources.

Some potential issues to be discussed during the project and policy level dialogue with the implementing agency is presented below.

Key Issues	Suggested Actions
Gender participation capacity building for Implementing Agency	<ul style="list-style-type: none">• Conduct gender and participation training for all Implementing Agency staff.• Obtain the support of the GAD division of the Ministry of Internal Affairs.
Government-NGO collaboration	□ Identify active women's NGOs and explore government-NGO partnerships in service delivery and strategy building.
Staffing	□ Obtain the implementing agency's commitment towards engaging female staff on the project.
Budgeting	□ Ensure budget allocation for gender and participation training in the project budget.
Sector work	□ Suggest separate sector work or 'piggyback' technical assistance to investigate genderdiscriminatory or sectoral legal and policy issues.

Legal and policy reform	<input type="checkbox"/> Consider incorporating legal and policy reforms in the project to increase the involvement of women.
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Annex 3 GENDER CHECKLIST FOR INFRASTRUCTURE DEVELOPMENT AND HOUSING

Infrastructure development and housing (IDH) encompasses the following subsectors: waste management, drainage, transportation, electrification, housing, land use planning, environmental management, and employment generation. Women and men differ in their roles, needs, and perceptions regarding IDH. Conscious efforts to address their views lead to better project design and performance.

KEY QUESTIONS AND ACTION POINTS IN THE PROJECT CYCLE

There are three main tools used to identify and deal with gender issues in the project cycle: gender analysis, project design, and policy dialogue.

When are these tools used in the projects? What actions should be taken at which stage? Table 1 summarises the key actions for each stage of the project cycle.

Project Cycle	Key Action Point
Concept stage of Te Tarai Vaka	<ul style="list-style-type: none">• Identify key gender and women's participation issues and further information needs.• Identify the role of gender in the project purpose, outcomes and outputs.• Prepare terms of reference (TOR) for gender specialist or social scientist, if so required.

<p>Planning stage of Te Tarai Vaka</p>	<ul style="list-style-type: none"> • Conduct gender analysis as part of the overall Environmental and Social Impact Assessment. • Draw up a socioeconomic profile of key stakeholder groups in the target population and disaggregate data by gender. • Examine gender differences in knowledge, attitudes, practices, roles, status, wellbeing, constraints, needs, priorities, and factors that affect those differences. • Access men’s and women’s capacity to participate and the factors affecting that capacity. • Access the potential gender differentiated impact of the project and options to maximise benefits and minimise adverse effects. • Identify government agencies and nongovernment, community based organisations, and women’s groups that can be used during the planning and project implementation. Assess their capacity. • Review related policies and laws, as necessary. • Identify information gaps related to the above issues. • Involve men and women in project design.
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Project teams in the field should have adequate gender balance and sensitivity to cultural and gender concerns.

GENDER ANALYSIS

Gender analysis for a project is usually done as part of the overall initial social assessment during the ‘Concept’ stage of Te Tarai Vaka or as part of the Environmental and Social Assessment in the project ‘Planning’ stage. Attention should also be paid to the methodologies used. Key actions to be taken and questions to be asked during the analysis are listed below:

	<input type="checkbox"/> Incorporate gender findings in the project design.
Assessing the project/activity design	<input type="checkbox"/> Ensure that gender concerns are addressed in relevant sections (including project objectives, scope, cost estimates, institutional arrangements, and technical assistance for implementation and monitoring and evaluation support. <input type="checkbox"/> List major required actions in assurances to ensure the implementing agency's compliance.
Implementation	<input type="checkbox"/> Review progress reports. <input type="checkbox"/> Modify the project design, as required.
Monitoring and Evaluation	<input type="checkbox"/> Monitor gender disaggregated indicators. <input type="checkbox"/> Modify the project design, as required.

METHODOLOGIES

Desk review

- Review available information (e.g. statistics, gender analysis, documents applicable to the project) on the water supply and sanitation proposed in the project area and the socioeconomic profile of the target population.
- Review the relevant legal, policy, and institutional framework and their gender implications.

Household surveys

- Draw up gender disaggregated socioeconomic profiles and identify water supply and sanitation practices, constraints, and needs of the target population. Collect quantitative information.

Participatory methodologies (e.g. participatory rapid appraisal, focus group discussions, random interviews, project site visits)

- Collect quantitative information which cannot be collected through surveys.
- Define ways in which men and women beneficiaries and other stakeholders can participate in the project.
- Map out the target areas. Which are the most disadvantaged areas in terms of access to services.
- Identify major stakeholder groups and their interest.

Staffing

- Ensure adequate gender balance in field teams.
- Select team members with gender awareness, local knowledge, cultural understanding, and willingness to listen.

DATA TO BE COLLECTED

Macro institutional framework

- Gender impact of sector policy; legal and institutional framework.
- Implementing agency's capacity and commitment to participatory approaches and gender focus.

Socioeconomic profile

- Demographic – Composition of project area (gender, age, etc); Migration trends – male and female; Percentage of households headed by women; and Household size.
- Income level and employment – Household income level and individual sources, by gender; Hardship profile (e.g. % of population living below the minimum income required, income distribution, geographic distribution of hardship, nature and causes of hardship, coping strategies of those living in hardship); Gender dimensions of hardship (e.g. link between female headed households and hardship level, burden of hardship on women); Percentage of women working in the home and kind of work performed; Percentage of women employed outside the home and, if possible, An analysis of occupational categories; Unemployment rate by gender.
- Land use and Tenancy – Tenancy or ownership profile (% of distribution of dwellings owned or rented); Percentage of women owning dwellings or registered as the principal tenant); Number and distribution of squatters (male vs. female); Length of occupancy in the current place.
- Health – Population growth rate; Infant and maternal mortality rates; Service availability; Fertility level and decision making; Food allocation and nutrition level within households, by gender; Incidences of domestic violence.
- Education and Children – Literacy and school enrolment ratios, by gender; School dropout ratio, by gender.
- Status of women – Political representation and awareness; sociocultural perceptions and practices of men and women; gender discriminatory policies and laws.
- Gender roles and responsibilities – Broad gender division of labour in productive (e.g. agriculture, income generating activities) and reproductive (e.g. household chores, child care) responsibilities, and time allocation for each responsibility.

Knowledge, attitude, and practices regarding infrastructure development and housing

- Formal access to IDH (e.g. water supply, waste water and solid waste management, access to roads or paths, electricity, shelter, recreation facilities, public lighting, transport) – Who provides the services? What percentage of households has access to each service? Are there gender differences in access?
- Quality of IDH services (for each type of service) – Are the services regularly available? Are there seasonal differences in availability, quantity or quality? Are the services satisfactory? How are they improved?
- Costs and willingness to pay (for each type of service) – Is there a fee for each service? Who pays the bills? How much is the fee? Is this fee level satisfactory? If the services are improved, would people be willing to pay? To what extent?

- Private, individual, or non-formal access – Water supply: What are the sources of water beside the formal services? Waste disposal: What are the informal arrangements, if any, for solid waste and sewage disposal? Who plays the primary role? Electricity: Is there non-formal or independent access? Shelter and housing: Are there illegal squatters? For how long?
- Gender division of labour in infrastructure development and housing management – Who in the household (men or women) play the primary role in managing infrastructure development and housing facilities? Who in the household (men or women) decide the use and allocation of water, electricity, and shelter?
- Conflicts in water distribution – Is there any conflict between agricultural and domestic water allocation? How can these needs be prioritised? Are there any conflicts in water distribution in general, based on gender, income level, etc.? How can these be resolved?
- Community water management responsibilities – Who is responsible for the upkeep of the community water infrastructure? Who could be key informants? Are there significant differences in responsibilities based on gender, income level, etc.?

Sanitation and environmental knowledge, attitudes, and practices

- Hygiene and environmental education – Are hygiene and environmental issues taught in the family, at school, or in the communities? Are there any information campaigns? Do what extent do men and women understand the messages?
- Sanitary arrangements – What are the sanitary arrangements for men and women? How is privacy ensured?
- Treatment of solid waste and sewage – How is solid waste collected and disposed? By whom? Is waste recycled? If so who are the waste collectors? How is human waste treated? How is it collected and disposed of? By whom? Is human waste used as fertilizer? If so, who are the collectors?
- Community hygiene responsibilities – Who is responsible for community hygiene? Who could be key informants? Are there significant differences in the responsibilities based on gender, income level, etc.?

Access, control, constraints (non-infrastructure development and housing)

- Access to productive resources or services – How do men and women differ in their access to employment and income generating opportunities, credit and markets? Is external assistance provided to improve access/control? By whom?
- Availability and accessibility of social services – Is external assistance available?

Needs, priorities, and expectations

- Needs – Do current practices and constraints create different needs for men, women, the elderly, and children regarding the design and location of infrastructure development and housing facilities and services? What are those needs and what are the reasons for the differences?

- Priorities – How do women and men differ in the priorities they set among the various infrastructure development and housing services? What are the reasons for these differences?
- Expectations from the project, by gender – How do women and men differ in their expectations with respect to the following: Participation in further planning, designing, construction and M & E; Employment opportunities in civil works, waste collection or recycling enterprises, manufacture of building materials, project related offices, etc. How is labour divided between men and women in these activities? Credit for housing development and for small and medium enterprise and other income generating activities.
- Willingness to contribute, by gender – How do women and men differ in the willingness to contribute to the following: Labour in construction, accounting, supply inventory, meal preparation, periodic maintenance, etc.; small parcel of land, space and locally available materials.

Project impact

- Gender differentiated effects – What are the likely positive and negative effects of the project? How differently will women and men be affected?
- Disadvantaged or vulnerable groups – Are there any disadvantaged or vulnerable groups? Who are they? Where do they live? What are their socioeconomic characteristics? How will the project affect these groups?
- Land acquisition/resettlement – Is any land acquisition or resettlement expected? To what extent? What are the gender specific implications? Do women and men have different preferences regarding resettlement sites and housing and facility designs? Is additional support for female headed households necessary?

Neighbourhood/Community

- Nature of a community – Is there a closely knit community in the neighbourhood? What is the basis for its organisation? How old is the community? Do beneficiary women and men believe that a community based approach is suitable for the delivery of the specific infrastructure and housing development? Why?

Participation

- Factors affecting participation – What factors affect the level of men's and women's participation? What are the incentives and constraints?
- Modes – Which modes of participation in project activities do men and women favour (e.g. participation in planning decisions or in infrastructure design, cash contribution, training, operation and maintenance, financial management, organisational management)? Why?
- Community based organisations (CBOs) and NGOs – Are there CBOs, formal or informal such as tenants associations, property owners associations, water user groups, or waste management neighbourhood groups? What are their roles and responsibilities? Are they suitable for the project activities? Are women sufficiently represented in these groups? Are there international or national NGOs that support development activities and gender initiatives? How can the project link up with them? What mechanisms can be used to

ensure women's active participation in project activities? Which organisations can be used to mobilise and train women in the project activities?

PROJECT DESIGN

SPECIFIC COMPONENTS

Design of infrastructure (e.g. water supply, waste management, hygiene, transport, and electricity facilities and housing/shelters) should actively involve beneficiary women and men in determining the number, location, types of facilities and services, and incorporate their various preferences. For example where relevant:

- Consider a cost effective public lighting system to make streets and paths safer for girls and women at night.
- Consider a community space that is freely accessible to women and men.
- Where public transport is part of the infrastructure development, consider access points and schedules friendly to women.
- Consider locating public facilities where they are easily accessible to women.

Actively involve beneficiary women and men in determining housing designs and locations and incorporate their various preferences. For example:

- Avoid a housing design that would unnecessary add to women's domestic work.
- Consider a housing design that will provide women with adequate space and facilities, such as workspaces, storage facilities, and lighting which can contribute to home based income generating activities.
- Design simple house plans that could easily be expanded as needs change.

Use technology appropriate to women's and men's needs and management capabilities (e.g. water supply, drainage systems, etc.), as well as to local materials, traditions and the environment.

Timing of infrastructure and housing services

To the extent possible, consider women's needs in determining the service time and frequency of services (e.g. solid waste collection, public transport).

Financing and credit mechanisms

- Consider providing financial assistance through Government assisted, private sector and NGO financial institutions that can reach women and men, particularly those living in hardship.
- If a community based approach is adopted, highlight women's strengths in mobilising savings and resources.
- Hold consultations to ensure consideration of the preferences of men and women in respect to: Financing arrangement; Possible preferential treatment of female headed and other disadvantaged families living in hardship.

Women's participation mechanism

- Develop a participation strategy directly address women's participation during the project implementation and monitoring and evaluation. Avoid overly high expectation of women's participation and develop a practical schedule, as women often have time and financial constraints. The strategy could incorporate the following:
- Organisational setup: Establish a water users group and promote women's representation in the executive committee. Consider stipulating a mandatory number of women in the executive committee to ensure their representation.
 - Group rules: Clearly define rules and responsibilities of members. Establish and document grievance mechanisms and water sharing rules.
 - Construction: Ensure work conditions that are conducive to women's participation (e.g. gender equal wage rates, construction season, toilet and child care facilities).
 - Operation and Maintenance: Appoint female operators, caretakers, water monitors, where possible.
 - Sanitation/hygiene: Use women as active agents, while also ensuring the involvement of husband and male leaders.
 - Monitoring and evaluation (M & E): Develop a feedback mechanism in which both male and female beneficiaries have a voice.
 - NGOs/CBOs: Identify organisations that could facilitate women's participation during implementation and M & E.

Employment

- Ensure equal employment opportunities under the project for women and men.
- To the extent possible, consider locating new housing developments close to markets, to give women and men more employment opportunities.

Information dissemination and marketing

- Direct specific messages to the relevant gender in a manner that is understandable and in the relevant local language.
- Where women are the target audience, consider female information officers to reach them more effectively.
- Consider tapping women's NGOs/CBOs for information dissemination and marketing companies for marketing.

Training considerations

- Where possible, consider combining training in other marketable skills with project related construction training (e.g. block laying, carpentry, welding, etc.) to provide further income generating opportunities.
- Where possible, consider providing an allowance to encourage those living in hardship to participate in the training.
- Provide gender awareness training for all project staff, male and female.

POLICY DIALOGUE

What is discussed in the policy dialogue depends very much on the counterpart agencies acceptance of gender issues, their commitment to help resolve those issues, and the nature and complexity of the issues. Continuous policy dialogue between the MFEM and the implementing agency is important.

The policy dialogue should confirm that the implementing agency understand the key gender issues and are ready to commit the appropriate implementation arrangements and adequate resources.

Some potential issues to be discussed during the project and policy level dialogue with the implementing agency is presented below.

Key Issues	Suggested Actions
Gender participation capacity building for Implementing Agency	<ul style="list-style-type: none"> • Conduct gender and participation training for all Implementing Agency staff. • Obtain the support of the GAD division of the Ministry of Internal Affairs.
Government-NGO collaboration	<input type="checkbox"/> Identify active women’s NGOs and explore government-NGO partnerships in service delivery and strategy building.
Staffing	<input type="checkbox"/> Obtain the implementing agency’s commitment towards engaging female staff on the project.
Budgeting	<input type="checkbox"/> Ensure budget allocation for gender and participation training in the project budget.
Sector work	<input type="checkbox"/> Suggest separate sector work or ‘piggyback’ technical assistance to investigate genderdiscriminatory or sectoral legal and policy issues.
Legal and policy reform	<input type="checkbox"/> Consider incorporating legal and policy reforms in the project to increase the involvement of women.

APPENDIX 4

TERMS OF REFERENCE FOR A GENDER SPECIALIST

Project Planning

The following are the key deliverables required of a gender specialist to be engaged in the project planning stage:

- As part of the environmental social assessment (ESA), conduct participatory gender analysis in collaboration with other specialists.
- Identify the socioeconomic profile of key stakeholder groups in the target population and disaggregate data by gender. Analyse the link between economic status and gender.
- Examine the gender differences in knowledge, attitudes, practices, roles, constraints, needs, and priorities in the water supply and sanitation sector, and the factors that account for such differences.
- Assess men's and women's capacity to participate and factors affecting it.
- Assess potential gender differentiated effects of the project and options for maximising benefits and minimising adverse impacts.
- Identify government agencies, nongovernment and community based organisations and women's groups that can be utilised during the project planning and implementation. Assess their capacity. □ Review the related policy and legal framework, as necessary.
- On the basis of the analysis, develop a gender-responsive and participatory project design and any further sector work and policy/sector reform required. In particular, recommend specific strategies and mechanisms to ensure women's active participation and address their special needs in all project activities.
- Develop a gender-responsive M & E mechanism and indicators.
- Prepare terms of reference for implementation and M & E consultants.

PROJECT IMPLEMENTATION AND M & E ASSISTANCE

The following are the key deliverables required of a gender specialist to be engaged during project and to assist in monitoring and evaluation:

- Develop or, if one already exists, refine the gender strategy of the project and review the implementation plan.
- Assist the project office in recruiting staff to ensure women's equal representation and gender focus. Conduct gender awareness training for the project staff at all levels. Maintain the desired level of gender awareness.
- Help recruit female community mobilisers, if required. Assess the training needs of beneficiary women in water supply and sanitation. Supervise community level training for these women to ensure adequate technical and skilling training in water supply and sanitation suited to their needs.
- Assist the project office in monitoring the implementation of the project. Pay particular attention to potential resistance to women's participation and facilitate any conflict resolution, as required.

- Assess the needs of beneficiary women as these emerge, and propose to the project office practical ways of addressing these needs in the project.
- Assist the monitoring and evaluation consultant in collecting gender disaggregated and women specific data. Assist female mobilisers (if exist) in mobilising beneficiary women for participatory monitoring and evaluation. From the findings, propose the required corrective measures to the project office.



**MINISTRY OF FINANCE
AND**

**ECONOMIC
MANAGEMENT**

**GOVERNMENT OF THE COOK
ISLANDS**

ENVIRONMENTAL

SOCIAL

SAFEGUARDS

FRAMEWORK

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INTRODUCTION

The Government of the Cook Islands Environmental Social Safeguards Framework sets out the Government's commitment to sustainable development. Through this Environmental Social Safeguards Framework, Government will enhance the implementation of the National Sustainable Development Plan (NSDP) for all projects planned and implemented in the Cook Islands. It is also aligned to the international conventions that the Cook Islands has signed, ratified and has committed to, under the umbrella of the following United Nations bodies: World Health Organization (WHO), International Labour Organization (ILO), Food and Agricultural Organization (FAO), United Nations Educational Scientific and Cultural Organization (UNESCO), United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Convention on Biodiversity, United Nations Convention on the Rights of Child (UNCRC), United Nations Convention on the Elimination of Discrimination Against Women (CEDAW), and the United Nations Convention on the Rights of Persons with Disability. The nine Environmental Social Safeguard Standards (ESSS) establish the standards that a project will meet through the project life cycle and are as follows:

ESSS 1: Assessment and Management of Environmental and Social Risks and Impacts
ESSS2: Labour and Working Conditions **ESSS3: Resource Efficiency and Pollution Prevention**
ESSS4: Community Health, Safety and Security **ESSS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement** **ESSS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources** **ESSS7: Indigenous People and Traditional Local Communities** **ESSS8: Cultural Heritage** **ESSS9: Stakeholder Engagement and Information Disclosure**

Environmental Social Safeguard Standard 1 (ESSS1) applies to all projects for which financing is sought. ESSS1 establishes the importance of:

- (a) The project in addressing the risks and impacts of the project;
- (b) An integrated environmental and social assessment to identify risks and impacts of the project;
- (c) Effective community engagement through disclosure of project related information, consultation and feedback; and
- (d) Management of environmental and social risks throughout the project life cycle.

It is required that all environmental and social risks and impacts of the project be as part of the environmental and social assessment conducted in accordance with ESSS1. These risks and impacts should be identified in the project 'Concept' stage of Te Tarai Vaka. The means of mitigating, reducing, minimizing and addressing these risks and impacts should be considered and outlined at and in conjunction with the Activity 'Planning' Stage of Te Tarai Vaka.

ESSS 2 – ESSS 9 sets out the obligations of the project in identifying and addressing environmental and social risks and impacts that may require particular attention. These standards set out objectives and requirements to avoid, minimize, reduce and mitigate risks and impacts; and where lasting impacts remain, to compensate for or offset such impacts.

MINISTRY OF FINANCE AND ECONOMIC MANAGEMENT (MFEM) ENVIRONMENTAL SOCIAL SAFEGUARDS POLICY

PURPOSE

1. This Environmental Social Safeguards Policy for project financing sets out the requirements of the Cook Islands Government in relation to projects that it supports. Ensuring the implementation of this Policy will be the Ministry of Finance and Economic Management (MFEM).

OBJECTIVES AND PRINCIPLES

2. The Cook Islands Government is committed to support projects that are aligned to the achievement of the National Sustainable Development Plan (NSDP), and therefore projects must be environmentally and socially sustainable.
3. To this end, specific Environmental Social Safeguards Standards (ESSS) have been defined. These are designed to avoid, minimize, reduce or mitigate the adverse environmental and social risks and impacts of all projects. The MFEM will assist with the application of the ESSS to projects that have been supported for financing in accordance with this Environmental and Social Safeguards Policy.
4. To carry out this Policy, the MFEM will:
 - (a) Facilitate due diligence of the proposed project, proportionate to the nature and potential significance of the environmental and social risks and impacts related to the project;
 - (b) As where required, support the early and continuing engagement and consultation with stakeholders, in particular affected communities, and in providing project-based grievance mechanisms;
 - (c) Assist the project in identifying appropriate methods and tools to assess and manage the potential environmental and social risks and impacts of the project;
 - (d) Ensure the monitoring of the environmental and social performance of a project in accordance with the ESSS.
5. The environmental and social risks and impacts which will be taken into account during due diligence include the following:
 - (a) Environmental risks and impacts include:
 - (i) Those related to community safety;
 - (ii) Those related to climate change and other transboundary or global risks and impacts;
 - (iii) Any material threat to the protection, conservation, maintenance and restoration of natural habitats and biodiversity; and
 - (iv) Those related ecosystem services and the use of natural resources such as fisheries and forests, and
 - (b) Social risks and impacts, include:

- (i) Threats to human security through possible personal and communal conflict, crime or violence;
- (ii) Risks that project impacts fall disproportionately on individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable;
- (iii) Any prejudice or discrimination toward individuals or groups in providing access to project benefits, particularly in the case of those who may be disadvantaged or vulnerable;
- (iv) Negative economic or social impacts relating to the involuntary taking of land or restriction on land use;
- (v) Risks or impacts associated with land and natural resource tenure and use, including potential project impacts on local land use patterns, land access and availability, food security and land values;
- (vi) Impacts on health, safety and wellbeing of workers and project affected communities; and
- (vii) Risks to cultural heritage.

6. Projects are required to meet the following Environmental Social Safeguards Standards:

Environmental Social Safeguard Standard 1: Assessment and Management of Environmental and Social Risks and Impacts

Environmental Social Safeguard Standard 2: Labour and Working Conditions

Environmental Social Safeguard Standard 3: Resource Efficiency and Pollution Prevention

Environmental Social Safeguard Standard 4: Community Health, Safety and Security

Environmental Social Safeguard Standard 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

Environmental Social Safeguard Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources

Environmental Social Safeguard Standard 7: Indigenous People and Traditional Local Communities

Environmental Social Safeguard Standard 8: Cultural Heritage

Environmental Social Safeguard Standard 9: Stakeholder Engagement and Information Disclosure.

7. The Environmental Social Safeguards Standards (ESSS) are designed to help manage the risks and impacts of a project through a risk outcomes based approach. The desired outcomes for the project are described in the objective of each ESSS, followed by specific requirement to help achieve those objectives through ways that are appropriate to the nature and scale of the project and proportionate to the level of environmental and social risks and impacts.

SCOPE OF APPLICATION

8. For the purposes of this Policy, the term project refers to the activities for which the Government's support is being sought (this relates to both domestic and development partner

funding). Projects may include new facilities or activities and/or existing facilities or activities, or a combination of the same projects may include subprojects.

9. Where the Government is financing a project with multilateral or bilateral funding agencies, the MFEM will cooperate with such agencies in order to agree on a common approach for the assessment and management of environmental and social risks and impacts of the project. A common approach will be acceptable to the MFEM, provided that such an approach will enable the project to achieve the objectives materially consistent with MFEM's ESSS.

MFEM Requirements

10. MFEM will require projects to conduct environmental and social assessment of projects proposed for support in accordance with ESSS1, commencing at the 'Concept' Stage of Te Tarai Vaka.

11. MFEM will require that during the 'Planning' stage of the Te Tarai Vaka process that the requirements of the ESSS are met in a manner and timeframe acceptable to the MFEM. In establishing the manner and acceptable timeframe, the MFEM will take into account the nature and significance of the potential environmental and social risks and impacts, the timing for the development and implementation of the project, the capacity of the implementing agency involved, and the specific measures and actions to be put in place or taken by the implementing agency to address such risks and impacts.

12. Where MFEM has agreed that an implementing agency may plan or take specific measures or actions to avoid, minimize, reduce or mitigate specific risks and impacts over a specified timeframe, the MFEM will require that an implementing agency commit to not carrying out any activities or taking any actions in relation to the project that may cause material adverse environmental and social risks or impacts until the relevant plans, measures or activities have been completed in accordance with the Environmental and Social Commitment Plan (ESCP).

A. Environmental and social risk classification

13. During the 'Concept' stage of Te Tarai Vaka, projects must be assigned to one of three classifications reflecting the level of risk and impact and the type of Impact Assessment that is required. Category A, means that the project carries substantial or high risk. Category B, means that the project has moderate risk. Category C means that the project has low or minimal risk.

Category A	Substantial or high risk	Conduct a comprehensive environmental and social risk assessment as per the MFEM's ESS framework and Gender Policy. MFEM will work with the implementing agency on the appropriate tools to be used taking into account the mitigation hierarchy in ESS1.
Category B	Moderate risk	Conduct an environmental and risk assessment as per the MFEM's ESS framework and Gender Policy. MFEM will work with the implementing agency on the appropriate tools to be used taking into account the mitigation hierarchy in ESS1.
Category C	Low or minimal risk	Conduct a scoping of initial environmental and social assessment to identify risks and impact as per this ESS.

14. In determining the appropriate risk classification, the MFEM will take into account relevant issues, such as the type, location, sensitivity, and scale of the project; the nature and magnitude of the potential environmental and social risks and impacts; and the capacity and commitment of the implementing agency to manage the environmental and social risks and impacts in a manner consistent with the ESS. Other areas of risk may also be relevant to the delivery of environmental and mitigation measures and outcomes, depending on the specific project and the context in which it is being developed. These include legal and institutional considerations; the nature of the mitigation and technology being proposed; governance structures and legislation; and considerations relating to stability, conflict or security. The MFEM will disclose the project's classification and the basis for that classification on the MFEM website and in project documents.

15. The MFEM will review the risk classification assigned to the project on a regular basis, including during implementation, and will change the classification where necessary, to ensure that it continues to be appropriate. Any change to the classification will be disclosed on the MFEM's website.

B. Environmental and social due diligence

16. The MFEM will conduct environmental and social due diligence of all projects proposed for support during the 'Concept' and 'Planning' stages of Te Tarai Vaka. The purpose of the

environmental and social due diligence is to assist the MFEM in deciding whether to provide support for the proposed project and, if so, the way in which environmental and social risks and impacts will be addressed in the assessment, development and implementation of the project.

17. The environmental and social due diligence will be appropriate to the nature and the scale of the project, and proportionate to the level of environmental and social risks and impacts, with due regard to the mitigation hierarchy (defined in ESSS1). The due diligence will assess whether the project is capable of being developed and implemented in accordance with the ESSS.
18. The MFEM's due diligence responsibilities will include, as appropriate:
 - (a) Reviewing the information provided by the implementing agency relating to the environmental and social risks and impacts of the project (for example, prefeasibility studies, scoping studies, national environmental and social assessment), and requesting additional and relevant information where there are gaps that prevent the MFEM from completing its due diligence; and
 - (b) Providing guidance to assist the implementing agency in developing appropriate measures consistent with the mitigation hierarchy to address environmental and social risks and impacts in accordance with ESSS. The implementing agency is responsible for ensuring that all relevant information is provided to the MFEM so that the MFEM can fulfil its responsibility to undertake environmental and social due diligence in accordance with this Policy.
19. The MFEM recognizes that implementing agencies may have different levels of information regarding the environmental and social risks and impacts available at the time that the MFEM carries out its due diligence. In such circumstances, the MFEM will assess the risks and impacts of the proposed project based on the information that is available to the MFEM, together with the assessment of (a) the risks and impacts inherent to the type of project and specific context in which the proposed project will be developed and implemented; and (b) the capacity and commitment of the implementing agency to develop and implement the project in accordance with the ESSS. The MFEM will assess the significance of the gaps in information, and the potential risk this may present to achieving the objectives of the ESSS. The MFEM will reflect this assessment in the relevant project documents at the time the proposed financing is submitted for approval.
18. Where the MFEM is approached to provide support for a project that is under construction or in progress, MFEM's due diligence will include a gap analysis against the ESSS to identify whether any additional studies or mitigation measures are required to meet MFEM's requirements.
19. Depending on the potential significance of the environmental and social risks and impacts, the MFEM may determine whether the implementing agency will be required to retain independent third party specialist to assist in the assessment of environmental and social impacts.

C. Environmental and Social Commitment Plan (ESCP)

20. The MFEM will agree on an ESCP with the implementing agency. The ESCP will set out the material measures and actions required for the project to meet the ESSS over a specified timeframe. The ESCP will form part of the funding agreement. The agreement will include, as necessary, obligations of the implementing agency to support the implementation of the ESCP.

21. The MFEM will require the implementing agency to implement the measures and actions identified in the ESCP diligently, in accordance with the timeframes specified in the ESCP, and to review the status of implementation of the ESCP as part of its monitoring and reporting. The draft ESCP will be disclosed as early as possible, and before project appraisal.

22. The MFEM will require the implementing agency to prepare, submit to the MFEM for approval and implement a process that allows for adaptive management of proposed project changes or unforeseen circumstances. The agreed adaptive management process will be set out in the ESCP. The process will specify how such changes or circumstances are to be managed and reported, and how any necessary changes will be made to the ESCP and the management tools used by the implementing agency.

D. Information disclosure

23. The MFEM will require the implementing agency to provide sufficient information about the potential risks and impacts of the project for the implementing agency's consultations with its stakeholders. Such information will be disclosed in a timely manner, in an accessible place, and in a form that is understandable to project affected parties and other interested parties, as set out in ESSS9, so they can provide meaningful input into project planning and mitigation measures.

24. The MFEM will disclose documentation relating to the environmental and social risks and impacts of projects classified into category A (substantial or high risks) and category B (moderate risks) prior to project appraisal. This documentation will reflect the environmental and social assessment of the project, and be provided in draft or final form (if available). The documentation will address, in an adequate manner, the key risks and impacts of the project, and will provide sufficient detail to inform the stakeholder engagement and the MFEM decision making. Final or updated documentation will be disclosed when available.

E. Consultation and participation

25. The MFEM recognises the importance of early and continuing engagement and meaningful consultation with stakeholders. The MFEM will require that the implementing agency to engage with stakeholders, including communities, groups, or individuals affected by proposed projects, and with other interested parties through information disclosure, consultation, and informed participation in a manner proportionate to the risks and impacts on affected communities. The MFEM will have the right to participate in consultation activities to understand the concerns of affected people, and how such concerns will be addressed by the implementing agency project design and mitigation measures, in accordance with ESSS9. The MFEM will monitor, as part of its due diligence, the implementation of consultation and stakeholder engagement by the implementing agency.

26. In order to determine the applicability of ESSS 7, the MFEM will undertake screening to determine whether indigenous people/toketoke enua are present in, or have collective attachment to, the proposed project area. In conducting this screening, the MFEM may seek the technical

advice of specialists with expertise on the social and cultural groups in the area. The MFEM may also consult the indigenous people concerned and the implementing agency. The outcome of meaningful consultation will be documented. This will contribute to the decision making as to whether to proceed with the project or not.

F. Monitoring and implementation support

27. The MFEM will monitor the environmental and social performance of the project in accordance with the requirements of the ESCP, and will review the ESCP including changes in the design of a project or project circumstances. The extent and mode of the MFEM monitoring with respect to environmental and social performance will be proportionate to the potential environmental and social risks and impacts of the project. A project will not be considered complete until the measures and actions set out in the ESCP have been implemented.

G. Grievance mechanism and accountability

28. The MFEM will require the project to provide a grievance mechanism, process or procedures to receive and facilitate resolution of concerns and grievances of project affected parties arising in connection with the project, in particular about the implementing agency's environmental and social performance. The grievance mechanism will be proportionate to the risks and impacts of the project.

29. Project affected parties may submit complaints to the project grievance mechanism, which MFEM will be overseeing. This will ensure that complaints received are promptly reviewed and project related concerns are addressed.

H. Institutional and implementation arrangements

30. The MFEM will allocate responsibilities and appropriate necessary resources to support the effective implementation of this Policy. Additionally, the MFEM will develop and maintain directives, procedures and appropriate guidance and information tools to assist in implementing this Policy.

31. This Policy will be reviewed on an ongoing basis and will be amended or updated as appropriate.

ESSS1. ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS

INTRODUCTION

1. ESSS1 sets out the **implementing agency's responsibilities** for assessing, managing and monitoring environmental and social risks and impacts associated with each stage of a project supported by the Government of the Cook Islands and also external development partners, in order to achieve environmental and social outcomes consistent with the ESSS.

2. The ESSS are designed to help the implementing agency to manage the risks and impacts of a project, and improve their environmental and social performance, through a risk and outcome based approach. The desired outcomes for the project are described in the objectives of each ESSS, followed by specific requirements to help the implementing agency achieve these objectives through means that are appropriate to the level of environmental and social risks and impacts.

3. During the 'Concept' stage of Te Tarai Vaka, the implementing agency must identify the likely environmental and social risks and impacts of the project. The table below provides guidance on environmental and social risks and impacts.

Environmental Risks and Impacts	Social Risks and Impacts
<ul style="list-style-type: none"> • Those relating to community safety (including safe use of pesticides) • Those related to climate change and other transboundary or global risks and impacts • Any material threat to the protection, conservation, maintenance and restoration of natural habitats and biodiversity • Those related to ecosystem services and the use of the living natural resources, such as fisheries and forests 	<ul style="list-style-type: none"> • Threats to human security through the escalation of personal, communal or national conflict, crime or violence • Risks that project impacts fall disproportionately on individuals and groups who, because of their particular circumstances, may be disadvantaged or vulnerable • Any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of those who may be disadvantaged or vulnerable • Negative economic and social impacts relating to the involuntary taking of land or restrictions on land use • Risks or impacts relating to land and natural resource use and tenure, including (as relevant) potential project impacts on local land use patterns and arrangements, land access and availability, food security and land values, and any corresponding risks related to conflict and contestation over land and natural resources • Impacts on the health, safety and wellbeing of workers and project affected communities • Risks to cultural heritage

When the project 'Concept' has been approved for progression to the 'Planning' stage of Te Tarai Vaka, the implementing agency will conduct environmental and social assessment of projects proposed for support to help ensure that projects are environmentally and socially sound and sustainable. The environmental and social assessment will be proportionate to the risks and impacts of the project. It will inform the design of the project, and will be used to identify mitigation measures and actions and to improve decision making.

4. Implementing agencies will manage the environmental and social risks and impacts of the project throughout the project life cycle in a systematic manner, proportionate to the nature and scale of the project and potential risks and impacts.

5. ESSS1 includes the following annexes, which form part of ESSS1, and set out certain requirements in more detail:

- **Annex 1:** Environmental and Social Assessment; □
- **Annex 2:** Environmental and Social Commitment Plan; and
- **Annex 3:** Management of Contractors.

OBJECTIVES

- To identify, evaluate and manage the environment and social risks and impacts of the project in a manner consistent with the ESSS.
- **To adopt a mitigation hierarchy approach to:**
(a) Anticipate and avoid risks and impacts; (b) Where avoidance is not possible, minimise or reduce risks and impacts to acceptable levels; (c) Once risks and impacts have been minimised or reduced, mitigate; and
(d) Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible.
- To adopt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable, and they are not disadvantaged in sharing development benefits and opportunities resulting from the project.
- To utilise national environmental and social institutions, systems, laws, regulations and procedures in the assessment, development and implementation of projects.
- To promote improved environmental and social performance, in ways which recognise and enhance the implementing agency capacity.

SCOPE OF APPLICATION

6. ESSS1 applies to all projects seeking funding from Cook Islands Government and development partners. Application of the ESSS1 will depend on the level of risks and impacts of the project.

REQUIREMENTS

7. The implementing agency will assess, manage and monitor the environmental and social risks and impacts of the project throughout the project life cycle so as to meet the requirement of the ESSS in a manner and within a timeframe acceptable to the MFEM.

The implementing agency will:

- (a) Conduct an environmental and social assessment of the proposed project, including stakeholder engagement;
- (b) Undertake stakeholder engagement and disclose appropriate information in accordance with ESSS9;

- (c) Develop a ESCP and implement all measures and actions set out within the ESCP; and
- (d) Conduct monitoring and reporting on the environmental and social performance of the project against the ESSS.

8. Where the ESCP requires the implementing agency to plan or take specific measures and actions over a specified timeframe to avoid, minimise, reduce or mitigate specific risks and impacts of the project. The implementing agency will not carry out any activities in relations to the project that may cause material or adverse environmental or social risks or impacts until the relevant plans, measures or actions have been completed in accordance with the ESCP.

A. Environmental and social assessment

- 9. The implementing agency will carry out an environmental and social assessment of the project to assess the environmental and social risks and impacts of the project throughout the project life cycle. The assessment will be proportionate to the potential risks and impacts of the project, and will assess, in an integrated way, all relevant direct, indirect and cumulative environmental and social risks and impacts throughout the project life cycle, including those specifically identified in ESSS 2-9.
- 10. The implementing agency, in consultation with the MFEM, will identify and use appropriate methods and tools, including scoping, environmental and social analyses, investigations, audits, surveys and studies, to identify and assess the potential environmental and social risks and impacts of the proposed project. These methods and tools will reflect the nature and scale of the project, and will include, as appropriate, a combination (or elements of) the following environmental and social impact assessment (ESIA); environmental audit; hazard or risk assessment; social and conflict analysis; environmental and social management plan (ESMP). The environmental and social assessment will be based on current information, including an accurate description and delineation of the project and any associated aspects, and environmental and social baseline data at an appropriate level of detail sufficient to inform characterisation and identification of risks and impacts and mitigation measures. The assessment will evaluate the project's potential environmental and social risks and impacts; examine project alternatives; identify ways of improving project selection, siting, planning, design and implementation in order to apply the mitigation hierarchy for adverse environmental and social impacts and seek opportunities to enhance the positive impacts of the project. The environmental and social assessment will include stakeholder engagement as an integral part of the assessment, in accordance with ESSS9.
- 11. The environmental and social assessment will be an adequate, accurate, and objective evaluation and presentation of the risks and impacts. For Category A (substantial or high risk) projects, as well as situation in which the implementing agency has limited capacity, independent specialist should be engaged to carry out the environmental and social assessment.
- 12. The implementing agency will ensure that the environmental and social assessment takes into account in an appropriate manner all issues relevant to the project, including: (a) the applicable policy framework, national laws and regulations, island by-laws, and institutional capabilities relating to environmental and social issues, applicability of project to international treaties and

agreements; (b) applicable requirements under the ESSS; (c) relevant good international industry practices.

13. The environmental and social assessment will apply a mitigation hierarchy, which will:

(a) Anticipate and avoid risks and impacts; (b) Where avoidance is not possible, minimise or reduce risks and impacts to acceptable levels; (c) Once risks and impacts have been minimised or reduced, mitigate; and

(d) Where significant residual impact remain, compensate for or offset them, where technically and financially feasible.

14. The environmental and social assessment, during the ‘Concept’ and ‘Planning’ stages of Te Tarai Vaka, will take into account all relevant environmental and social risks and impacts of the project. This will also assist in completing the Environment Declaration, as required by the National Environment Service. Environmental and social risks and impacts to be considered include:

Environmental Risks and Impacts	Social Risks and Impacts
<ul style="list-style-type: none"> • Those relating to community safety (including safe use of pesticides) • Those related to climate change and other transboundary or global risks and impacts • Any material threat to the protection, conservation, maintenance and restoration of natural habitats and biodiversity • Those related to ecosystem services and the use of the living natural resources, such as fisheries and forests 	<ul style="list-style-type: none"> • Threats to human security through the escalation of personal, communal or national conflict, crime or violence • Risks that project impacts fall disproportionately on individuals and groups who, because of their particular circumstances, may be disadvantaged or vulnerable • Any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of those who may be disadvantaged or vulnerable • Negative economic and social impacts relating to the involuntary taking of land or restrictions on land use • Risks or impacts relating to land and natural resource use and tenure, including (as relevant) potential project impacts on local land use patterns and arrangements, land access and availability,
	<ul style="list-style-type: none"> food security and land values, and any corresponding risks related to conflict and contestation over land and natural resources □ Impacts on the health, safety and wellbeing of workers and project affected communities □ Risks to cultural heritage

15. Where the environmental and social assessment of the project identifies specific individuals or groups as disadvantaged or vulnerable, the implementing agency will propose and implement differentiated measures so that adverse impacts do not fall disproportionately on the

disadvantaged or vulnerable, and they are not disadvantaged in sharing any development benefits and opportunities resulting from the project.

B. Environmental and Social Commitment Plan (ESCP)

16. The implementing agency will develop and implement an ESCP, which will set out measures and actions required for the project to achieve compliance with the ESSS over a specified timeframe. The MFEM will assist the implementing agency in identifying appropriate methods and tools to assess and manage the potential environmental and social risks and impacts of the project, and developing the ESCP. The draft ESCP will be disclosed as early as possible, and before the project appraisal in the 'Planning' stage of Te Tarai Vaka.

17. The ESCP will take into account the findings of the environmental and social assessment, the MFEM's environmental and social due diligence, and the results of the engagement with stakeholders. It will be an accurate summary of material measures and actions required to avoid, minimise, reduce or otherwise mitigate the potential environmental and social risks and impacts of the project. A completion date for each action will be specified in the ESCP.

18. The ESCP will set out a process that allows for adaptive management of proposed project changes or unforeseen circumstances. The process will set out how such changes or circumstances will be managed and reported and any necessary changes will be made to the ESCP and relevant management tools.

19. The implementing agency will implement the measures and actions identified in the ESCP in accordance with the specified timelines, and will review the status of implementation of the ESCP as part of its monitoring and reporting obligations.

20. The ESCP will describe the different management tools that the implementing agency will use to develop and implement the agreed measures and actions. These management tools will include, as appropriate, environmental and social management plans, operational policies, operational manuals, management systems, procedures, practices and capital investments. All management tools will apply the mitigation hierarchy, and incorporate measures so that the project will meet the requirements of applicable laws and regulations and ESSS in accordance with the ESCP throughout the project life cycle.

21. The level of detail and complexity of the management tools will be proportionate to the project's risks and impacts, and the measures and actions identified to address such risks and impacts. They will take into account the experience and capacity of the parties involved with the project, including the implementing agency, project affected communities and other interested parties, and aim to support improved environmental and social performance.

22. The management tools will define desired outcomes in measurable terms to the extent possible, with elements such as targets and performance indicators that can be tracked over defined time lines.

C. Project monitoring and reporting

23. The implementing agency will monitor the environmental and social performance of the project. The extent and mode of monitoring will be agreed upon with the MFEM, and will be proportionate to the nature of the project, the project's environmental and social risks and impacts, and compliance requirements. The implementing agency will ensure that adequate institutional arrangements, systems, resources and personnel are in place to carry out monitoring.
24. Monitoring will normally include recording information to track performance, and establishing relevant operational controls to verify and compare compliance and progress.
25. The implementing agency will provide regular reports as set out in the ESCP (no less than annually) to the MFEM. Such reports will provide accurate and object record of the project implementation, including compliance to the ESCP and the requirement of the ESSS. Such reports will include information on stakeholder engagement conducted during project implementation in accordance with ESSS9.
26. Based on the results of monitoring, the implementing agency will identify any necessary corrective and preventive actions, and will incorporate these in an amended ESCP or relevant management tool, in a manner acceptable to MFEM. The implementing agency will implement the agreed corrective and preventive actions in accordance with the amended ESCP or relevant management tool, and monitor and report on these actions.
27. The MFEM may facilitate site visits by its staff or consultants acting on MFEM's behalf.
28. The implementing agency will notify the MFEM promptly of any incident or accident relating to the project which has, or likely to have, a significant adverse impact on the environment, the affected communities, the public or workers. The notification will provide sufficient detail regarding such incident or accident. The implementing agency will take immediate action to address the incident or accident and to prevent any recurrence in accordance with national law and the ESSS.

D. Stakeholder engagement and information disclosure

29. As set out in ESSS9, the implementing agency will continue to engage with, and provide sufficient information to stakeholders throughout the life cycle of the project, in a manner appropriate to the nature of their interests and the potential environmental and social risks and impacts of the project.
30. For Category A (Substantial or Risk) projects, the implementing agency will provide to the MFEM and disclose documentation, as agreed with the MFEM, relating to the environmental and social risks and impacts of the project prior to project appraisal in the 'Planning' stage of the Te Tarai Vaka process. The documentation will address, in an adequate manner, the key risks and impacts of the project, and will provide sufficient detail to inform stakeholder engagement and MFEM's decision making. The implementing agency will provide to the MFEM and disclose final or updated documentation as specified in the ESCP.

ESSS1 – ANNEX 1. ENVIRONMENTAL AND SOCIAL ASSESSMENT

A. General

1. The implementing agency will undertake an environmental and social assessment to assess the environmental and social risks and impacts of a project throughout the project life cycle. The term 'environmental and social assessment' is a generic term that describes the process of analysis and planning used by the implementing agency to ensure the environmental and social impacts and risks of a project are identified, avoided, minimized, reduced or mitigated.
2. The environmental and social assessment is the primary means of ensuring projects are environmentally and socially sound and sustainable, and will be used to inform decision making. The environmental and social assessment is a flexible process that can use different tools and methods depending on the details of the project and the circumstances of the implementing agency.
3. The environmental and social assessment will be conducted in accordance with ESSS1, and will consider, in an integrated way, all relevant direct, indirect and cumulative environmental and social risks and impacts of the project, including those specifically identified in ESSS 1-9. The scope, depth and type of analysis undertaken as part of the environmental and social assessment, will depend on the nature and scale of the project, and the potential environmental and social risks and impacts that could result. The implementing agency will undertake the environmental and social assessment at the scale and level of detail appropriate to the potential risks and impacts.
4. The manner in which the environmental and social assessment will be conducted and the issues to be addressed will vary for each project. The implementing agency will consult with the MFEM to determine the process to be used, taking into account a number of activities, including scoping, stakeholder engagement, potential environmental and social issues and any specific issues raised between the MFEM and the implementing agency. The environmental and social assessment will take into account coordination and consultation with affected people and other interested parties, particularly at an early stage, to ensure that all potentially significant environmental and social risks and impacts are identified and addressed.
5. The different methods and tools used by the implementing agency to carry out the environmental and social assessment and to document the results of such assessment, including mitigation measures to be implemented, will reflect the nature and scale of the project. As specified in ESSS 1, these will include, as appropriate, a combination or elements of the following:
 - (i) [Environmental and Social Impact Assessment \(ESIA\)](#)
ESIA is an instrument to identify and assess the potential environmental and social impacts of a proposed project, evaluate alternatives, and design appropriate mitigation, management and monitoring measures.
 - (ii) [Environmental and Social Audit](#)
Environmental and social audit is an instrument to determine the nature and extent of all environmental and social areas of concern at an existing project or activity. The

audit identifies and justifies appropriate measures and actions to mitigate the areas of concern, estimates the cost of the measures and actions, and recommends a schedule for implementing them. For certain projects, the environmental and social assessment may consist of an environmental or social audit alone; in other cases, the audit forms part of the environmental and social assessment.

(iii) [Hazard or Risk Assessment](#)

Hazard or risk assessment is an instrument for identifying, analysing, and controlling hazards associated with the presence of dangerous materials and conditions at a project site. The MFEM requires that a hazard or risk assessment for projects involving certain inflammable, explosive, reactive or toxic materials when they are present in quantities above a specified threshold. For certain projects, the environmental and social assessment may consist of the hazard or risk assessment alone; in other cases, the hazard or risk assessment forms part of the environmental and social assessment.

(iv) [Cumulative Impact Assessment](#)

Cumulative impact assessment is an instrument to consider cumulative impacts of the project in combination with the impacts from other relevant past, present or reasonably foreseeable developments as well as unplanned but predictable activities enabled by the project that may occur later or at a different location.

(v) [Social and Conflict Analysis](#)

Social and conflict analysis is an instrument that assess the degree to which the project may (a) exacerbate existing tensions and inequality within a society (both within the communities affected by the project and between these communities and others); (b) have a negative bearing on stability and human security; (c) be negatively affected by existing tensions, conflict and instability.

(vi) [Environmental and Social Management Plan \(ESMP\)](#)

ESMP is an instrument that details (a) the measures to be taken during the implementation and operations of a project to eliminate or offset adverse environmental and social impacts, or to reduce them to acceptable levels; and (b) the actions needed to implement these measures.

(vii) [Environmental and Social Management Framework \(ESMF\)](#)

ESMF is an instrument that examines the risks and impacts when a project consist of a program and/or series of subprojects, and the risks and impacts cannot be determined until the program or subproject details have been identified. The ESMF sets out the principles, rules and guidelines and procedures to assess the environmental and social risks and impacts. It contains measures and plans to reduce, mitigate and/or offset adverse risks and impacts, provisions for estimating and budgeting the costs of such measures, and information on the agency or agencies responsible for addressing project risks and impacts, including on its capacity to

manage environmental and social risks and impacts. It includes adequate information on the area in which subprojects are expected to be sited, including any potential environmental and social vulnerabilities of the area; and on the potential impacts that may occur and mitigation measures that might be expected to be used.

(viii) Strategic Environmental and Social Assessment (SESA)

SESA is a systematic examination of environmental and social risks and impacts, and issues, associated with a policy, plan or program, typically at the national level but also in smaller areas. The examination of environmental and social risks and impacts will include consideration of the full range of environmental and social risks and impacts incorporated in ESS1-9. SESAs are typically not location specific. They are therefore prepared in conjunction with project and site specific studies that assess the risks and impacts of the project.

6. Specific features of a project may require the implementing agency to utilize specialized methods or tools for assessment, such as a Livelihood Restoration Plan, Biodiversity Action Plan, Cultural Heritage Management Plan, and other plans as agreed with the MFEM.

7. Implementing agencies should initiate the environmental and social assessment as early as possible in project processing. They should consult with the MFEM as early possible so the environmental and social assessment is designed from the outset to meet the requirements of the ESS.

8. The environmental and social assessment will be closely integrated with the other components of the project's planning. The implementing agency will take care to ensure that conflict of interest is avoided when individuals or entities are engaged to carry out the environmental and social assessment.

B. INSTITUTIONAL CAPACITY

9. Environmental and social assessment can provide opportunities for coordinating environmental and social related responsibilities and actions in a way that goes beyond project itself and, as a result, where feasible should be linked to other environmental and social strategies and action plans. The environmental and social assessment can strengthen environmental and social management capacities.

10. The implementing agency may include components in the project to strengthen its legal or technical capacity to carry out key environmental and social assessment functions. If the MFEM concludes that the implementing agency has inadequate legal or technical capacity to carry out such functions, the MFEM may require strengthening programs to be included as part of the project. If the project includes one or more elements of capacity strengthening, these elements will be subject to periodic monitoring and evaluation as required by ESS1.

C. INDICATIVE OUTLINE OF AN ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA)

11. Where an environmental and social impact assessment is prepared as part of the environmental and social assessment, it will include the following:

(a) Executive Summary

- Concisely discusses significant findings and recommended actions.

(b) Legal and Institutional Framework

- Analyses the legal and institutional framework for the project, within which the environmental and social assessment is carried out.
- Compares the implementing agency's existing environment and social framework and the ESSS and identifies the gaps between them.
- Identifies and assesses the environmental and social requirements of any cofinanciers.

(c) Project Description

- Concisely describes the proposed project and its geographic, environmental, social, and temporal context, including any offsite investments that may be required (e.g. access roads, power supply, water supply, housing, raw materials, storage facilities, etc.).
- Through consideration of the details of the project, indicates the need for any plan to meet the requirements of ESSS1-9.
- 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.

(d) Baseline Data

- Sets out in detail the baseline data that is relevant to decisions about project location, design, operation, or mitigation measures. This should include a discussion of the accuracy, reliability and sources of the data as well as information about dates surrounding the project identification, planning and implementation.
- Identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions.
- Based on current information, assesses the scope of the area to be studied and describes the relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences.
- Takes into account current and proposed development activities within the project area but not directly connected to the project.

(e) Environmental and Social Risks and Impacts

- Takes into account all relevant environmental and social risks and impacts of the project. This will include the environmental and social risks and impacts specifically identified in ESSS2-9, and any other environmental and social risks and impacts arising as a consequence of the specific nature and context of the project, including the risks and impacts identified in ESSS1, paragraph 14. **(f) Mitigation Measures**
- Identifies mitigation measures and significant residual negative impacts that cannot be mitigated and, to the extent possible assesses the acceptability of those residual negative impacts.
- Identifies differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable.
- Assess the feasibility of mitigating the environmental and social impacts; the capital and recurrent costs of proposed mitigation measures, and their suitability under local

conditions; and the institutional, training and monitoring requirements for the proposed mitigation measures.

- Specific issues that do not require further attention, providing the basis for this determination.

(g) 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 environmental and social impacts.
- Assess the alternatives feasibility of mitigating the environmental and social impacts; the capital and recurrent costs of alternative mitigation measures, and their suitability under local conditions; and the institutional, training, and monitoring requirements for the alternative mitigation measures.
- For each of the alternatives, quantifies the environmental and social impacts to the extent possible, and attaches economic values where feasible.

(h) Design Measures

- Sets out the basis for selecting the particular project design proposed and specifies the design features with environmental and social risks and impacts implications.

(i) Key Measures and Actions for Environmental and Social Commitment Plan (ESCP)

- Summarises key measures and actions and the timeframe required for the project to meet the requirements of the ESSS. This will be used in developing the ESCP.

(j) Appendices

- List of individuals or organisations that prepared or contributed to the environmental and social assessment.
- References – setting out the written materials both published and unpublished, that have been used.
- Record of meetings, consultations and surveys with stakeholders, including those with affected people and other interested parties. The record specifies the means of such stakeholder engagement that were used to obtain the views of affected people and other interested parties.
- Tables presenting the relevant data referred to or summarised in the main text.
- List of associated reports or plans.

D. INDICATIVE OUTLINE OF ENVIRONMENTAL SOCIAL MANAGEMENT PLAN (ESMP)

12. An EMSP consists of the set of mitigation, monitoring, and institutional measures to be taken during implementation and operation of a project to eliminate adverse environmental and social risks and impacts, offset them, or reduce them to acceptable levels. The EMSP also includes actions needed to implement these measures. The implementing agency will (a) identify the set of responses to potentially adverse impacts; (b) determine requirements for ensuring that those responses are made effectively and in a timely manner; and (c) describe the means for meeting those requirements.

13. Depending on the project, an EMSP may be prepared as a stand-alone document or the content may be incorporated into the ESCP. The content of the ESMP will include the following:

(a) Mitigation

- The ESMP identifies measures and actions in accordance with the mitigation hierarchy that reduce potentially adverse environmental and social impacts to acceptable levels. The plan will include compensatory measures, if applicable. The ESMP specifically:
- (i) Identifies and summarises all anticipated adverse environmental and social impacts (including those involving indigenous people or involuntary resettlement);
 - (ii) 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. ;
 - (iii) Estimates any potential environmental and social impacts of these measures; and
 - (iv) Takes into account, and is consistent with, other mitigation plans required for the project (e.g. for involuntary resettlement, indigenous people and cultural heritage).

(b) Monitoring

- The ESMP identifies monitoring objectives and specifies the type of monitoring with linkages to the impacts 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 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 ensure early detection of conditions that necessitate particular mitigation measures; and furnish information on the progress and results of mitigation.

(c) Capacity Development and Training

- To support timely and effective implementation of environmental and social 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 EMSP provides a specific 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).
- To strengthen environmental and social management capability in the agencies responsible for implementation, the EMSP recommends the establishment or expansion of the parties responsible, the training of staff and any additional measures that may be necessary to support the implementation of mitigation measures and any other recommendations of the environmental and social assessment.

(d) Implementation Schedule and Cost Estimates

- For all three aspects (mitigation, monitoring and capacity development), 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 costs estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables.

(e) Integration of ESMP with Project

- The relevant approvals for a project to proceed, based in part on the expectation that the ESMP (either stand alone or as incorporated into the ESCP) will be implemented effectively. Consequently, each of the measures and actions to be implemented will be clearly specified, including the individual mitigation and monitoring measures and actions and the institutional responsibilities relating to each, and the costs of so doing will be integrated into the project's overall planning, design, budget and implementation.

E. INDICATIVE OUTLINE OF ENVIRONMENTAL AND SOCIAL AUDIT

14. The aim of the audit is to identify significant environmental and social issues in the existing project or activities, and assess their current status, specifically in terms of meeting the requirements of the ESSS.

(a) Executive Summary

- Concisely discusses significant findings and sets out recommended measures and actions and timeframes.

(b) Legal and Institutional Framework

- Analyses the legal and institutional framework for the existing project or activities, including the issues as set out in ESSS1, paragraph 14, and where applicable, environmental and social requirements of existing financiers.

(c) Project Description

- Concisely describes the existing project or activities, and geographic, environmental, social, and temporal context.
- Identifies the existence of any plans already developed to address specific environmental and social risks and impacts (e.g. land acquisition or resettlement plan, cultural heritage plan, biodiversity plan).
- Includes a map of sufficient detail, showing the site of the existing project or activities and the proposed site for the proposed project.

(d) Environmental and Social Issues Associated with the Existing Project or Activities

- The review will consider the key risks and impacts relating to the existing project or activities. This will cover the risks and impacts identified in ESSS1-9, as relevant to the existing project or activities. The audit will also review issues not covered by the ESSS, to the extent that they represent key risks and impacts in the circumstances of the project.

(e) Environmental and Social Analysis

- The audit will also assess the potential impacts of the proposed project (taking into account the findings of the audit with regard to existing project or activities); and the ability of the proposed project to meet the requirements of the ESSS.

(f) Proposed Environmental and Social Measures

- Based on the findings of the audit, this section will set out the suggested measures to address such findings. These measures will be included in the ESCP for the proposed project. Measures typically covered under this section include the following:
 - Specific actions required to meet the requirements of the ESSS
 - Corrective measures and actions to mitigate potentially significant environmental and /or social risks and impacts associated with the existing project or activities
 - Measures to avoid or mitigate any potential adverse environmental and social risks and impacts associated with the proposed project.

ESSS 1 – ANNEX 2. ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)

A. INTRODUCTION

1. The implementing agency will agree on an ESCP with the MFEM. It is designed to consolidate into one summary document the material measures and actions that are required for the project to achieve compliance with the ESSS over a specified timeframe in a manner satisfactory to the MFEM.

2. The ESCP will be developed as information regarding the potential risks and impacts of the project become known. It will take into account the findings of the environmental and social assessment, the MFEM's environmental and social due diligence and the results of engagement with stakeholders. Preparation of the ESCP will start as early as possible, normally at the time of the project scoping and will serve as an additional tool to the Environment Significance Declaration, to facilitate the identification of potential environmental and social risks and impacts and mitigation measures. The draft ESCP will be disclosed as early as possible, and before project appraisal in the 'Planning' stage of the Te Tarai Vaka.

B. CONTENT OF AN ESCP

3. The ESCP will be an accurate summary of the material measures and actions to address the potential environmental and social risks and impacts of the project in accordance with the mitigation hierarchy. It will form the basis for monitoring the environmental and social performance of the project. All requirements will be set out clearly, so that there is no ambiguity around compliance, timing and monitoring. Depending on the project, the ESCP may specify funding to be made available for completion of a measure or action, and include other details relevant to the completion.

4. The ESCP will also include a process that allows for adaptive management of proposed project changes or unforeseen circumstances. The process will set out how such changes or

circumstances will be managed and reported and any necessary changes will be made to the ESCP and relevant management tools.

5. The ESCP will set out a summary of the organizational structure that the implementing agency will establish and maintain to implement the actions agreed in the ESCP. The organizational structure will take into account the different roles and responsibilities of the implementing agency and identify specific personnel with clear lines of responsibility and authority.

6. The ESCP will set out the systems, resources and personnel that the implementing agency will put into place to carry out monitoring, and will identify any third parties that will be used to complement and verify the implementing agency's monitoring activities.

7. The ESCP will set out a summary of training that the implementing agency will provide to address the specific actions required under the ESCP, identifying the recipients of such training and the required human and financial resources.

8. The content of an ESCP will differ from project to project. For some projects, the ESCP will capture all relevant obligations of the implementing agency, and there will be no requirements for additional plans. For other projects, the ESCP will refer to other plans, either plans that already exist or plans to be prepared (e.g. an ESMP, a resettlement plan, a hazardous waste plan) which set out detailed project requirements. In such circumstances, the ESCP will summarise key aspects of the plans. Where plans are to be developed, the ESCP will set out timeframes for completion of such plans.

C. IMPLEMENTATION OF ESCP

9. The implementing agency will implement diligently the measures and actions identified in the ESCP in accordance with the timeframes specified, and will review the status of implementation of the ESCP as part of its monitoring and reporting.

10. The implementing agency will maintain, and strengthen as necessary throughout the project life cycle, the organizational structure established to oversee the environmental and social aspects of the project. Key social and environmental responsibilities will be well defined, and communicated to all persons involved. Sufficient high-level commitment, and human and financial resources, will be provided on an ongoing basis to implement the ESCP.

11. The implementing agency will ensure that persons with direct responsibility for activities relevant to the implementation of the ESCP are adequately qualified and trained so that they have the knowledge and skills necessary to perform their work. The implementing agency, either directly or through agencies responsible for implementing the project, will provide training to address the specific measures and actions required by the ESCP, and to support effective and continuous social and environmental performance.

12. The implementing agency will notify the MFEM promptly of any proposed changes to the scope, design, implementation or operation of the project that are likely to cause an adverse change in the environmental or social risks and impacts of the project. The implementing agency will carry out, as appropriate, additional assessment and stakeholder engagement in accordance

with the ESSS, and propose changes, for approval by the MFEM, to the ESCP and relevant management tools, as appropriate, in accordance with the findings of such assessments and consultation. The updated ESCP will be disclosed.

ESSS1 – ANNEX 3. MANAGEMENT OF CONTRACTORS

The implementing agency will require that all contractors engaged on the project operate in a manner consistent with the requirements set out in the ESCP. The implementing agency will manage all contractors in an effective manner, including:

- (a) Assessing the environmental and social risks and impacts associated with such contracts;
- (b) Ascertaining that contractors engaged in connection with the project are legitimate and reliable enterprises, and have knowledge and skills to perform their project tasks in accordance with their contractual commitments;
- (c) Incorporating all relevant aspects of the ESCP into tender documents;
- (d) Contractually requiring contractors to apply the relevant aspects of the ESCP and the relevant management tools, and including appropriate and effective non-compliance remedies;
- (e) Monitoring contractor compliance with their contractual commitments; and
- (f) In the case of subcontracting, requiring contractors to have equivalent arrangements with their subcontractors.

ESSS2. LABOUR AND WORKING CONDITIONS

INTRODUCTION

1. ESSS2 recognises the importance of employment creation and income generation in the pursuit of equity and inclusive economic growth. Implementing agencies can promote sound worker management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.

OBJECTIVES

- To promote safety and health at work.
- To promote the fair treatment, non-discrimination and equal opportunity of project workers.
- To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESSS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.
- To prevent the use of all forms of forced labour and child labour.
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- To provide project workers with accessible means to raise workplace concerns.

SCOPE OF APPLICATION

2. The applicability of ESSS2 is established during the environmental and social assessment described in ESSS1.

3. The scope and application of ESSS2 depends on the type of employment relationship between the implementing agency and the project workers. The term “project worker” refers to:

- (a) People employed or engaged directly by the implementing agency (including the project proponent and project implementing agencies) to work specifically in relation to the project (**direct workers**);
- (b) People employed or engaged through third parties to perform work related to core functions of the project, regardless of location (**contracted workers**);
- (c) People employed or engaged by the implementing agency primary suppliers providing directly to the project, goods or materials essential for the core functions of the project (**primary supply workers**);
- (d) People employed or engaged in providing community labour (**community workers**).

4. Where government public servants are working in connection with the project, whether fulltime or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESSS2 will not apply to such government public servants except for the provision in paragraphs 12-14 (Protecting the Work Force) and paragraphs 18-24 (Occupational Safety and Health).

REQUIREMENTS

A. WORKING CONDITIONS AND MANAGEMENT OF WORKER RELATIONSHIPS

5. The implementing agency will develop and implement written labour management procedures applicable to the project. These procedures will set out the way in which the project workers will be managed, in accordance with the requirements of the Employment Relations Act 2012, any other relevant national law, and this ESSS. The procedures will address the way in which this ESSS will apply to different categories of project workers including direct workers, and the way in which the implementing agency will require third parties to manage their workers in accordance with paragraphs 25-27.

Terms and conditions of employment

6. Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under the Employment Relations Act 2012, and any other relevant law, including their rights related to hours of work, wages, overtime, benefits, as well as those arising from the requirements of this ESSS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms of conditions of employment occur.

7. Project workers will be paid on a regular basis as required under the Employment Relations Act 2012 and/or any other national law. Deductions from payment of wages will only be allowed as per the Act or any other relevant national law, and project workers will be informed of the conditions under which such deductions will be made. Project workers will be provided with adequate periods of rest per week, annual holiday and sick, maternity and family leave as required by legislation or regulation.

8. Where required, project workers will receive written notice of termination of employment and details of severance payments in a timely manner. All wages that have been earned will be paid on or before termination of the working relationship and project workers will be provided with evidence of such payments.

Non-discrimination and equal opportunity

9. Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, wages and benefits, working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. The labour management procedures will set out measures to prevent and address harassment, intimidation and/or exploitation.

10. Special measures of protection and assistance to remedy discrimination or selection for a particular job based on the inherent requirements of the job or the objectives of the project will

not be deemed as discrimination, provided that they are consistent with the Employment Relations Act 2012 and/or any other national law.

11. The implementing agency will provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers and children (of working age). Such measures may be necessary only for specific periods of time, depending on the circumstances of the project worker and the nature of the vulnerability.

B. PROTECTING THE WORK FORCE

Child labour and minimum age

12. As per the Employment Relations Act, a child under the age of 13 years cannot be employed by the project.

13. Any child that is over the minimum age and under the age of 16 years may be employed or engaged in connection with the project only as according to Section 30 of the Employment Relations Act 2012, or any other national law, where the project will not interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.

Forced labour

14. Forced labour, which consist of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty will not be used in connection with the project. No trafficked persons will be employed in connection with the project.

C. GRIEVANCE MECHANISM

15. A grievance mechanism will be provided for all direct workers and contracted workers (and where relevant, their organisations) to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers.

16. The grievance mechanism will be proportionate to the nature and scale and the potential risks and impacts of the project. It will be designed to address concerns promptly, using an understandable and transparent process that provides for timely feedback to those concerned in a language that they understand, without retribution, and will operate in an independent and objective manner. The grievance mechanism may utilise existing grievance mechanisms, providing that they are properly designed and implemented, address concerns promptly, and are readily accessible to such project workers. Existing grievance mechanisms may be supplemented as needed with project specific arrangements.

17. The grievance mechanism will not block access to other judicial or administrative remedies that may be available under law or through existing arbitration procedures.

D. OCCUPATIONAL SAFETY AND HEALTH (OSH)

18. Measures relating to occupational health and safety will be applied to the project. The OSH measures will include the requirements of this section. The OSH measures applying to the project will be set out in the ESCP.

19. The OSH measures will be designed and implemented to address: (a) identification of potential hazards to project workers, particularly those that may be life threatening; (b) provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances; (c) training of project workers and maintenance of training records; (d) documentation and reporting of occupational accidents, diseases and incidents; (e) emergency prevention and preparedness and response arrangements to emergency situations; and (f) remedies for adverse impacts such as occupational injuries, deaths, disability and disease.

20. All parties who employ or engage project workers will develop and implement procedures to establish and maintain a safe working environment, including workplaces, machinery, equipment and processes under their control are safe and without risk to health, including by use of appropriate measures relating to chemical, physical and biological substances and agents. Such parties will actively collaborate and consult with project workers in promoting understanding, and methods for implementation of OSH requirements, as well as in providing information to project workers, training on occupational safety and health, and the provision of personal protective equipment without expense to the project workers.

21. Workplace processes will be put in place for project workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents a serious threat to their life or health. Project workers who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be subject to negative action for such reporting or removal.

22. Project workers will be provided with facilities appropriate to the circumstances of their work, including access to hygiene facilities. Where accommodation services are provided to project workers, policies will be put into place and implemented on the management and quality of accommodation to protect and promote the health, safety and wellbeing of the project workers, while accommodating their physical, social and cultural needs.

23. Where project workers are employed or engaged by more than one party and are working together in one location, the parties who employ or engage the workers will collaborate in applying the OSH requirements, without prejudice to the responsibility of each party for the health and safety of its own workers.

24. A system for regular review of occupational safety and health performance and the working environment will be put in place and include identification of safety and health hazards and risks, implementation of effective methods of responding to identified hazards and risks, setting priorities for taking action, and evaluation for results.

E. CONTRACTED WORKERS

25. The implementing agency will make reasonable efforts to ensure that third parties who engage contracted workers are legitimate and reliable entities and have in place labour management procedures applicable to the project that will allow them to operate in accordance with requirements of this ESSS, except for paragraphs 28-30.

26. The implementing agency will establish procedures for managing and monitoring the performance of such third parties in relation to the requirements of this ESSS. In addition, the implementation entity will incorporate the requirements of this ESSS into contractual agreements with third parties, together with appropriate noncompliance remedies. In the case of subcontracting, the implementing agency will require such third parties to include equivalent requirements and non-compliance remedies in their contractual agreements with subcontractors.

27. Contracted workers will have access to a grievance mechanism. In cases where the third party employing or engaging the workers is not able to provide a grievance mechanism to such workers, the implementing agency will make the grievance mechanism under section C of this ESSS available to the contracted workers.

F. COMMUNITY WORKERS

28. Projects may include the use of community workers in a number of different circumstances, including where labour is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community owned and driven development, or providing a social safety net. Given the nature and objectives of such projects, the application of all the requirements of ESSS2 may not be applicable. In all such cases, the implementing agency will ensure that such labour is or will be provided on a voluntary basis through the appropriate measures.

29. Accordingly, where the project includes the provision of labour by community workers, the implementing agency will apply the relevant provisions of this ESSS in a manner which reflects and is proportionate to:

- (a) The nature and scope of the project;
- (b) The specific project activities in which the community workers are engaged; and (c)
The nature of the potential risks and impacts to the community workers.

30. In preparing the labour management procedures, the implementing agency will clearly identify the terms and conditions on which community labour will be engaged, including the amount and method of payment (if applicable) and times of work. The labour management procedures will also specify the way in which community workers will raise grievances in relation to the project. The implementing agency will assess the potential risks and impacts of the activities to be conducted by community workers and apply the relevant requirements of the ESSS.

G. PRIMARY SUPPLY WORKERS

31. As part of the environmental and social assessment, the implementing agency will identify potential risks of child labour, forced labour and serious safety issues which may arise in relation to primary suppliers.

32. Where potential risks have been identified, the implementing agency will require primary supplier to take the appropriate remedial action.

33. The ability of the implementing agency to address these risks will be dependent on its control or influence over primary suppliers. Where remedy is not possible, the implementing agency will within a reasonable timeframe, shift the project's primary suppliers to others that can demonstrate that they are meeting the relevant requirements of this ESSS.

ESSS3. RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT

INTRODUCTION

1. ESSS3 recognises that economic activity often generate pollution to air, water, and land and consume finite resources that may threaten people, ecosystem services and the environment at the local, national, regional and global levels. The current and projected atmospheric concentration of greenhouse gases (GHG) threatens the welfare of current and future generations. At the same time, more efficient and effective resource use, pollution prevention and GHG emission avoidance, and mitigation technologies and practices have advanced, become more accessible and achievable.

2. This ESSS sets out the requirements to address resource efficiency and pollution prevention and management throughout the project life cycle.

OBJECTIVES

- To promote the sustainable use of resources, including energy, water and raw materials.
- To avoid or minimise adverse impacts on human health and the environment by avoiding or minimising pollution from project activities.
- To avoid or minimise project related emissions of short and long lived climate pollutants.
- To avoid or minimise generation of hazardous and non-hazardous waste.
- To minimise and manage the risks and impacts associated with pesticide use.

SCOPE OF APPLICATION

3. The applicability of this ESSS is established during the environmental and social assessment described in ESSS1.

REQUIREMENTS

4. The implementing agency will consider environmental conditions and apply technical and financially feasible resource efficiency and pollution prevention measures in accordance with the mitigation hierarchy. The measures will be proportionate to the risks and impacts associated with the project.

RESOURCE EFFICIENCY

5. The implementing agency will implement technically and financially feasible measures for improving efficient consumption of energy, water and raw materials, as well as other resources. Such measures will integrate the principles of cleaner production into product design and production processes to conserve raw materials, energy and water, as well as other resources. Where benchmarking is available, the implementing agency will make a comparison to establish the relative level of efficiency.

A. ENERGY USE

6. The efficient use of energy is an important way in which the implementing agency can contribute to sustainable development. When the project requires significant energy use, in addition to applying the resource efficiency requirements of this ESSS, the implementing agency will adopt measures to improve energy usage, to the extent technically and financially feasible.

B. WATER USE

7. When the project requires significant use of water or will have potentially significant impacts on water quality, in addition to applying the resource efficiency requirements of this ESSS, the implementing agency will adopt measures to improve water usage, to the extent technically and financially feasible, so that the project's water use does not have significant harmful impacts on the communities and other users or the environment. These measures include, the use of additional feasible water conservation measures, the use of alternative water supplies, water consumption offsets to maintain total demand for water resources within the available supply, and evaluation of alternative project locations.

8. For projects with high water demand that may potentially have significant negative impact on communities and other users or the environment, the following will apply:

- A detailed water balance will be developed, maintained, monitored and reported periodically;
- Opportunities for improvement in water use efficiency will be identified and implemented;
- Specific water use will be assessed; and
- Operations will be benchmarked to available standards of water use efficiency.

9. As part of the environmental and social assessment, the implementing agency will assess the potential cumulative impacts of water use on communities, other users and the environment and will identify and implement appropriate mitigation measures.

C. RAW MATERIAL USE

When the project is a potentially significant user of raw materials, in addition to applying the resource efficiency requirements of this ESS, the implementing agency will adopt measures to support efficient use of raw materials, to the extent technically and financially feasible.

POLLUTION PREVENTION AND MANAGEMENT

11. The implementing agency will avoid the release of pollutants or, when avoidance is not feasible, minimize and control the concentration and mass flow of their release in line with

commitments to international health and environmental conventions and If agreements; and national Health and Sewage Regulations. This applies to the release of pollutants to air, water and land use due to routine, non-routine, and accidental circumstances, and with the potential for local, regional and transboundary impacts.

12. Where the project involves historical pollution from past activities affecting the environment for which no party has been assigned responsibility to address, the implementing agency will establish a process to identify the responsible party. If the historical pollution could pose a significant risk to human health or the environment, the implementing agency will undertake a health and safety risk assessment of the existing pollution which may affect communities, workers and the environment. Any remediation of the site must be done appropriately and in accordance with national legislation and regulation.

13. To address potential adverse project impacts on human health and the environment (such as air, surface, groundwater and soils), the implementing agency will consider relevant factors, including, for example: (a) existing environment conditions; (b) in areas already impacted by pollution, the remaining ability of the environment to absorb incremental load of pollutants while remaining at a level that is acceptable for human health and the environment; (c) existing and future land use; (d) the project's proximity to areas of importance to biodiversity; (e) the potential for cumulative impacts with uncertain and/or irreversible consequences; and (f) impacts of climate change.

A. MANAGEMENT OF AIR POLLUTION

14. In addition to the resource efficiency measures described above, the implementing agency will consider alternatives and implement technically and financially feasible and cost effective options to avoid or minimize project related air emissions during the design, construction and operation of the project.

15. As part of the environmental and social assessment of the project, the implementing agency will characterize and estimate sources of air pollution related to the project. This will include an estimate of gross GHG emissions resulting from the project, providing that such estimation is technically and financially feasible. Where the implementing agency does not have the capacity to develop the estimate of GHG emissions, the MFEM will provide assistance to the implementing agency. For small community driven development projects and other projects that have minimal sources of emissions, GHG estimations will not be required.

B. MANAGEMENT OF HAZARDOUS AND NONHAZARDOUS WASTES

16. The implementing agency will avoid the generation of hazardous and nonhazardous waste. Where avoidance of waste generation is unavoidable, the implementing agency minimize the generation of waste and reuse, recycle and recover waste in a manner that is safe for human health and the environment. Where waste cannot be reused, recycled or recovered, the implementing agency will treat, destroy, or dispose of it in an environmentally sound and safe manner that includes the appropriate control of emissions and residues resulting from the handling and processing of waste material.

17. If the waste generated is considered hazardous, the implementing agency will comply with requirements for management (including storage, transportation and disposal) of hazardous wastes according to national law and relevant international conventions and agreements, including those relating to transboundary movement. When hazardous waste management is to be undertaken by a third party, the implementing agency will use contractors that are reputable and legitimate entities.

C. MANAGEMENT OF CHEMICALS AND HAZARDOUS MATERIALS

18. The implementing agency will avoid to manufacture, trade and use of chemicals and hazardous materials subject to international bans, restrictions or phase-out's, consistent with government commitments under international conventions and agreements.

19. The implementing agency will minimize and control the release and use of hazardous materials, including chemical fertilizers, soil amendments and chemicals other than pesticides. The production, transportation, handling, storage and use of hazardous materials for project activities will be assessed through the environmental and social assessment. The implementing agency will consider less hazardous substitutes where hazardous materials are intended to be used in manufacturing processes or other operations.

D. MANAGEMENT OF PESTICIDES

20. The Cook Islands has prohibited from importation certain pesticides and agricultural products. As per the Rotterdam Convention, the implementing agency will refer to the prohibited listing for the Cook Islands published on the following website:

<http://www.pic.int/Procedures/ImportResponses/Database/tabid/1370/language/en-US/Default.aspx>

No prohibited pesticides will be allowed in any project.

ESSS4. COMMUNITY HEALTH AND SAFETY

INTRODUCTION

1. ESSS 4 recognises that project activities, equipment, and infrastructure can increase community exposure to risks and impacts. In addition, communities that are already subjected to impacts from climate change may also experience an acceleration or intensification of impacts due to project activities.

2. ESSS 4 addresses the health, safety, and security risks and impacts on communities that may be affected by the project and the responsibility of the implementing agencies to avoid or minimize such risks and impacts, with particular attention to people who, because of their particular situation, may be vulnerable.

OBJECTIVES

- To anticipate and avoid adverse impacts on the health and safety of project affected communities during the project life cycle from both routine and non-routine circumstances.
- To promote quality and safety, and considerations relating to climate change, in the design and construction of infrastructure.
- To avoid or minimise community exposure to project related traffic and road safety risks, diseases and hazardous materials.
- To have in place effective measures to address emergency events.
- To ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimises risks to the project affected communities.

SCOPE OF APPLICATION

3. The applicability of this ESSS is established during the environmental and social assessment described in ESSS1.

4. This ESSS addresses potential risks and impacts on communities that may be affected by project activities. Occupational safety and health (OSH) requirements for project workers are set out in ESSS2, and measures to avoid and minimize impacts on human health and the environment due to existing or potential pollution are set out in ESSS3.

REQUIREMENTS

A. COMMUNITY HEALTH AND SAFETY

5. The implementing agency will evaluate the risks and impacts of the project on the health and safety of the affected communities during the project life cycle, including those who may be vulnerable, because of their particular circumstances. The implementing agency will identify risks and impacts and proposed mitigation measures in accordance with the mitigation hierarchy.

Infrastructure and equipment design and safety

6. The implementing agency will design, construct, operate, and decommission the structural elements of the project in accordance with national legal requirements, taking into consideration safety risks to third parties and affected communities. Structural elements of a project will be designed and constructed by competent professionals, and certified or approved by competent authorities or professionals. Structural design will take into account climate change considerations, as appropriate.

7. Where the project includes new buildings and structures that will be accessed by members of the public, the implementing agency will consider the incremental risks of the public's potential exposure to operational accidents or natural hazards, including extreme weather events. Where technically and financially feasible, the implementing agency will also apply the concept of

unimpeded access for all ages and abilities to the design and construction of new buildings and structures.

8. When structural elements or components of a project are situated in high risk locations, including those with risk of extreme weather or slow onset events, and their failure or malfunction may threaten the safety of communities, the implementing agency will engage one or more independent experts with relevant and recognised experience in similar projects, separate from those responsible for the design and construction, to conduct a review as early as possible in project development and throughout the stages of project design, construction, operation, and decommissioning.

Safety of services

9. Where the project involves provision of services to communities, the implementing agency will establish and implement appropriate quality management systems to anticipate and minimize risks and impacts that such services may have on community health and safety. In such circumstances, where technically and financially feasible, the implementing agency will also apply the concept of unimpeded access for all ages and abilities.

Traffic and road safety

10. The implementing agency will identify, evaluate and monitor the potential traffic and road safety risks to workers, affected communities and road users throughout the project lifecycle and, where appropriate, will develop measures and plans to address them. The implementing agency will incorporate technically and financially feasible road safety measures into the project design to prevent and mitigate potential road safety risks to road users and affected communities.

11. Where applicable the implementing agency will undertake a road safety assessment for each phase of the project, and will monitor incidents and accidents, and prepare regular reports of such monitoring. These reports will identify negative safety issues, and establish and implement measures to resolve them.

12. For vehicles used for the purposes of the project, the implementing agency will have appropriate processes, including driver training, to improve driver and vehicle safety, as well as systems for monitoring and enforcement. The implementing agency will ensure that all vehicles have a warrant of fitness in purchasing and leasing decisions and require regular maintenance of all project vehicles.

13. The implementing agency will take relevant safety measures to avoid the occurrence of incidents and injuries to members of the public for projects that operate construction and other equipment on public roads or where the use of project equipment will have an impact on public roads and public infrastructure.

Ecosystem services

14. The project's direct impacts on ecosystem services may result in adverse health and safety risks to and impacts on affected communities. For example, land use changes or loss of natural buffers (wetlands, upland forests, etc.) may increase flooding, landslides and fires and thus result in increased vulnerability and community related risks and impacts; impacts on the quality, quantity and availability of freshwater, may result in health-related risks and impacts. The

implementing agency will identify the project's potential risks and impacts on ecosystem services that may be worsened by climate change. Adverse impacts will be avoided, and if unavoidable, the implementing agency will implement appropriate mitigation measures.

Community exposure to health issues

15. The implementing agency will avoid or minimise the potential for community exposure to water-borne, water based, water-related and vector borne diseases, and communicable and noncommunicable diseases that could result from the project activities, taking into consideration differentiated exposure to and higher sensitivity of vulnerable groups.

16. The implementing agency will take measures to avoid or minimise transmission of communicable diseases that may be associated with the influx of project labour.

Management and safety of hazardous materials

17. The implementing agency will or minimize the potential for community exposure to hazardous materials and substances that may be result from the project activities. Where there is a potential for the public (including workers and their families) to be exposed to hazards, particularly those that may be life threatening, the implementing agency will exercise special care to avoid or minimise their exposure by modifying, substituting, or eliminating the condition or material causing the potential hazards. Where hazardous materials are part of an existing project infrastructure or components, the implementing agency will exercise due care during construction and implementation of the project, including decommissioning, to avoid exposure to the community.

18. The Borrower will implement measures and actions to control the safety of deliveries of hazardous materials, and of storage, transportation and disposal of hazardous materials and wastes, and implement measures to avoid or control community exposure to such hazardous material.

Emergency preparedness and response

19. An emergency event is an unexpected incident, arising from both natural and manmade hazards, typically in the form of fire, explosion, leaks or spills, which may occur for a variety of reasons, including failure to implement operating procedures that are designed to prevent occurrence, extreme weather or lack of early warning. The implementing agency will identify and implement measures to address emergency events. The measures will be designed to address the emergency event in a coordinated and swift manner, to prevent negative implications to the health and safety of the community, and to minimise, mitigate and compensate for any impacts that may occur.

20. Implementing agencies engaged in projects having the potential to generate emergency events will conduct a risk hazard assessment (RHA), as part of the environmental and social assessment undertaken in line with ESS1. Based on the result of the RHA, the implementing agency will prepare an Emergency Response Plan (ERP) in coordination with the relevant authorities and affected community, and will take into account the emergency prevention, preparedness and response arrangements public into place with project workers under ESS2.

21. An ERP will include, where relevant: (a) engineering controls (such as containment, automatic alarms, and shutoff systems) proportionate to the nature and scale of the hazard; (b)

identification of and secure access to emergency equipment available onsite or nearby; (c) notification procedures for designated emergency responders; (d) different media channels for notification of the affected community and other stakeholders; (e) a training program for emergency responders including drills at regular intervals; (f) public evacuation procedures; (g) designated coordinator for ERP implementation; and (h) measures for restoration and clean-up of the environment following any major accident.

22. The implementing agency will document its emergency preparedness and response activities, resources, and responsibilities, and will disclose appropriate information, as well as any subsequent material changes thereto, to affected communities, relevant government agencies, or any other relevant parties. The implementing agency will assist and collaborate with affected communities, relevant government agencies and other relevant parties in their preparations to respond effectively to an emergency event, especially where their participation and collaboration is crucial for an effective response.

23. The implementing agency will review the ERP on a regular basis, and confirm that it is still able to addressing the potential range of emergency events that may arise in connection to the project. The implementing agency will support affected communities, relevant government agencies and other relevant parties through training and collaboration and will conduct such training in conjunction with the training provided to project workers as part of the OSH requirement in ESS2.

B. SECURITY PERSONNEL

24. When the implementing agency retains direct or contracted workers to provide security for its personnel or property, it will assess the risks pose by those security arrangements to those within and outside of the project site. Such security arrangements will guided by the principles of proportionality and by applicable law, in relation to hiring, rules of conduct, training, equipping and monitoring of such security workers. The implementing agency will not sanction any use of force in providing security except when used for preventive and defensive purposes in proportion to the nature and extent of the threat.

25. The implementing agency will (a) verify that security personnel are not implicated by past abuses; (b) ensure that they are properly trained in the appropriate conduct toward workers and affected communities; (c) require them to act with applicable laws and any requirements set out in the ESCP.

26. The implementing agency will review all allegations of unlawful or abusive acts of security personnel, take action to prevent reoccurrence, and where necessary, report unlawful and abusive acts to the relevant authorities.

ESSS5. LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT

INTRODUCTION

1. ESSS5 recognises that project related land acquisition and restrictions on land use can have adverse impacts on communities and persons such as physical displacement (relocation, loss of residential land, loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other livelihood means), or both. The term involuntary resettlement refers to these impacts. 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.

2. Experience and research indicate that physical and economic displacement, if unmitigated, may give rise to severe economic, social and environmental risks. Production systems may be undone; people face impoverishment if their productive resources or other income sources are lost; people may be relocated to environments where their productive skills are less applicable and the competition for resources greater; community institutions and social networks may be weakened; kin groups may be dispersed; and cultural identity, traditional authority, and the potential for mutual help may be lessened or lost. For these reasons, involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented.

OBJECTIVES

- To avoid involuntary resettlement or when unavoidable, minimise involuntary resettlement by exploring project design alternatives.
- To avoid forced evictions.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displaced levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities. Security of tenure should also be given meaning that resettled individuals or communities are resettled on a site that they can legally occupy and are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may permit.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

SCOPE OF APPLICATION

3. The applicability of ESS5 is established during the environmental and social assessment described in ESS1.

4. This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation:

- (a) Land rights or land use rights acquired or restricted through expropriation (where the government or another authority has taken lands for the public use or benefit), in accordance with national law;
- (b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- (c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognised usage rights. This may include situations where legally designated protected areas, forest, biodiversity areas or buffer zones are established in connection with the project;
- (d) Relocation of people without formal, traditional, or recognisable usage rights, who are occupying or utilising land prior to a project specific cut-off date;
- (e) Displacement of people as a result of project impacts that makes their land unusable or inaccessible;
- (f) Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources , timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- (g) Land rights or claims to land or resources relinquished by individuals or communities without full payment or compensation. In such cases, the implementing agency must demonstrate that: (a) potential donor/s have been appropriately informed and consulted about the project and choices available to them; (b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels; (d) no household relocation is required; (e) the donor is expected to benefit directly from the project; and (f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land. The implementing agency will keep a record of all consultations and agreements reached.
- (h) Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

5. This ESS does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land use restrictions imposed by the project. Such impacts will be addressed in accordance with ESS1.

6. This ESS does not apply to voluntary, legally recorded market transactions in which the seller is given a genuine opportunity to retain the land and to refuse to sell it, and is fully informed

about available choices and their implications. However, where such voluntary land transactions may result in the displacement of persons, other than the seller, who occupy, use or claim rights to the land in question, this ESSS will apply.

7. Where a project supports land titling or other activities intended to confirm, regularize or determine land rights, a social, legal and institutional assessment will be required under ESSS1. The assessment aims to identify potential risks and impacts, as well as appropriate design measures to minimize and mitigate adverse economic and social impacts, especially those that affect vulnerable groups. This ESSS does not apply to disputes between private parties in land titling or related contexts. However, where persons are required to vacate land as a direct result of project supported determination that the land in question is crown/state land, this ESSS will apply (in addition to the relevant provisions of ESSS1).

8. This ESSS does not apply to land use planning or regulation of natural resources to promote their sustainability on a regional, national or subnational level (including watershed management, ground water management, fisheries management, and coastal zone management). Where a project supports such activities, the implementing agency will be required to conduct a social, legal and institutional assessment under ESSS1, in order to identify potential economic and social risks and impacts of the planning or regulation, and appropriate measures to minimize and mitigate them, in particular those that affect vulnerable groups.

9. This ESSS does not apply to the management of refugees from, or persons internally displaced by, natural disasters, conflict, crime or violence.

REQUIREMENTS

A. GENERAL

Eligibility classification

10. Affected persons may be classified as persons:

- (a) Who have formal legal rights to land or assets;
- (b) Who do not formal legal rights to land or assets, but have a claim to land or assets that is recognised or recognisable under national law; or
- (c) Who have no recognisable legal right or claim to land or assets they occupy or use.

The status of the affected person can be determined during the planning and implementation stages of the project.

Project design

11. The implementing agency will demonstrate that involuntary land acquisition or restriction on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period of time. The implementing agency will consider feasible alternative project designs to avoid or minimise land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, at the same time, balancing environmental ,

social, and financial costs and benefits, and particular consideration to gender impacts and impacts on the vulnerable.

Compensation and benefits for affected persons

12. When land acquisition or restriction on land use (both permanent and temporary) cannot be avoided, the implementing agency will offer affected persons compensation at replacement cost, and other assistance may be necessary to help them improve or at least restore their standards of living or livelihoods, subject to the provisions of paragraph 26 to 36 of this ESSS.

13. Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Compensation rates may be subject to upward adjustment where negotiation is applied. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.

14. The implementing agency will take possession of acquired land and related assets only after compensation in accordance with this ESSS has been confirmed, made available and, where applicable displaced people have been resettled. In addition, livelihood restoration and improvement programs will commence in a timely manner in order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.

15. In certain cases there may be significant difficulties related to the payment of compensation to particular affected persons, for example, where repeated efforts to contact absentee owners have failed, where project affected persons have rejected compensation that has been offered to them in accordance with the approved plan, or where competing claims to the ownership of lands or assets are subject to lengthy legal proceedings. On an exceptional basis, with prior agreement with the MFEM and any other relevant development partner, and where the implementing agency demonstrates that all reasonable efforts to resolve such matters have been taken, the implementing agency may deposit compensation funds as required by the plan (plus a reasonable amount of contingencies) into an interest-bearing escrow or other deposit account or with the Ministry of Justice (or any other government entity dealing with land titles) and proceed with the relevant project activities. Compensation will be made available to eligible persons in a timely manner as issues are resolved.

Community engagement

16. The implementing agency will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESSS9. Decision making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs referred to in paragraph 11, and thereafter throughout the planning, implementation, monitoring, and evaluation of compensation process, livelihood restoration activities, and relocation process.

17. The consultation process should ensure that women's perspectives are obtained and their interests accounted for in all aspects of resettlement planning and implementation. Addressing livelihood impacts may require intra-household analysis in cases where women's and men's livelihoods are affected differently. Women's and men's preferences in terms of compensation

mechanisms, such as replacement land or alternative access to natural resources rather than money, should be explored.

Grievance mechanism

18. The implementing agency will ensure that a grievance mechanism for the project is in place, in accordance with the ESS9 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilise existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project specific arrangements designed to resolve disputes in an impartial manner.

Planning and implementation

19. Where land acquisition or restrictions on land use are unavoidable, the implementing agency will, as part of the environmental and social assessment, conduct a survey to identify the persons who will be affected by the project, to determine a register of land and assets to be affected. The register should include a detailed account of the full range of rights held or asserted by affected people, including those based on custom or practice, secondary rights such as rights of access or use for livelihood purposes, right held in common, etc. and should be derived through a consultative, impartial and transparent process. This register will be the basis of determining who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The social assessment will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the survey, such as seasonal resource users. In conjunction with the survey, the implementing agency will establish a cut-off date for eligibility. Information regarding the cut-off date will be documented and will be disseminated throughout the project area at regular intervals in written and where appropriate, non-written forms in the relevant languages and dialects.

20. To address the issues identified in the environmental and social assessment, the implementing agency will prepare a plan proportionate to the risks and impacts associated with the project:

- (a) For projects with minor land acquisition or restrictions on land use, as a result of which there will be no significant impact on incomes or livelihoods, the plan will establish eligibility criteria for affected persons, set out procedures and standards for compensation, and incorporate arrangements for consultations, monitoring and addressing grievances;
- (b) For projects causing physical displacement, the plan will set out the additional measures relevant to relocation of affected persons;
- (c) For projects involving economic displacement, the plan will set out the additional measures relevant to relocation of affected persons;
- (d) For projects that may impose changes in land use that restrict access to resources in legally designated parks or protected areas or other common property resources on which local people may depend for livelihood purposes, the plan will establish a participatory process for determining appropriate restrictions on use and set out the mitigation measures to address adverse impacts on livelihoods that may result from such restrictions.

21. The implementing agency's plan will establish the roles and responsibilities relating to financing and implementation, and include arrangements for contingency financing to meet unanticipated costs, as well as arrangements for timely and coordinated response to unforeseen circumstances hindering progress toward desired outcomes. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to re-settlers (as compared to the 'without project' circumstances) are added to the benefit stream of the project.

22. The implementing agency will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action as necessary during implementation to achieve the objectives of this ESSS. The extent of monitoring activities will be proportionate to the project's risks and impacts. For all projects with significant involuntary resettlement impacts, the implementing agency will retain competent resettlement professionals to monitor the implementation of resettlement plans, design corrective actions as necessary, provide advice on compliance with this ESSS and produce periodic monitoring reports. Affected persons will be consulted during the monitoring process. Periodic monitoring reports will be prepared and affected persons will be informed about monitoring in a timely manner.

23. Implementation of the implementing agency's plan will be considered completed when the adverse impacts of resettlement have been addressed in a manner that is consistent with the relevant plan as well as the objectives of this ESSS. For all projects with significant involuntary resettlement impacts, the implementing agency will commission an external completion audit of the plan when all mitigation measures have been substantially completed. The completion audit will be undertaken by competent resettlement professionals, will assess whether livelihoods and living standards have been improved or at least restored and, as necessary, will propose corrective actions to meet the objectives not yet achieved.

24. Where the likely nature or magnitude of the land acquisition or restrictions on land use related to the project with potential to cause physical and/or economic displacement is unknown during project preparation, the implementing agency will develop a framework establishing general principles and procedures compatible with this ESSS. Once the individual project components are defined and the necessary information becomes available, such a framework will be expanded into one or more specific plans proportionate to potential risks and impacts. No physical and/or economic displacement will occur until plans required by this ESSS have been finalised and approved by the MFEM.

B. DISPLACEMENT

Physical displacement

25. The implementing agency will develop a plan that covers, at a minimum, the applicable requirements of this ESSS regardless of the number of people affected. The plan will be designed to mitigate the negative impacts of displacement and, as warranted, to identify development opportunities. It will include a resettlement budget and implementation schedule, and establish the entitlements of all categories of affected persons (including host communities). Particular attention will be paid to gender aspects and the needs of the poor and vulnerable. The

implementing agency will document all transactions to acquire land rights, provision of compensation and other assistance associated with relocation activities.

26. If people living in the project area are required to move to another location, the implementing agency will: (a) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; and (b) provide relocation assistance suited to the needs of the each group of displaced persons. New resettlement sites will offer living conditions at least equivalent to those previously enjoyed or consistent with prevailing minimum codes or standards, whichever one is higher. If new resettlement sites are to be prepared, host communities will be consulted regarding planning options, and resettlement plans will ensure continued access, at least at existing levels or standards, for host communities to facilities and services. The displaced persons preferences with respect to relocating in pre-existing communities and groups will be respected wherever possible. Existing social and cultural institutions of the displaced persons and any host communities will be respected.

27. In the case of physically displaced persons under paragraph 10 (a) or (b), the implementing agency will offer the choice of replacement property of equal or higher value, with security of tenure, equivalent or better characteristics, and advantages of location, or cash compensation at replacement cost.

28. In the case of physically displaced persons under paragraph 10 (c), the implementing agency will provide arrangements to allow them to obtain adequate housing with security of tenure. Where these displaced persons own structures, the implementing agency will compensate them for loss of assets other than land, such as dwellings and other improvements to the land at replacement cost. Based on consultation with displaced persons, the implementing agency will provide relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site.

29. The implementing agency is not required to compensate or assist those who encroach on the project area after the cut-off date for eligibility, provided that the cut-off date has been clearly established and made public.

30. The implementing agency will not resort to forced evictions of affected persons. 'Forced eviction' is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in this ESS. The exercise of domain, compulsory acquisition or similar powers by a implementing agency will not be considered to be force eviction providing it complies with the requirements of national law and the provisions of this ESSS, and is conducted in a manner consistent with basic principles of due process (including provision of adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate or excessive force).

31. As an alternative to displacement, the implementing agency may consider negotiating in situ land development arrangements by which those to be affected may elect to accept a partial loss of land or localised relocation in return for improvements that will increase the value of their

property after development. Any person not wishing to participate will be allowed to opt instead for full compensation and other assistance as required in this ESSS.

Economic displacement

32. In the case of projects affecting livelihoods or income generation, the implementing agency's plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods. The plan will establish the entitlements of affected persons and/or communities, paying particular attention to gender aspects and the needs of vulnerable segments of communities, and will ensure that these are provided in a transparent, consistent and equitable manner. The plan will incorporate arrangements to monitor the effectiveness of livelihood measures during implementation, as well as evaluation once implementation is completed. The mitigation of economic displacement will be considered complete when the completion audit concludes that affected persons or communities have received all of the assistance for which they are eligible, and have been provided with adequate opportunity to re-establish their livelihoods.

33. Economically displaced persons who face loss of assets or access to assets will be compensated for such loss at replacement cost:

- (a) In cases where land acquisition or restrictions on land use affect commercial enterprises, affected business owners will be compensated for the cost of identifying a viable alternative location; for the lost net income during the period of transition; for the cost of the transfer and reinstallation of the plant, machinery, or other equipment; and for reestablishing commercial activities. Affected employees will receive assistance for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities.
- (b) In cases affecting persons with legal right or claims to land that are recognised under national law (see paragraph 10 (a) and (b)), replacement property (e.g. agricultural or commercial sites) of equal or greater value will be provided, or, where appropriate, cash compensation at replacement cost; and
- (c) Economically displaced persons who are without legally recognisable claims to land (see paragraph 10 (c)) will be compensated for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at replacement cost. Additionally, the implementing agency will provide assistance in lieu of land compensation sufficient to provide such persons with an opportunity to re-establish livelihoods elsewhere. The implementing agency is not required to compensate or assist persons who encroach on the project area after the cut-off date for eligibility.

34. Economically displaced persons will be provided opportunities to improve, or at least restore, their means of income earning capacity, production levels, and standards of living:

- (a) For persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages and other factors at least equivalent to that being lost will be offered where feasible;
- (b) For persons whose livelihoods are natural resource based and where project related restrictions on access envisage in paragraph 4 apply, measures will be implemented to either allow continued access to affected resources or to provide access to alternative resources with equivalent livelihood earning potential and accessibility. Where common property resources are affected, benefits and compensation associated with restrictions on natural resource usage may be collective in nature; and

- (c) If it is demonstrated replacement land or resources are unavailable, the implementing agency will offer economically displaced persons options for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets. Cash assistance alone, however, frequently fails to provide affected persons with the productive means or skills to restore livelihoods.

35. Transitional support will be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

C. COLLABORATION WITH OTHER RESPONSIBLE AGENCIES

36. The implementing agency will establish means of collaboration between agencies or entities who have responsibilities with the project planning, implementation, monitoring and evaluation; or who are responsible for any aspects of land acquisition, resettlement planning, or provision of necessary assistance. In addition, where capacity of other responsible agencies is limited the implementing agency will actively support resettlement planning, implementation, and monitoring. If the procedures or standards of other responsible agencies do not meet the relevant requirements of this ESSS, the implementing agency will prepare supplemental arrangements or provisions for inclusion in a resettlement plan to address identified shortcomings. The plan will also specify financial responsibilities for each of the agencies involved, appropriate timing and sequencing for implementation steps, and coordination arrangements for addressing financial contingencies or responding to unforeseen circumstances.

D. TECHNICAL AND FINANCIAL ASSISTANCE

37. The implementing agency may request technical assistance from the MFEM to strengthen their capacity, or the capacity of other responsible agencies, for resettlement planning, implementation and monitoring. Such forms of assistance may include staff training, assistance in formulating new regulations or policies relating to land acquisition or other aspects of resettlement, financing for assessments or other investment costs associated with physical or economic displacement, or other purposes.

38. The implementing agency may request for financing either a component of the main investment causing displacement and requiring resettlement, or a free standing resettlement project with appropriate cross-conditionality, processed and implemented in parallel with the with the investment that causes the displacement. The implementing agency may also request for financing for resettlement even though funding for the main investment that makes resettlement necessary, is not being provided via the MFEM.

ESSS5 – ANNEX 1. INVOLUNTARY RESETTLEMENT INSTRUMENTS

1. This Annex describes the elements of the plans addressing physical and/or economic displacement described in paragraph 20 of ESSS5. For purposes of this Annex, these plans shall be referred to as ‘resettlement plans’. Resettlement plans include measures to address physical and/or economic displacement, depending on the nature of the impacts expected from a project. Projects may use alternative terminology, depending on the scope of the resettlement plan – for example, where a project involves only economic displacement, the resettlement plan may be called a “livelihood plan” or where restrictions on access to legally designated parks and protected areas are involved, the plan may take the form of a “process framework”. This Annex also describes the framework referred to in paragraph 24 of ESSS5.

A. RESETTLEMENT PLAN

2. The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of the resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures.

Minimum elements of a resettlement plan

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

4. *Potential impacts.* Identification of:

- (a) The project components or activities that give rise to displacement, explain why the selected land must be acquired for use within the timeframe of the project;
- (b) The zone of impact of such components or activities;
- (c) The scope and scale of land acquisition and impacts on structures and other fixed assets;
- (d) Any project-imposed restrictions on use of, or access to, land or natural resources;
- (e) Alternatives considered to avoid or minimise displacement and why those were rejected; and
- (f) The mechanisms established to minimise displacement, to the extent possible, during project implementation.

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

1. *Survey and baseline socioeconomic studies.* The findings of a household level survey identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The survey also serves essential functions:

- (a) Identifying characteristics of displaced households, including a description of production systems, labour, and household organisation; and baseline information on livelihoods (including, as relevant, production levels and income derived from formal and informal

economic activities) and standards of living (including health status) of the displaced population;

- (b) Information on vulnerable groups or persons for whom special provisions may have to be made;
- (c) Identifying public or community infrastructure, property or services that may be affected;
- (d) Providing a basis for the design of, and budgeting for, the resettlement program;
- (e) In conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and
- (f) Establishing baseline conditions for monitoring and evaluation purposes.

As the MFEM may deem relevant, additional studies on the following subjects may be required to supplement or inform the survey:

- (g) Land tenure and transfer systems, including a register of common property natural resources from which people derive their livelihoods and sustenance, non-title-based areas where there is legal right to use (including, fishing, grazing or use of forest) governed by local recognised land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- (h) The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and
- (i) Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organisations, faith based groups, nongovernmental (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

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

- (a) The scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and timing of payment;
- (b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
- (c) Laws and regulations relating to the agencies responsible for implementing resettlement activities; and
- (d) Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps.

2. *Institutional framework.* The findings of an analysis of the institutional framework covering:

- (a) The identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
- (b) An assessment of the institutional capacity of such agencies and NGOs/CSOs; and

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

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

10. *Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.

11. *Community participation.* Involvement of displaced persons (including host communities, where relevant):

- (a) A description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
- (b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- (c) A review of the resettlement alternatives presented and choices made by displaced persons regarding options available to them; and
- (d) Institutionalised arrangements by which displaced persons can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups are adequately represented.

12. *Implementation schedule.* An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

13. *Cost and budget.* Tables showing categorised cost estimates for all resettlement activities, including allowances for inflation, population growth and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

14. *Grievance redress mechanism.* The plan describes affordable and accessible procedures for third party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

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

16. *Arrangements for adaptive management.* The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles in achieving satisfactory resettlement outcomes.

Additional planning requirements where resettlement involves physical displacement

17. When project circumstances require the physical relocation of residents (or businesses), resettlement plans require additional information and planning elements. Additional requirements include:

18. *Transitional assistance.* The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of the physical displacement, the plan determines a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.

19. *Site selection, site preparation and relocation.* When planned relocation sites are prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected covering:

- (a) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (b) Identification and consideration of opportunities to improve local living standards by supplementary investment (or through establishment of project benefit sharing arrangements) in infrastructure, facilities or services;
- (c) Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- (d) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (e) Legal arrangements for legitimising tenure and transferring of titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land and structures.

20. *Housing, infrastructure and social services.* Plans to provide (or to finance local community provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services (e.g. schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

21. *Environmental protection and management.* A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the project requiring the resettlement).

22. *Consultation on relocation arrangements.* The plan describes methods of consultation with physically displaced on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households, families, or with preexisting communities, to sustain existing patterns of group organisation.

23. *Integration with host populations.* Measures to mitigate the impact of planned relocation sites on any host communities, including:

- (a) Consultations with host communities, traditional leaders and local authorities;
- (b) Arrangements for prompt tendering of any payment due to the hosts for land or other assets provided in support of planned relocation sites;
- (c) Arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and
- (d) Any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites.

Additional planning requirements where resettlement involves economic displacement

24. If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihoods improvement plan. These include:

25. *Direct land replacement.* For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value, or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.

26. *Loss of access to land or resources.* For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.

27. *Support for alternative livelihoods.* For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses and permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women and vulnerable groups who may be disadvantaged in securing alternative livelihoods.

28. *Consideration of economic development opportunities.* The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan

should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through the establishment of project based benefit-sharing arrangements.

29. *Transitional Support.* The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and natural resources, payment of lost profits for businesses, or payments of lost wages for employees affected by business relocation. The plan provides that transitional support continues for the duration of the transitional period.

B. RESETTLEMENT FRAMEWORK

30. The purpose of the resettlement framework is to clarify resettlement principles, organizational arrangements and design criteria to be applied to subprojects or project components to be prepared during project implementation (see ESS5, paragraph 24). Once the subproject or individual project components are defined and necessary information becomes available, such a framework will be expanded into a specific plan proportionate to the risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the MFEM.

31. The resettlement policy framework covers the following elements:

- (a) A brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement policy framework rather than a resettlement plan is being prepared;
- (b) Principles and objectives governing resettlement preparations and implementation;
- (c) A description of the process for preparing and approving resettlement plans;
- (d) Estimated displacement impacts and estimated numbers and categories of displaced persons, to the extent feasible;
- (e) Eligibility criteria for defining various categories of displaced persons;
- (f) Methods of valuing affected assets;
- (g) Organisational procedures for delivery of compensation and other resettlement assistance, including for projects involving private sector intermediaries, the responsibilities of the government, and the private developer;
- (h) A description of the implementation process, aligning resettlement implementation to civil works;
- (i) A description of the grievance redress mechanisms;
- (j) A description of arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- (k) A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- (l) Arrangements for monitoring by the implementing agency and, if required, by third party monitors.

C. PROCESS FRAMEWORK

32. A process framework is prepared when MFEM supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in the design of project components, determination of measures necessary to achieve the objectives of this ESSS, and the implementation and monitoring of relevant project activities.

33. Specifically, the process framework describes participatory processes by which the following activities will be undertaken:

- (a) *Project components will be prepared and implemented.* The documents should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in the project design.
- (b) *Criteria for eligibility of affected persons will be determined.* The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significant impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.
- (c) *Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms to pre-displaced levels, while maintaining the sustainability of the park or protected area will be identified.* The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.
- (d) *Potential conflicts or grievances within or between affected communities will be resolved.* The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of the communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

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

- (e) *Administrative and legal procedures.* The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).
- (f) *Monitoring arrangements.* The document should review arrangements for participatory monitoring of the project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes, livelihoods and living standards.

ESSS 6. BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES

INTRODUCTION

1. ESS6 recognises that protecting and conserving biodiversity and sustainably managing living natural resources are fundamental to sustainable development. Biodiversity is defined as the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and ecological complexes of which they are a part; this includes diversity within species, between species, and of ecosystems. Biodiversity often underpins ecosystem services valued by humans. Impacts on biodiversity can therefore often adversely affect the delivery of ecosystem services (as set out in ESS1).
2. ESS6 recognises the importance of maintaining core ecological functions of habitats, including forests, and the biodiversity they support. Habitat is defined as a terrestrial, freshwater, or marine geographical unit or airway that supports living organisms and their interactions with the nonliving environment. All habitats support complexities of living organisms and vary in terms of species diversity, abundance and importance.
3. This ESS also addresses sustainable management of primary production (the cultivation or rearing of plant or animals, including annual and regular crop farming, animal husbandry, aquaculture, plantation, forestry, etc.) and harvesting of living natural resources.
4. ESS6 recognises the need to consider the livelihood of project-affected parties, including indigenous peoples, whose access to, or use of, biodiversity or living natural resources may be affected by a project. The potential, positive role of project-affected parties including indigenous peoples, in biodiversity conservation and sustainable management of living natural resources is also considered.

OBJECTIVES

- To protect and conserve biodiversity and habitats.
- To apply the mitigation hierarchy and the precautionary approach in the design and implementation of projects that could have an impact on biodiversity.
- To promote sustainable management of living natural resources.
- To support livelihoods of local communities, including indigenous peoples, and inclusive economic development, through the adoption of practices that integrate conservation needs and development priorities.

SCOPE OF APPLICATION

5. The applicability of this ESS is established during the environmental and social assessment described in ESS1.
6. Based on the environmental and social assessment, the requirements of this ESS are applied to all projects that potentially affect biodiversity or habitats, either positively or negatively, directly or indirectly, or that depend upon biodiversity for their success.

7. This ESSS also applies to projects that involve primary production and/or harvesting of living natural resources.

REQUIREMENTS

A. GENERAL

8. The environmental and social assessment as set out in ESSS1 will consider direct, indirect or cumulative project related impacts on habitats and the biodiversity they support. This assessment will consider threats to biodiversity, for example, habitat loss, degradation and fragmentation, invasive alien species, overexploitation, hydrological changes, nutrient loading, pollution and incidental take, as well as projected climate change impacts. It will determine the significance of biodiversity or habitats based on their vulnerability and irreplaceability at a global, regional or national level and will also take into account the differing values attached to biodiversity and habitats by project-affected parties and other interested parties.

9. The implementing agency will avoid adverse impacts on biodiversity and habitats. When avoidance of adverse impacts is not possible, the implementing agency will implement measures to minimise adverse impacts and restore biodiversity in accordance with the mitigation hierarchy provided in ESSS1 and with the requirements of this ESSS. The implementing agency will ensure that competent biodiversity expertise is utilised to conduct the environmental and social assessment and the verification of the effectiveness and feasibility of mitigation measures. Where significant risks and adverse impacts on biodiversity have been identified, the implementing agency will develop and implement a Biodiversity Management Plan. Depending on the nature and the scale of the risks and impacts of the project, the Biodiversity Management Plan may be a standalone document, or may be included as part of the ESCP prepared under ESSS1.

10. Through the environmental and social assessment, the implementing agency will identify the potential project related risks to and impacts on habitats and the biodiversity they support. In accordance with the mitigation hierarchy, the implementing agency will make the initial assessment of the project risks and impacts without taking into account the possibility of biodiversity offsets (which are measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development and persisting after appropriate avoidance, minimization and restoration measures have been taken and should not be considered in determining inherent risks of the project.

11. The implementing agency's assessment will include characterisation of baseline conditions to a degree that is proportional and specific to the anticipated risk and significance of impacts. In planning and undertaking environmental and social assessment related to the biodiversity baseline, the implementing agency will conduct a desktop review, consult with experts, and use field-based approaches, as appropriate. Where further investigations are needed to evaluate the significance of potential impacts, the implementing agency will carry out additional investigation and/or monitoring before undertaking any project related activities, and before taking irrevocable decisions about project design that could cause significant adverse impacts to potentially affected habitats and the biodiversity that they support.

12. Where the environmental and social assessment has identified potential risks and impacts on biodiversity or habitats, the implementing agency will manage those risks and impacts in accordance with the mitigation hierarchy. The implementing agency will adopt a precautionary approach and apply adaptive management practices in the implementation of mitigation and management measures are responsive to changing conditions and results of project monitoring.

Conservation of biodiversity and habitats

13. Habitat is defined as a terrestrial, freshwater or marine geographical unit or airway that supports groups of living organisms and their interaction with the non-living environment. Habitats vary in their significance for conserving globally, regionally and nationally biodiversity, their sensitivities to impacts, and importance attributed to them by different stakeholders. Because in most instances, habitat loss, degradation or fragmentation represents the greatest threat to biodiversity, much of the focus of biodiversity conservation actions is on maintaining or restoring suitable habitats.

14. This ESSS requires a differentiated risk management approach to habitats based on their sensitivity and values. This ESSS addresses all habitats, categorised as 'modified habitat', 'natural habitat', 'critical habitat', legally protected and international and regionally recognised areas of biodiversity value' which may encompass habitat in any or all of these categories.

15. For the protection and conservation of habitats and the biodiversity they support, the mitigation hierarchy includes biodiversity offsets. Offsets will be considered as a last resort, only if significant residual adverse impacts remain after all technically and financially feasible avoidance, minimisation and restoration measures have been considered.

16. A biodiversity offset will be designed and implemented to achieve measurable, additional, and long-term conservation outcomes that can reasonably be expected to result in no net loss and preferably a net gain of biodiversity. In the case of an offset used as a mitigation for residual adverse impacts on any area of critical habitat, a net gain is required. The design of a biodiversity offset will adhere to the 'like-for-like or better' principle.

17. When an implementing agency is considering the development of an offset as part of the mitigation strategy, stakeholders and qualified experts with demonstrated knowledge in offset design and implementation will be involved. The implementing agency will demonstrate the long term technical and financial feasibility of undertaking the offset. When offsets are proposed for residual adverse impacts on critical habitat, the implementing agency will engage one or more independent recognised experts to advice as to whether the proposed offset is feasible and whether, in their professional opinion, it can be reasonably expected to result in a sustainable net gain of biodiversity values for which the critical habitat is designated.

18. Certain residual adverse impacts cannot be offset, particularly if the affected area is unique and irreplaceable from a biodiversity position. In such cases, the implementing agency will not undertake the project unless it is redesigned to avoid the need for such offset, and to meet the requirements of this ESSS.

Modified habitat

19. Modified habitat are areas that may contain a large proportion of plant and/or animal species of non-native origin, and/or where human activity has substantially modified an area's

primary ecological functions and species composition. Modified habitats may include, for example, areas managed for agriculture, forest, plantations, reclaimed coastal zones, and reclaimed wetlands.

20. This ESSS applies to those areas of modified habitat that includes significant biodiversity value, as determined by the environmental and social assessment required in ESSS1. The implementing agency will avoid or minimise impacts on such biodiversity and implement mitigation measures as appropriate.

Natural habitat

21. Natural habitats are areas composed of viable groups of plant and/or animal species of largely native origin, and/or where human activity has not essentially modified an area's primary ecological functions and species composition.

22. If natural habitats are identified as part of the assessment, the implementing agency will seek to avoid adverse impacts on them in accordance with the mitigation hierarchy. Where natural habitats have the potential to be adversely affected by the project, the implementing agency will not implement any project-related activities:

- (a) There are technically and financially feasible alternatives; and
- (b) Appropriate mitigation measures are put in place, in accordance with the mitigation hierarchy, to achieve no net loss and, where feasible, preferably a net gain of biodiversity over the long term. When residual impacts remain despite best efforts to avoid, minimise and mitigate impacts, and where appropriate and supported by relevant stakeholders, mitigation measures may include biodiversity offsets adhering to the principle of 'like-for-like or better'.

Critical habitat

23. Critical habitat is defined as areas with high biodiversity importance or value, including:

- (a) Habitat of significant importance to Critically Endangered or Endangered species, as listed on the IUCN Red List of threatened species or equivalent national approaches;
- (b) Habitat of significant importance to endemic or restricted-range species;
- (c) Habitat supporting nationally or globally significant concentrations of migratory or congregatory species;
- (d) Highly threatened or unique ecosystems;
- (e) Ecological functions or characteristics that are needed to maintain the viability of the biodiversity values described in (a) to (d).

24. In areas of critical habitat, the implementing agency will not implement any project activities that have potential adverse impacts unless all of the following conditions are met:

- (a) No other viable alternatives within the region exist for development of the project in habitats of lesser biodiversity value;
- (b) All due process required under international obligations or national law that is a prerequisite to granting approval for project activities in or adjacent to a critical habitat has been complied with;

- (c) The potential adverse impacts, or likelihood of such, on the habitat will not lead to measurable net reduction or negative change in those biodiversity values for which the critical habitat was designated;
- (d) The project is not anticipated to lead to a net reduction in the population of any Critically Endangered, Endangered, or restricted-range species, over a reasonable time period;
- (e) The project will not involve significant conversion or significant degradation of critical habitats. In circumstances where the project involves new or renewed forestry or agricultural plantations, it will not convert or degrade any critical habitat;
- (f) The project's mitigation strategy will be designed to achieve net gains of those biodiversity values for which the critical habitat was designated; and
- (g) A robust and appropriately designed, long term biodiversity monitoring and evaluation program aimed at assessing the status of the critical habitat is integrated into the implementing agency's management program.

25. Where an implementing agency has satisfied the conditions set out in paragraph 24, the project's mitigation strategy will be described in a Biodiversity Management Plan and set out in the ESCP.

Legally protected and internationally recognised areas of high biodiversity value

26. Where the project occurs within or has the potential to adversely affect an area that is legally protected, designated for protection, or regionally or internationally recognised, the implementing agency will ensure that any activities undertaken are consistent with the area's legal protection status and management objectives. The implementing agency will also identify and assess potential project-related adverse impacts and apply the mitigation hierarchy so as to prevent or mitigate adverse impacts of projects that could compromise the integrity, conservation objectives or biodiversity importance of such an area.

27. The implementing agency will meet the requirements of paragraphs 13 to 25 of this ESSS, as applicable. In addition the implementing agency will:

- (a) Demonstrate that the proposed development in such areas is legally permitted;
- (b) Act in a manner consistent with any government recognised management plans for such areas;
- (c) Consult and involve protected areas sponsors and managers, project affected parties including indigenous peoples, and other interested parties on planning, designing, implementing, monitoring and evaluating the proposed project, as appropriate; and
- (d) Implement additional programs, as appropriate, to promote and enhance the conservation aims and effective management of the area.

Invasive alien species

28. Intentional or accidental introduction of alien, or non-native, species of flora and fauna into areas where they are not normally found can be a significant threat to biodiversity, since some alien species can become invasive, spreading rapidly and destroying or out-competing native species.

29. The implementing agency will not intentionally introduce any new alien species (not currently established in the country or region of the project) unless this is carried out in accordance with the existing regulatory framework for such introduction. Notwithstanding the above, the

implementing agency will not deliberately introduce any alien species with a high risk of invasive behavior, regardless if such introductions are permitted under the existing regulatory framework. All introductions of alien species will be subject to a risk assessment (as part of the implementing agency's environmental and social assessment) to determine the potential for invasive behavior. The implementing agency must implement measures to avoid the potential for accidental or unintended introductions including the transportation of substrates and vectors (such as soil, ballast, and plant materials) that may harbor alien species.

30. Where alien species are already established in the country or region of the proposed project, the implementing agency will exercise due diligence in not spreading them into areas in which they have not already become established. Where feasible, the implementing agency will take measures to eradicate such species from the natural habitats over which the implementing agency has management control.

Sustainable management of living natural resources

31. The implementing agency with projects involving primary production and harvesting of living natural resources will assess the overall sustainability of these activities, as well as their potential impacts on local, nearby or ecologically linked habitats, biodiversity and communities, including indigenous peoples.

32. The implementing agency will manage living natural resources in a sustainable manner, through the application of good management practices and available technologies. Where such primary production practices are codified in standards that are globally, regionally, or nationally recognised, particularly for industrial-scale operations, the implementing agency and the MFEM will agree on standards to be applied.

33. For projects involving small-scale producers, the implementing agency will require producers to operate in a sustainable manner and to gradually improve their practices where such opportunities exist. Where the project consist of a large number of small producers in the same geographical location, the implementing agency will assess the potential for cumulative risks and impacts.

34. Where the project includes commercial agriculture and forestry plantations (particularly projects involving land clearing), the implementing agency will locate such projects on land that is already converted or highly degraded (excluding any land that has been converted in anticipation of the project). In view of the potential for plantation projects to introduce invasive alien species and threaten biodiversity, such projects will be designed to prevent and mitigate these potential threats to natural habitats. When the implementing agency invests in production forestry in natural forests, these forests will be managed sustainably.

35. Where projects involve harvesting of living natural resources, the implementing agency will require that these resources are managed in a sustainable way. In particular, forests and aquatic systems are principal providers of these resources, and need to be managed as specified below:

- (a) For projects involving industrial-scale commercial forest harvesting operations, the implementing agency will ensure that such operations are certified under an independent

forest certification system or adhere to a time-bound phased action plan acceptable to the MFEM for achieving certification;

- (b) For projects involving forest harvesting operations conducted by small scale producers, by local communities under community forest management, or by such entities under joint forest management arrangements, where such operations are not directly associated with industrial-scale operation, the implementing agency will ensure that they (i) have achieved a standard of sustainable forest management developed with the meaningful participation of project affected parties including indigenous people, consistent with the principles and criteria of sustainable forest management, even if not formally certified; or (ii) adhere to a time-bound action plan to achieve such a standard. The action plan will be developed with meaningful participation of project affected parties and be acceptable to the MFEM. The implementing agency will ensure that all such operations are monitored with the meaningful participation of project affected parties.
- (c) For projects involving industrial-scale harvesting of fish populations and all other types of marine and freshwater organisms, the implementing agency will demonstrate that their activities are being undertaken in a sustainable manner, consistent with the principles and criteria for sustainable harvesting.

36. For projects that do not involve primary production or harvesting of living natural resources and entail salvage logging, for example in areas to be inundated, the implementing agency will limit cleared areas to a minimum and justified by the project's technical requirements, and that relevant national legislation is being followed.

37. The implementing agency involved in the industrial production of crops and animal husbandry will avoid or minimize adverse risks or impacts.

B. PRIMARY SUPPLIERS

38. Where an implementing agency is purchasing natural resource commodities, including food, timber and fibres that are known to originate from areas where there is risk of significant conversion or significant degradation of natural or critical habitats, the implementing agency's environmental and social assessment will include an evaluation of the systems and verification practices used by primary suppliers.

39. The implementing agency will establish systems and verification practices which will:

- (a) Identify where the supply is coming from and the habitat type of the source area;
- (b) Where possible, limit procurement of those suppliers that can demonstrate that they are not contributing to significant conversion or degradation of natural or critical habitats; and
- (c) Where possible and within a reasonable period, shift the implementing agency's primary suppliers to suppliers that can demonstrate that they are not significantly adversely impacting these areas.

40. The ability of the implementing agency to fully address these risks will depend on the implementing agency's level of control or influence over its primary suppliers.

ESSS7. INDIGENOUS PEOPLES AND TRADITIONAL LOCAL COMMUNITIES

INTRODUCTION

1. This ESSS applies to a distinct social and cultural group identified in accordance with paragraphs 8 and 9 of this ESSS. Indigenous peoples and traditional local communities in the Cook Islands context refers to the 'tangata enua' or people with blood ties to any of the islands in the Cook Islands. This terminology may be different for other contexts outside of the Cook Islands and should reflect national considerations and this ESSS includes all such alternative terminology.

2. ESSS7 contributes to sustainable development by ensuring that projects supported by MFEM enhance opportunities for indigenous peoples and traditional local communities to participate in, and benefit from, the development process in ways that do not threaten their unique cultural identities and well-being.

3. This ESSS recognises that indigenous peoples and traditional local communities have identities and aspirations that are distinct from the mainstream group in the national population that may be disadvantaged by foreign imposed models of development. In some cases, they do not receive equitable access to project benefits, or benefits are not planned or delivered in a way that is culturally appropriate, and they may not always be adequately consulted about the design or implementation of projects that may have significantly affect their lives or communities. This ESSS recognises that the roles of men and women in indigenous cultures or traditional local communities are often distinct and may need special consideration.

4. Indigenous peoples and traditional local communities are inextricably linked to the land on which they live and the natural resources on which they depend. They are therefore particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded. Projects may also undermine language use, cultural practices, institutional arrangements and beliefs that indigenous peoples and traditional local communities view as essential to their identity or wellbeing. However, projects may also create important opportunities for indigenous peoples and traditional local communities to improve their quality of life and wellbeing. A project may create improved access to markets, schools, hospitals and other services that seek to improve living conditions. Projects can create opportunities for indigenous peoples and traditional local communities to participate in, and benefit from project related activities that may help them fulfil an aspiration to play an active and meaningful role as partners in development. Furthermore this ESSS recognises that indigenous peoples and traditional local communities play a vital role in sustainable development.

5. This ESSS recognises that the different historical and cultural backgrounds will form part of the environmental and social assessment of the project and that the assessment is intended to support identification of the measures to address concerns that project activities may exacerbate tensions.

OBJECTIVES

- To ensure that the development process factors full respect for human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of indigenous peoples and traditional local communities.
- To avoid adverse impacts of projects on indigenous peoples and traditional local communities or when avoidance is not possible, to minimise, mitigate and/or compensate for such impacts.
- To promote sustainable development benefits and opportunities for indigenous peoples and traditional local communities in a manner that is accessible, culturally appropriate and inclusive.
- To improve project design and promote local support in establishing and maintaining an ongoing relationship based on meaningful consultation with indigenous peoples and traditional local communities affected by the project throughout the project life cycle.
- To recognise, respect and preserve the culture, knowledge, and practices of indigenous peoples and traditional local communities, and to provide them with the opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

SCOPE OF APPLICATION

6. This ESSS applies to indigenous peoples and traditional local communities and how they are referred to in the national context. This may mean that alternative terminology is used as appropriate to the national context of the implementing agency.

7. This ESSS applies whenever indigenous peoples and traditional local communities (as they may be referred to in the national context) are present in, or have collective attachment to a proposed project area, as determined during the environmental and social assessment. The ESSS applies regardless of whether indigenous peoples or traditional local communities are affected positively or negatively, and regardless of the significance of such impacts. This ESSS also applies irrespective of the presence or absence or discernible economic, political or social vulnerabilities, although the nature and extent of vulnerabilities will be a key variable in designing plans to promote equitable access to benefits or to mitigate adverse impacts.

8. The implementing agency may be required to seek inputs from appropriate specialists to meet the consultation, planning, or other requirements of this ESSS.

REQUIREMENTS

A. GENERAL

9. A key purpose of this ESSS is to ensure that indigenous peoples and traditional local communities present in, or with collective connection to, the project area are fully consulted about, and have the opportunity to actively participate in, project design and the determination of project implementation and arrangements. The scope and scale of consultation, as well as subsequent

planning and documentation processes, will be in proportionate to the scope and scale of potential project risks and impacts as they may affect the indigenous peoples and traditional local communities.

10. The implementing agency will assess the nature and degree of the expected direct and indirect economic, social, cultural and environmental impacts on indigenous peoples and traditional local communities who are present in, or have collective attachment to, the project area. The implementing agency will prepare a consultation strategy and identify the means by which the affected indigenous peoples and traditional local communities will participate in project design and implementation. Subsequently, effective project design and documentation will be developed as set out below.

11. The implementing agency's proposed measures and actions will be developed in consultation with the affected indigenous peoples and traditional local communities and contained in a timebound plan, such as the Indigenous Peoples and Traditional Local Communities Plan. The scope and scale of the plan will be proportionate to the potential risks and impacts of the project. The format and title of the plan will be adjusted as appropriate to the project or country context, and will reflect any alternative terminology for indigenous peoples, as referred to in paragraph 6.

Projects designed solely to benefit indigenous peoples and traditional local communities

12. Where projects are designed to provide benefits only to indigenous peoples and traditional local communities, the implementing agency will proactively engage with the relevant indigenous peoples and traditional local communities to ensure their ownership and participation in project design, implementation, monitoring and evaluation. The implementing agency will also consult with them as to the cultural appropriateness of proposed services or facilities, and will seek to identify and address any economic and social constraints (including those related to gender) that may limit opportunities to benefit from, or participate in the project.

13. When indigenous peoples and traditional local communities are the sole, or overwhelming majority of, project beneficiaries, the elements of the plan may be included in the overall project design, and preparation of a stand-alone Indigenous Peoples and Traditional Local Communities plan is not necessary.

Projects where indigenous peoples and traditional local communities are not the sole beneficiaries

14. When indigenous peoples and traditional local communities are not the only beneficiaries of the project, planning requirements will vary with circumstances. The implementing agency will design and implement the project in a manner that provides affected indigenous peoples and traditional local communities with equitable access to project benefits. The concerns or preferences of indigenous peoples and traditional local communities will be addressed through meaningful consultations and project design, and documentation will summarise the consultation results and describe how indigenous peoples and traditional local communities' issues have been addressed in project design. Arrangements for ongoing consultations during implementation and monitoring will also be described.

15. The implementing agency will prepare a time-bound plan, such as an Indigenous Peoples and Traditional Local Communities plan setting out the measures or actions proposed. In some situations, a broader integrated community development plan will be prepared, addressing all

beneficiaries of the project and incorporating necessary information relating to the affected indigenous peoples and traditional local communities.

Avoidance of adverse impacts

16. Adverse impacts on indigenous peoples and traditional local communities will be avoided where possible. Where alternatives have been explored and adverse impacts are unavoidable, the implementing agency will minimize and/or compensate for these impacts in a culturally appropriate manner proportionate to the nature and scale of such impacts and the form and degree of vulnerability of the affected indigenous peoples and traditional local communities.

17. When situations arise in which projects potentially affect remote groups with limited external contact, also known as 'isolated peoples' or 'in initial contact', the implementing agency will take appropriate measures to recognise, respect and protect their land and territories, environment, health and culture, as well as measures to avoid any undesired contact with them as a consequence of the project. The aspects of the project that would result in such undesired contact will not be processed further.

Mitigation and development benefits

18. The implementing agency and affected indigenous peoples/traditional local communities will identify mitigation measures in alignment with the mitigation hierarchy described in ESS1 as well as opportunities for culturally appropriate and sustainable development benefits. The scope of assessment and mitigation will include cultural impacts as well as physical impacts. The implementing agency will ensure the timely delivery of agreed measures to affected indigenous peoples and traditional local communities.

19. The determination, delivery, and distribution of compensation and shared benefits to affected indigenous people and traditional local communities will take account of the institutions, rules and customs of the indigenous peoples and traditional local communities. Eligibility for compensation can be either individually or collectively based, or be a combination of both. Where compensation is on a collective basis, as far as practicable mechanisms that promote the effective use of compensation to all eligible members, or collective use of compensation in a manner that benefits all members of the group, will be defined and implemented.

20. Various factors including, but not limited to, the nature of the project, the project context and the vulnerability of affected indigenous peoples and traditional local communities will determine how affected indigenous peoples and traditional local communities will benefit from the project. Identified opportunities will aim to address the goals and preferences of the affected indigenous peoples and traditional local communities, including improvement in their standard of living and livelihoods in a culturally sensitive way, and to foster the long-term sustainability of the natural resources on which they depend.

Meaningful consultation tailored to indigenous peoples and traditional local communities

21. To promote effective project design, to build local project support or ownership, and to reduce the risk of project related delays or controversies, the implementing agency will undertake an engagement process with the affected indigenous peoples and traditional local communities as required in ESS9. This engagement process will include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally fitting and gender

and inter-generationally inclusive manner. For indigenous peoples and traditional local communities, the process of meaningful consultation will also:

- (a) Involve indigenous peoples and traditional local communities representative bodies and organisations (e.g. traditional leader groupings), and where appropriate, other community members;
- (b) Provide sufficient time for indigenous peoples and traditional local communities decision making processes; and
- (c) Allow for indigenous peoples and traditional local communities effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.

B. GRIEVANCE MECHANISM

22. The implementing agency will ensure that a grievance mechanism is established for the project, as described in ESS9, which is culturally appropriate and accessible to the affected indigenous peoples and traditional local communities, and takes into account the availability of judicial recourse and customary dispute settlement mechanisms among indigenous peoples and traditional local communities.

ESSS 8. CULTURAL HERITAGE

INTRODUCTION

1. ESSS8 recognises that cultural heritage provides continuity in tangible and intangible forms between past, present and future. People identify with cultural heritage as reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. Cultural heritage, in its many forms, is important as a source of valuable scientific and historical information, as an economic and social asset for development, and as an integral part of people's cultural identity and practice. ESSS8 sets out measures designed to protect cultural heritage throughout the project life cycle.
2. This ESSS sets out general provisions on risks and impacts to cultural heritage from project activities.

OBJECTIVES

- To protect cultural heritage from the adverse impacts of project activities and supports 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.

SCOPE OF APPLICATION

3. The applicability of this ESSS is established during the environmental and social assessment described in ESSS1.
4. The term 'cultural heritage' encompasses tangible and intangible heritage, which may be recognised or valued at a local, regional, national or global level, as follows:
 - Tangible cultural heritage, which includes movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, historical, architectural, spiritual, aesthetic or other cultural significance. Tangible cultural heritage may be located in urban or rural settings, and may be above or below land or under water.
 - Intangible cultural heritage, which includes, practices, representations, expressions, knowledge, skills – as well as instruments, objects, artefacts and cultural spaces associated therewith – that communities or groups recognise as part of their cultural heritage, passed on from generation to generation.

5. The requirements of this ESS8 will apply to all projects that are likely to have risks or impacts on cultural heritage. This will include a project that:

- (a) Involves excavations, demolition, movement of earth, flooding or other changes in the physical environment;
- (b) Is located within a legally protected area or a legally defined buffer zone;
- (c) Is located in, or in the vicinity of, a recognised cultural heritage site; or
- (d) Is specifically designed to support the conservation, management and use of cultural heritage.

6. The requirements of ESS8 apply to cultural heritage regardless of whether or not it has been legally protected or previously identified and disturbed.

7. The requirements of ESS8 apply to intangible cultural heritage only if a physical component of a project will have a material impact on such cultural heritage or if a project intends to use such cultural heritage for commercial purposes.

REQUIREMENTS

A. GENERAL

8. The environmental and social assessment, as set out in ESS1, will consider direct, indirect and cumulative project specific risks and impacts on cultural heritage. Through the environmental and social assessment, the implementing agency will determine the potential risks and impacts of the proposed activities of the project on cultural heritage.

9. The implementing agency will avoid impacts on cultural heritage. When avoidance of impacts is not possible, the implementing agency will identify and implement measures to address impacts on cultural heritage in accordance with the mitigation hierarchy. Mitigation measures include, for example, relocating or modifying the physical footprint of the project; conservation and rehabilitation in situ; relocation of cultural heritage; documentation; strengthening the capacity of national or local institutions responsible for managing cultural heritage affected by the project; establishment of a monitoring system to track the progress or effectiveness of these activities; establishment of an implementation schedule and required budget for the identified mitigation measures; and cataloguing of finds; etc. Where appropriate the implementing agency will develop a Cultural Heritage Management Plan. This may be developed as a stand-alone document or, depending on the nature and scale of the risks and impacts of the project, as part of the ESCP.

10. The implementing agency will implement globally recognised practices for field-based study, documentation and protection of cultural heritage in connection with the project, including by contractors and other third parties.

11. When a cultural heritage is previously unknown but is encountered during project activities, this will be treated as a 'chance finds'. A chance finds procedure will be included in all contracts relating to construction of a project, including excavations, demolition, movement of earth, flooding or other changes in the physical environment. The chance finds procedures will

set out how chance finds related to the project will be managed. The procedure will include the requirement to notify relevant authorities of found objects or sites by cultural experts; to fence off the area of finds or sites to avoid further disturbance; to conduct an assessment of found objects or sites by cultural heritage experts; to identify and implement actions consistent with the requirements of this ESSS and national law; and to train project personnel and project workers on chance find procedures.

12. Where necessary due to the potential risks and impacts of a project, the environmental and social assessment will involve the participation of cultural experts. If the environmental and social assessment determines that the project may, at any time during the project life cycle, have significant potential risks and impacts on cultural heritage, the implementing agency will engage cultural heritage experts to assist in the identification, valuation assessment and protection of cultural heritage.

B. STAKEHOLDER CONSULTATION AND IDENTIFICATION OF CULTURAL HERITAGE

13. The implementing agency will identify, in accordance with ESSS9, stakeholders that are relevant for the cultural heritage that is known to exist or is likely to be encountered during the project life cycle. Stakeholders will include, as relevant:

- (a) Project affected parties, including individuals and communities within the country who use or have used the cultural heritage within living memory; and
- (b) Other interested parties, which may include national or local regulatory authorities that are entrusted with the protection of cultural heritage and nongovernmental organisations and cultural heritage experts, including national and international cultural heritage organisations.

14. The implementing agency will carry out meaningful consultations with stakeholders in accordance with ESSS9 in order to identify cultural heritage that may be affected by the potential project; consider the significance of the cultural heritage affected by the project; assess the potential risks and impacts; and explore avoidance and mitigation options.

Confidentiality

15. The implementing agency, in consultation with the MFEM, project affected parties (including individuals and communities) and cultural heritage experts, will determine whether disclosure of information regarding cultural heritage would compromise or endanger the safety or integrity of the cultural heritage or would jeopardise the sources of information. If so, sensitive information may be excluded from public disclosure. The implementation entity must establish measures to maintain confidentiality if the project affected parties hold the location, characteristics, or traditional use of the cultural heritage in secret.

Stakeholder access

16. Where the implementing agency's project site contains cultural heritage or stops access to cultural heritage sites that were previously accessible, the implementing agency will, based on consultations with the users of the site, allow continued access to the cultural site, or will provide an alternative access route, subject to overriding health, safety and security considerations.

C. LEGALLY PROTECTED CULTURAL HERITAGE AREAS

17. As part of the environmental and social assessment, the implementing agency will determine the presence of all listed legally protected cultural heritage sites affected by the project, such as world heritage sites and nationally and locally protected areas. If the proposed project will be located within a legally protected area or a legally defined buffer zone, the implementing agency will:

- (a) Comply with local, national, regional or international cultural heritage regulations and the protected area management plans;
- (b) Consult with the protected area sponsors and managers, project affected parties (including individuals and communities) and other interested parties on the proposed project; and
- (c) Implement additional programs, as appropriate, to promote and enhance the conservation objectives of the protected area.

D. COMMERCIAL USE OF CULTURAL HERITAGE

18. Where a project intends to use cultural heritage of project affected parties (including individuals and communities) for commercial purposes, the implementing agency will inform the project affected parties of: (a) their rights under national law; (b) scope the nature of the commercial development and the potential impacts; and (c) the potential consequences of such development impacts.

19. The implementing agency will not proceed with such commercial use unless it: (a) carries out meaningful consultation with stakeholders as described in ESSS9; (b) provides for fair and equitable sharing of benefits from commercial use of such cultural heritage, consistent with customs and traditions of the affected parties; and (c) identifies mitigation measures according to the mitigation hierarchy.

ESSS 9. STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE

INTRODUCTION

1. This ESSS recognises the importance of open and transparent engagement between the implementing agency and the project stakeholders as an essential element of good practice. Effective stakeholder engagement can improve environmental and social sustainability of projects, enhance project acceptance, and make significant contribution to successful project design and implementation.

2. Stakeholder engagement is an inclusive process carried out during the project life cycle. Where properly designed and implemented, it supports the progression of strong, constructive and responsive relationships that are important for successful management a project's environmental and social risks. Stakeholder engagement is best when initiated at an early stage of the project development process, and is an integral part of early project decisions and assessment, management and monitoring of the project's environmental and social risks and impacts.

3. This ESSS must be read together with ESSS1. Requirements regarding engagement with workers are found in ESSS2. Special provisions on emergency preparedness and response are covered in ESSS2 and ESSS4. Where the project involves involuntary resettlement, indigenous peoples or cultural heritage, the implementing agency will apply disclosure and consultation requirements outlined in ESSS5, ESSS7 and ESSS8.

OBJECTIVES

- To establish a systematic approach to stakeholder engagement that will help implementing agencies identify stakeholders and build and maintain a constructive relationship with them, particularly with project affected parties.
- To assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be accounted for in project design and environmental and social performance.
- To promote and provide means for effective and inclusive engagement with project affected parties throughout the project life cycle on issues that could potentially affect them.
- To ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format.
- To provide project affected parties with accessible and inclusive means to raise issues and grievances, and allow implementing agencies to respond and to manage such grievances.

SCOPE OF APPLICATION

4. ESSS9 applies to all projects supported through MFEM. The implementing agency will engage with stakeholders as an integral part of the project's environmental and social assessment and project design and implementation, as outlined in ESSS1.

5. For the purposes of this ESSS, 'stakeholder' refers to individuals or groups who:

- (a) Are affected or likely to be affected by the project (project affected parties); and (b) May have an interest in the project (other interested parties).

REQUIREMENTS

6. The implementing agency will engage with stakeholders throughout the project life cycle, initiating engagement as early as possible in the project development process and in a timeframe that enables meaningful consultation with stakeholders on project design. The nature, scope and frequency of stakeholder engagement will be proportionate to the nature and scale of the project and its potential risks and impacts.
7. The implementing agency will engage in meaningful consultations with all stakeholders. Timely, relevant, understandable and accessible information will be provided to stakeholders. Consultations will be conducted in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.
8. The process of stakeholder engagement will involve the following, as set out in further detail in this ESS: (i) stakeholder identification and analysis; (ii) planning how the engagement will occur; (iii) disclosure of information; (iv) consultation with stakeholders; (v) addressing and responding to grievances; and (vi) reporting to stakeholders.
9. The implementing agency will maintain, and disclose as part of the environmental and social assessment, a documented record of stakeholder engagement, including a description of the stakeholders consulted, a summary of feedback received and brief explanation of how the feedback was taken into account or the reasons why it was not.

A. ENGAGEMENT DURING PROJECT PREPARATION

Stakeholder identification and analysis

10. The implementing agency will identify the different stakeholders, both project affected parties and other interested parties. The stakeholders of a project will vary depending on the details of the project. As set out in paragraph 5, individuals or groups that are affected or likely to be affected by the project will be identified as 'project affected parties' and other individuals or groups that may have an interest in the project will be identified as 'other interested parties'.
11. The implementing agency will identify those project affected parties who because of their particular situations, may be disadvantaged or vulnerable. Based on this identification, the implementing agency may have different concerns or priorities about project impacts, mitigation mechanisms and benefits, and who may require different, or separate forms of engagement. An adequate level of detail will be included in the stakeholder identification and analysis so as to determine the level of communication that is appropriate for the project.
12. Depending on the potential significance of environmental and social risks and impacts, the implementing agency may be required to retain independent third party specialist to assist in the stakeholder identification and analysis to support a comprehensive analysis and the design of an inclusive engagement process.

Stakeholder engagement plan

13. In consultation with the MFEM, the implementing agency will develop and implement a Stakeholder Engagement Plan (SEP) proportionate to the nature and scope of the potential risks and impacts of the project. A draft of the SEP will be disclosed as soon as possible during the 'Planning' stage of Te Tarai Vaka, and before project appraisal. The implementing agency will seek the views of stakeholders on the SEP, including on the identification of stakeholders and the proposals for future engagement. If significant changes are made to the SEP, the implementing agency will disclose the updated SEP.

14. The SEP will describe the timing and methods of engagement with stakeholders throughout the life cycle of the project agreed between the MFEM and the implementing agency, distinguishing between project affected parties and other interested parties. The SEP will also describe the range and timing of information to be communicated to project affected parties and other interested parties, as well as the type of information to be sought from them.

15. The SEP will be designed to take into account the main characteristics and interests of the stakeholders, and the different levels of engagement and consultation that will be appropriate for different stakeholders. The SEP will set out how communication with stakeholders will be handled throughout project preparation and implementation.

16. The SEP will describe measures that will be used to remove obstacles to participation, and how views of different affected groups will be captured. Where applicable, the SEP will include differentiated measures to allow the effective participation of those identified as disadvantaged or vulnerable. Specific approaches and increased level of resources may be needed for communications with such differently affected groups so that they can obtain the information they need regarding the issues that will potentially affect them.

17. When the stakeholder engagement with local individuals and communities depends significantly on community representatives, the implementing agency will make reasonable efforts to verify that such persons do, in fact, represent the views of those being represented, and that the representatives are facilitating the communication process in an appropriate manner.

18. In some circumstances, depending on the level of information available about the project (such as the location of the project), the SEP may take the format outlining general principles and a collaborative strategy to identify stakeholders and plan for an engagement process in accordance with this ESSS that will be implemented once further information on the project is known (such as location of the project).

Information disclosure

19. The implementing agency will disclose project information to allow stakeholders to understand the risks and impacts of the project, and potential opportunities. The implementing agency will provide stakeholders with access to the following information, as soon as possible before the project proceeds to project appraisal in the 'Planning' stage of the Te Tarai Vaka process, and in a timeframe that enables meaningful consultations with stakeholders on project design:

- (a) Purpose, nature and scale of project;
- (b) The duration of proposed project activities;

- (c) Potential risks and impacts of the project on local communities, and the proposals for mitigating these, highlighting potential risks and impacts that may disproportionately affect vulnerable and disadvantaged groups and describing the differentiated measures taken to avoid and minimise these;
- (d) The proposed stakeholder engagement process highlighting the ways in which stakeholders can participate;
- (e) The time and venue of any proposed public consultation meetings, and the process by which meetings will be notified, summarised and reported; and
- (f) The process and means by which grievances can be raised and will be addressed.

20. The information will be disclosed in relevant local languages and in a manner that is accessible and culturally appropriate, taking into account any specific needs of groups that may be differentially or disproportionately affected by the project or groups of the population with specific information needs (such as disability, literacy, gender, etc.).

Meaningful consultation

21. The implementing agency will undertake a process of meaningful consultation in a manner that provides the stakeholder with the opportunities to express their views on project risks, impacts, and mitigation measures, and allows the implementing agency to consider and respond to them. Meaningful consultation will be carried out on an ongoing basis as the nature of issues, impacts and opportunities evolves.

22. Meaningful consultation is a two-way process that:

- (a) Begins early in the project development process to gather views on the project proposal and inform project design;
- (b) Encourages stakeholder feedback, particularly as a way of informing project design and engagement by stakeholders in the identification and mitigation of environmental and social risks and impacts;
- (c) Continues on an ongoing basis, as risks and impacts arise;
- (d) Is based on the prior disclosure and dissemination of relevant, transparent, objective, and easily accessible information in a timeframe that enables meaningful consultations with stakeholders in a culturally appropriate manner, in relevant languages that is understandable to stakeholders;
- (e) Considers and responds with feedback;
- (f) Supports active and inclusive engagement with project affected parties;
- (g) Is without external manipulation, interference, coercion, discrimination, and intimidation; and
- (h) Is documented and disclosed by the implementing agency.

B. ENGAGEMENT DURING PROJECT IMPLEMENTATION AND EXTERNAL REPORTING

23. The implementing agency will continue to engage with, and provide information to, project affected parties and other interested parties throughout the life cycle of the project, in a manner appropriate to the nature of their interest and the potential environmental and social risks and impacts of the project.

24. The implementing agency will continue to conduct stakeholder engagement in accordance with the SEP, and will build upon the channels of communication and engagement already established with stakeholders. The implementing agency will seek feedback from stakeholders on the environmental and social performance of the project, and the implementation of the mitigation measures in the ESCP.

25. If there are significant changes to the project that result in additional risks and impacts, particularly where these will impact project affected parties, the implementing agency will provide information of such risks and impacts and consult with project affected parties on how these risks and impacts will be mitigated. The implementing agency will disclose an updated ESCP, setting out any additional mitigation measures.

C. GRIEVANCE MECHANISM

26. The implementing agency will respond to concerns and grievances of project affected parties related to the environmental and social performance of the project in a timely manner. As such, the implementing agency will propose and implement a grievance mechanism to receive and facilitate resolution of such concerns and grievances.

27. The grievance mechanism will be proportionate to the potential risks and impacts of the project and will be accessible and inclusive. Where feasible and suitable for the project, the grievance mechanism will utilise existing formal and informal grievance mechanisms, supplemented if required with project specific arrangements. Further details on grievance mechanisms are set out in Annex 1.

- (a) The grievance mechanism is expected to address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project affected parties, at no cost and without reprisal. The mechanism, process or procedure will not prevent access to judicial or administrative remedies. The implementing agency will inform the project affected parties about the grievance process in the course of its engagement activities, and will make publicly available a record of documenting the responses to all grievances received; and
- (b) Handling of grievances will done in a manner that is culturally appropriate and be discreet, objective, sensitive and responsive to the needs and concerns of the project affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed.

D. ORGANISATIONAL CAPACITY AND COMMITMENT

28. The implementing agency will define clear roles, responsibilities and authority as well as designate specific personnel to be responsible for the implementation and the monitoring of stakeholder engagement activities and compliance with this ESSS.

ESSS9 – ANNEX 1. GRIEVANCE MECHANISM

1. The scope, scale and type of grievance mechanism required will be proportionate to the nature and scale of the potential risks and impacts of the project.
2. The grievance mechanism may include the following:
 - (a) Different ways in which users can submit their grievances, which may include submissions in person, by phone, text message, mail, email or via a website;
 - (b) A log where grievances are registered in writing and maintained as a database;
 - (c) Publicly advertised procedures, setting out the length of time users can expect to wait for acknowledgement, response and resolution of their grievances;
 - (d) Transparency about the grievance procedure, governing structure and decision makers; and
 - (e) An appeals process (including the national judiciary) to which unsatisfied grievances may be referred when resolution of grievance has not been achieved.
3. The implementing agency may provide mediation as an option where users are not satisfied with the proposed resolution.

AN EXAMPLE OF A GRIEVANCE MECHANISM – PEARL ADAPTATION FUND PROJECT

The Grievance Redress Mechanism (GRM) will implement the policy and guidelines of the CIG TTV GRM procedure. As set out in TTV policy, the GRM will support the enhancement of environment and social wellbeing, including human rights and gender equality. The GRM will receive and facilitate the resolution of concerns, complaints, and grievances about the programme's environmental, social, human rights, gender performance as well as other general complaints relating to the programme. When and where the need arises, this mechanism will be used for addressing any complaints that may arise during the implementation of the programme.

Concerns, complaints and grievances by affected persons will be directed to the Project Management Unit (PMU) where the Project Coordinator, Environmental and Social Safeguard (ESS) and Gender Specialists will be the focal points to receive, record, review, and address concerns in coordination with relevant stakeholders (e.g. CINCW) depending on the nature of the complaint. A complaints register will be maintained to record the date, details, and nature of each complaint, the name of the complainant, and the date and actions taken as a result of the follow-up investigation. The register will also cross-reference any non-compliance report and/or corrective action report or other relevant documentation relating to the complaint.

At the inception workshop, information summarising the GRM process and governance including contact details of the PMU and grievance form will be provided. This information will be developed into a poster for the PMU office, project sites and social media channels.

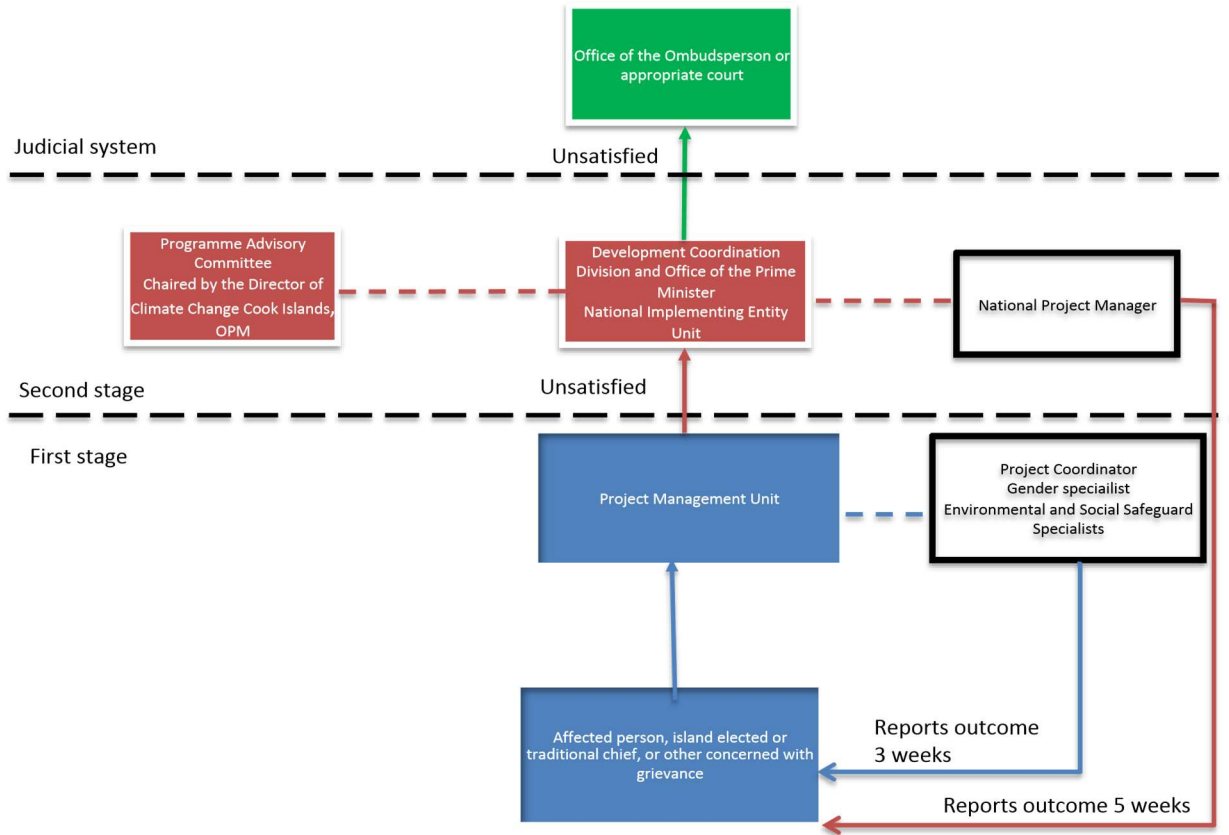
Table 1 presents the steps and corresponding time frame for the grievance redress mechanism.

Table 1: Grievance Redress Process

Stage	Process	Duration
1	Any affected person, island elected or traditional chief, or other Any time concerned party takes grievance to PMU.	
2	Project Coordinator, ESS or Gender Specialist reviews and finds 2 weeks solution to the problem in consultation with island elected or traditional chief and relevant agencies.	
3	Project Coordinator, ESS or Gender Specialist reports back an outcome 1 week to affected person who submitted the grievance.	
If unresolved or not satisfied with the outcome at PMU level or has received no report in the allotted time period		
4	Affected person takes grievance through Island Council or CINCW to OPM or NIE .	Within 2 weeks of receipt of decision in step 3
5	OPM/NIE reviews and finds a solution which may include recommendation of dispute resolution, including an appropriate body to oversee.	4 weeks
6	OPM/NIE reports back to the affected person who made the complaint.	1 week
If unresolved or at any stage if concerned party is not satisfied		
Affected party can take the matter to Office of the Ombudsperson or As per Office of the appropriate court. Ombudsperson or judicial system		

Figure 9 illustrates the grievance procedure, governing structure and decision makers and this will become part of the information poster.

Figure 1: Grievance procedure, governing structure and decision makers



BIBLIOGRAPHY

Adaptation Fund, “Environmental and Social Policy”, 2016:
<https://www.adaptationfund.org/document/environmental-and-social-safeguards-readiness-and-more-the-afbs-21stmeeting/>

Asian Development Bank, “Safeguard Policy Statement”, 2009, Manilla: Asian Development Bank




Global Environment Fund, “Agency Minimum Standards on Environmental and Social Safeguards, 2015: <https://www.thegef.org/document/environmental-and-social-safeguardspolicy>

The World Bank Group, “Environmental and Social Framework”, 2017, Washington DC: The World Bank Group, License: Creative Commons Attribution CC BY 3.0 IGO

ACKNOWLEDGEMENT

The Ministry of Finance and Economic Management would like to acknowledge the contribution of key stakeholders into the development of this Framework, including the relevant Ministries and Agencies of the Cook Islands Government (Environment, Health, Internal Affairs, Culture Development, and Office of the Prime Minister. Also incorporated into this Environmental and Social Framework are the views expressed by the participants of the National Green Climate Fund Fostering Resilience Workshop, representing government, non-government organisations, private sector and community representatives.

Annex 4: PEARL 2019 Annual Work Plan

 ADAPTATION FUND		 Government of the Cook Islands		 PEARL PA ENUA ACTION FOR RESILIENT LIVELIHOODS AAKAMATU/TAUANGA KIA TUKATAU TE ORAKANCA TE PA ENUA																	
Pa Enua Action for Resilient Livelihoods (PEARL)														ANNUAL WORKPLAN							
NE - National Implementing Entity PMU - Project Management Unit GS - Component 1 Coordinator WS - Component 2 Coordinator AS - Component 3 Coordinator																					
PLANNED ACTIVITY	TIMEFRAME													RESPONSIBLE PARTY	COST PARTICULAR	Activity Description	By Output	By Activity	Total by Output amount		
	2019																				
	Q1			Q2			Q3			Q4											
J	F	M	A	M	J	J	A	S	O	N	D										
Component 1: Strengthening disaster risk governance to manage disaster risk and enhancing disaster preparedness for effective response to "Build Back Better" in recovery, rehabilitation and reconstruction																					
Project Administration																					
	\$ 3,375.00	\$ 7,875.00	7,500	\$ 3,375	\$ 15,375	\$ 5,300	\$ 3,375	\$ 13,175	\$ -	\$ 3,375	\$ 7,875	\$ -							\$ 70,800		
	\$ 875			\$ 875			\$ 875			\$ 875				PMU / GS	Media and Communication	Component 1 budget's share for Media & Communication costs	\$ 3,500	\$ 3,500			
	\$ 2,500			\$ 2,500			\$ 2,500			\$ 2,500				PMU / GS	Project Administration	Component 1 budget's share for project administration costs	\$ 10,000	\$ 10,000			
National workshop for DRM			\$ 7,500		\$ 7,500									NIE / PMU / GS	Rarotonga Travel, Venue, Catering, Accommodation	Component 1 budget's share towards hosting the National Workshop in March (Southern Group islands coming to Rarotonga) and in May (NIE & PMU team going to the North Group islands)	\$ 15,000	\$ 15,000			
		\$ 1,625			\$ 1,625			\$ 1,625						PMU / GS	Telecommunications & Media	Component 1 budget for Telecommunication costs	\$ 6,500	\$ 6,500			
		\$ 6,250			\$ 6,250			\$ 6,250						PMU / GS	Agency component coordination	Component 1 share for Agency Coordination Fees for office support, travel, equipment and supplies, capacity building and administration costs.	\$ 25,000	\$ 25,000			
						\$ 2,750								PMU / GS	Specialist travel Southern Cook Islands	Travel cost for specialist.	\$ 2,750	\$ 2,750			
						\$ 1,050													\$ 1,050	\$ 1,050	
						\$ 1,500													\$ 1,500	\$ 1,500	
								\$ 2,750												\$ 2,750	\$ 2,750
								\$ 1,050										\$ 1,050	\$ 1,050		
								\$ 1,500										\$ 1,500	\$ 1,500		
										\$ 2,750								\$ 2,750	\$ 2,750		
										\$ 1,050								\$ 1,050	\$ 1,050		
										\$ 1,500								\$ 1,500	\$ 1,500		
Output 1: Expanded GeoPortal Disaster Risk Management Information System																					
	\$ 3,491.00	\$ 3,641.00	3,491	\$ 3,491	\$ 21,716	\$ 3,491	\$ 3,491	\$ 34,166	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491						\$ 90,942		
1.1.1	Contracting Emergency Management/Geoportal Specialist	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	\$ 3,491	NIE/PMU	Fees	Coordinator monthly remuneration	\$ 41,892	\$ 75,642			
														GS	Specialist + EMCI Staff x 1	Staffing for the northern Pa Enua survey trip. The most populated island in the northern Pa Enua is Pukapuka with 444 people followed by Penrhyn with 226, Manihiki with 212 and Rakahanga with 83 people. Except for Rakahanga (which is accessible by boat from Manihiki), all of these islands are accessible by plane. Therefore, this activity is planned for the Islands of Pukapuka, Penrhyn, Manihiki and Rakahanga.	\$ -				
					\$ 12,500			\$ 12,500								Travel Northern Group (2 weeks)		\$ 25,000			
					\$ 2,100			\$ 2,100								Per Diem		\$ 4,200			
					\$ 3,000			\$ 3,000								Accommodation		\$ 3,300			
					\$ 625			\$ 625								Venue/Catering		\$ 1,250			
														GS	Training & On-Island costs	Budgeted for Year 2	\$ -				
1.1.2	GIS Taskforce policy-making	\$ 150						\$ 150						GS	2 x Meetings (Venue/Catering)	The GIS Technical Operating Group consist of GIS personnel with an interest in providing oversight to GIS projects and training opportunities within government. Membership to this group is open to government personnel who are actively engaged in GIS activities.	\$ 300	\$ 15,300			
								\$ 15,000						GS	ArcGIS Annual Maintenance Licenses (AML)	Annual maintenance license to use the software ArcGIS Enterprise. The current 3-year (FREE) license that we are operating ends in August 2019.	\$ 15,000				

Output 2: Management response tools linking Hazard Risk Assessments and the DRM Plans																		
		\$ 30,000.00	\$ -	\$ -	\$ -	\$ 27,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 67,040				
1.2.1	Developing DRM tools and interface												GS	Fees incl. in Specialist	These two activities consist of using GISACT software and technologies to build GIS Apps. The GIS Apps will firstly focus on the development of an online Emergency Management Operations System.			
1.2.2	Sourcing Apps to enhance GeoPortal data Capture and alert information dissemination												GS	Fees incl. in Specialist	The second set of GIS Apps will consist of the development of field survey apps to be used on mobile smart-devices. This will effectively streamline the collection of field data from the field to the geodatabases.			
													GS	Licenses / Apps		\$ -	\$ -	
1.2.3	Installing AWS in Sawaarow and Nasseau	\$ 30,000				\$ 5,000							PMU / GS	Equipment	Jan/Feb 2019 - Tender for and purchase the equipment for the Automatic Weather Station.	\$ 30,000	\$ 57,040	
						\$ 20,000							GS	Consultant	Consultant fees and travel to install the AWS equipment	\$ 5,000		
						\$ 840							GS	Travel		\$ 20,000		
						\$ 1,200							GS	Per Diem		\$ 840		
													GS	Accommodation		\$ 1,200		
Output 3: Robust Pa Enua DRM Plans and capacity building																		
		\$ -	\$ -	\$ -	\$ -	\$ 45,550	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,550				
1.3.1	Island DRM Surveys for Geoportal					\$ 2,750							GS	Survey cost Pa Enua Support	Activity budgeted to commence in Year 2	\$ -	\$ 6,150	
						\$ 1,400							GS	Specialist Travel Southern Group	Specialist travel costs for the southern Pa Enua. Note that these costs works out to 20 days calculated to the rate of \$70/day for per diems.	\$ 2,750		
						\$ 2,000							GS	Per Diem		\$ 1,400		
													GS	Accommodation		\$ 2,000		
1.3.2	Upgrading Island DRM plans to align with National DRM Policy					\$ 16,500							GS	EMCI Staff x 2 + Red Cross x 1	Travel costs for 2 x EMCI Staff and 1 x Red Cross staff. These personnel will team up with the GIS Specialist to undertake 1.3.2.	\$ -	\$ 39,400	
						\$ 8,400							GS	Travel Southern Group (1 x per year)		\$ 16,500		
						\$ 12,000							GS	Per Diem		\$ 8,400		
						\$ 2,500							GS	Accommodation		\$ 12,000		
													GS	Venue/Catering		\$ 2,500		
													GS	Training Costs	Activity budgeted to commence in Year 2 requesting for funds of \$10,000 to be allocated to Year 1 to start the training-up of a Geportal Officer on selected Islands in the Pa Enua. This is a move to install capacity into the Pa Enua after the life of the PEARL Project.	\$ -		
1.3.3	Training in Geoportal and implementing the DRM Plans												GS	Specialist + EMCI Staff x 2	Activity budgeted to commence in Year 2	\$ -	\$ -	
													GS	Travel Southern Group		\$ -		
													GS	Per Diem		\$ -		
													GS	Accommodation		\$ -		
													GS	Training Costs		\$ -		
SUB-TOTAL COMPONENT 1		\$ 36,866	\$ 11,516	\$ 10,991	\$ 6,866	\$ 109,681	\$ 8,791	\$ 6,866	\$ 47,341	\$ 3,491	\$ 6,866	\$ 11,366	\$ 3,491	SUB-TOTAL COMPONENT 1		\$ 264,132		

Component 2: Integrated water security management planning and implementation for Pa Enua communities

Project Administration

		\$ 6,750.00	\$ -	7,500	\$ 6,750	\$ 7,500	\$ -	\$ 6,750	\$ -	\$ -	\$ 6,750	\$ -	\$ -					\$ 42,000	
		\$ 875			\$ 875			\$ 875			\$ 875			PMU / WS	Media and Communication	Component budget for Media & Communication	\$ 3,500	\$ 3,500	
		\$ 2,500			\$ 2,500			\$ 2,500			\$ 2,500			PMU / WS	Project Administration	Component share for Project Administration	\$ 10,000	\$ 10,000	
	National workshop for Water Security			\$ 7,500		\$ 7,500								NIE / PMU / WS	Rarotonga Travel, Venue, Catering, Accommodation	Component 2 share towards hosting the National Workshop - March (Southern Group islands coming to Rarotonga) and in May (NIE & PMU team going to the North Group islands)	\$ 15,000	\$ 15,000	
		\$ 375			\$ 375			\$ 375			\$ 375			PMU / WS	Telecommunications	Quarterly budget for Telecommunication	\$ 1,500	\$ 1,500	
		\$ 3,000			\$ 3,000			\$ 3,000			\$ 3,000			PMU / WS	Agency component coordination	Component 2 share for Agency Coordination Fees for office support, travel, equipment and supplies, capacity building and administration costs.	\$ 12,000	\$ 12,000	
								\$ -						PMU / WS	Specialist travel Southern Cook Islands	Travel cost for specialist budgeted for Year 2, requesting for funds to be allocated to Year 1 for travel costs in August 2019	\$ -	\$ -	
								\$ -							Per Diem		\$ -	\$ -	
								\$ -							Accommodation		\$ -	\$ -	
								\$ -							EBS travel South Group		\$ -	\$ -	
								\$ -							Per Diem		\$ -	\$ -	
								\$ -						Accommodation			\$ -	\$ -	

Output 1: Robust water monitoring, reporting and assessment systems established and implemented

		\$ 3,591.00	\$ 28,851.00	3,491	\$ 3,591	\$ 48,111	\$ 3,491	\$ 3,591	\$ 3,491	\$ 28,231	\$ 3,591	\$ 3,491	\$ 3,491					\$ 137,012	
2.1.1	Contracting Water Security Specialist	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	\$ 3,491.00	NIE / PMU	Fees	Coordinator monthly remuneration	\$ 41,892	\$ 41,892	
2.1.2	Water Sector Committee policy-making	\$ 100.00			\$ 100			\$ 100			\$ 100			NIE / PMU	Venue/Catering	PSG meeting costs	\$ 400	\$ 400	
2.1.3	National Water Security Data Warehouse													WS	Specialist + SPC	Travel cost for specialist.	\$ -	\$ 94,720	
						25,000									Travel Northern Group		\$ 25,000		
						2,520									Per Diem		\$ 2,520		
						3,600									Accommodation		\$ 3,600		
			\$ 1,200.00									4,300			WS	Travel Southern Group	Travel cost for specialist. Outreach Aitutaki/Managala	\$ 5,500	
			\$ 560.00									1,540				Per Diem		\$ 2,100	
			\$ 600.00									2,400				Accommodation		\$ 3,000	
			\$ 3,000.00				\$ 13,500				\$ 16,500					WS		Survey costs Pa Enua support	Support costs of conducting surveys in the Pa Enua
	\$ 20,000.00												WS	Water Measuring Equipment	Purchase water measuring equipment	\$ 20,000			

Output 2: Water Resilient Plans including drinking water safety practices																					
		\$ -	\$ -	\$ -	\$ 16,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -						
2.2.1	Upgrading island water security plans to improve water resilience														WS	Specialist + OD	Specialist + OD + Rebo (no extra costs as co-sharing with SPC WATER SECURITY)	\$ -	\$ -		
																	Travel Northern Group		\$ -		
																		Per Diem		\$ -	
																		Accommodation		\$ -	
																WS	Travel Southern Group	Activity budgeted to commence in Year 2		\$ -	
																			Per Diem	\$ -	
																			Accommodation	\$ -	
																Venue/Catering	\$ -				
																			\$ -		
2.2.2	Water Quality testing programme														WS	Fees incl. in Specialist	No fund disbursement required	\$ -	\$ 11,000		
																		Travel included	\$ -		
					\$ 11,000										WS	Equipment Testing	Budgeted for Year 2. Request to purchase bulk equipment in the YEAR 1 if possible	\$ 11,000			
2.2.3	Water maintenance training including WASH																		\$ -	\$ 5,000	
																WS & Consultants	MoH & Red Cross	Activity budgeted for execution in Year 2	\$ -		
																	Travel Northern Group		\$ -		
																	Per Diem		\$ -		
																		Accommodation	\$ -		
							\$ 5,000.00												Consumables: Water quality testing	Budgeted for Year 2. Request to purchase bulk equipment in the YEAR 1 if possible	\$ 5,000
																		Consumables: Water Quality Testing for EcoII	\$5000 budgeted for Year 1 now requesting to move this funding over to Year 2	\$ -	
																Equipment: Water making desalination	\$50,000 budgeted for Year 1 now requesting to move this funding over to Year 2	\$ -			
																Consumables: Water making desalination	\$10,000 budgeted for Year 1 now requesting to move this funding over to Year 2	\$ -			
																Venue/Catering	Expense for island meetings budgeted for Year 2 now requesting for this funding to be moved to Year 3	\$ -			
Output 3: Allocation of Water Security Fund																					
		\$ -	\$ -	\$ -	\$ 200	\$ -	\$ -	\$ -	\$ 250,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -						
2.3.1	Set up governance and criteria for the WSF																			\$ 250,400	
2.3.2	Advising proponents on project proposals																				
2.3.3	WSF committee governance				\$ 200				\$ 200										400	400	
2.3.4	Grant administration and monitoring								\$ 50,000												
									\$ 100,000												
									\$ 100,000												
SUB-TOTAL COMPONENT 2		\$ 10,341	\$ 28,851	\$ 10,991	\$ 26,541	\$ 55,611	\$ 3,491	\$ 10,341	\$ 253,691	\$ 28,231	\$ 10,341	\$ 3,491	\$ 3,491								\$ 445,412

Output 3: Tropical orchards technical support for southern group islands																				
		\$ -	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 16,886	\$ 1,636	\$ 1,636					\$ -	\$ 33,250	
3.3.1	Contracting Fruit Horticulturalist		\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	\$ 1,636	NIE / PMU / AS	Fees			\$ 18,000	\$ 18,000	
3.3.2	Assessing and planning for orchards in Southern Group													AS	Horticulturalist + MaA Staff	Site Visit on existing orchards on Mauke, Atiu		\$ -	\$ 16,250	
										\$ 5,500		Travel Southern Group	\$ 5,500							
										\$ 3,500		Per Diem	\$ 3,500							
										\$ 5,000		Accommodation	\$ 5,000							
										\$ 1,250		Venue/Catering	\$ 1,250							
3.3.3	Equip and build capacity to implement plans												AS	Fees incl. in Horticulturalist	Work budgeted to commence in Year 2		\$ -	\$ -		
												Supplies		\$ -						
												Equipment		\$ -						
3.3.4	Strategy for Agriculture water use and supply												AS	Fees incl. in Horticulturalist			\$ -	\$ -		
														Equipment			\$ -	\$ -		
Output 4: Pa Enuu Agriculture Knowledge Sharing Platform																				
		\$ -	\$ -	\$ -	\$ 7,333	\$ -	\$ 15,000	\$ -	\$ -	\$ -	\$ 15,000	\$ -	\$ -					\$ -	\$ 37,333	
3.4.1	Expand AgIntel database to Pa Enuu						\$ 7,500				\$ 7,500			AS	AgIntel Specialist			\$ 15,000	\$ 22,333	
					\$ 7,333										AgIntel suney's support	Equipment and expenses for suney's support			\$ 7,333	
3.4.2	Knowledge sharing of E-Agriculture information						\$ 7,500				\$ 7,500				E-Agriculture Specialist			\$ 15,000	\$ 15,000	
Output 5: Allocation of Economic Resilience Fund																				
		\$ -	\$ -	\$ 100	\$ -	\$ -	\$ 100	\$ -	\$ -	\$ 100	\$ -	\$ 100	\$ -					\$ -	\$ 400	
3.5.1	Set up criteria and governance for the ERF													NIE / PMU / AS	Fees incl. in Specialist	No budget allocation		\$ -	\$ -	
3.5.2	Advising proponents on project proposals														Fees incl. in Specialist	No budget allocation		\$ -	\$ -	
3.5.3	PSG committee governance			\$ 100			\$ 100			\$ 100		\$ 100			Venue/Catering	Allocated for PSG meetings		\$ 400	\$ 400	
3.5.4	Grant administration and monitoring															Fees incl. in Specialist	Activity budgeted to commence in Year 2		\$ -	\$ -
															Fund preliminary allocation	\$ -				
														Water Reticulation	\$ -					
														Fencing	\$ -					
														Business Activities		\$ -	\$ -			
	SUB-TOTAL COMPONENT 3	\$ 6,375	\$ 26,236	\$ 24,611	\$ 118,345	\$ 25,716	\$ 235,111	\$ 8,011	\$ 18,216	\$ 5,111	\$ 38,261	\$ 1,736	\$ 5,011		SUB-TOTAL COMPONENT 3				\$ -	\$ 512,743
	GRANT TOTAL YEAR 2019	\$ 53,582	\$ 66,603	\$ 46,593	\$ 151,762	\$ 191,008	\$ 247,393	\$ 25,218	\$ 319,248	\$ 36,833	\$ 55,468	\$ 16,593	\$ 11,993		TOTAL ANNUAL WORKPLAN 2019				\$	\$ 1,222,287
				166,779			\$ 590,153				\$ 381,300		\$ 84,055		TOTAL Q1 WORKPLAN				\$	\$ 166,779
															TOTAL Q2 WORKPLAN				\$	\$ 590,153
															TOTAL Q3 WORKPLAN				\$	\$ 381,300
															TOTAL Q3 WORKPLAN				\$	\$ 84,055

Annex 3: Results Framework

Outcome/Output	Indicator	Baseline	Target	Sources of verification	Assumptions
Component 1					
Strengthening disaster risk governance to manage disaster risk and enhancing disaster preparedness for effective response to “Build Back Better” in recovery, rehabilitation and reconstruction					
Outcome: prevent new and reduce existing disaster risk through the implementation of integrated and inclusive economic, structural, legal, social health, cultural, educational, environmental, technological and institutional data.	Integrated and inclusive data sets created	Separate and non-integrated partial data sets	An integrated and inclusive data base is established one year from implementation of the programme	Emergency Management Cook Islands (EMCI) Manager	EMCI Manager is held responsible to ensure the outcome is achieved
Output 1: Expanded GeoPortal Disaster Risk Management Information System	Number of Pa Enea islands with baseline and updated datasets in the GeoPortal	Nil Pa Enea with baseline and updated datasets in the GeoPortal	All 11 Pa Enea with baseline and updated datasets in the GeoPortal	GeoPortal reports on the number of Pa Enea with baseline and updated datasets	Each Pa Enea island administration has a trained GeoPortal officer All stakeholders co-operate to share information
			Three critical high level hazard risk assessment dataset in the GeoPortal	GeoPortal Reports	
	Formalise the GIS Taskforce Meetings	No GIS Taskforce	At least 6 meetings per year	Minutes of the GIS taskforce meetings	Co-operation of all stakeholders to share information.
Output 2: Management response tools linking hazard risk assessments and the DRM Plans	Number of management response tools/Early Warning Systems	No. management response tools	Three management response tools	GeoPortal Reports Quarterly Reports Back to office Travel Reports	Each Pa Enea island administration has trained GeoPortal officer coordinating with a nominated EMCI officer
	Usage of management response	No Management response tools	Monthly usage of management tools		

Outcome/Output	Indicator	Baseline	Target	Sources of verification	Assumptions
	tool/Early Warning System				
	New open source or commercial App obtained for the GeoPortal Climate Early Warning Systems are operating on Nassau and Suvarrow	No App No Climate Early Warning Systems on Nassau and Suvarrow	At least one App is obtained and used Climate Early Warning Systems are installed and operating on Nassau and Suvarrow	Feedback from Users GeoPortal Reports Nassau and Suvarrow Executive Officers	Fit for purpose open source or commercial Apps are obtainable Suitable officers are appointed and trained on Nassau and Suvarrow
Output 3: Robust Pa Enea DRM Plans and capacity building	Number of Pa Enea DRM Plans updated to 2017 National DRM Plan	One Pa Enea DRM Plan (Atiu) updated to 2017 National DRM Plan	All 10 Pa Enea DRM Plans updated to 2017 National DRM Plan	Updated DRM Reports are published on Website	Information gathered is useful Island administration supports the work of the Geo Portal Officer
	Number of Geo Portal Officers trained on each island by Gender	No officers	A minimum of one on each island including equal number of women	Training and Duty Travel Reports Training Evaluation Reports	Training is attended by all stakeholders
	Develop user and administration manual for the GeoPortal	Number already trained – (baseline established at inception)	A minimum of 1 training workshop on each island including equal number of women		

Outcome /Output	Indicator	Baseline	Target	Sources of verification	Assumptions
Component 2					
Integrated water security management planning and implementation for Pa Enea communities					
Outcome: Strengthened drinking water security including increased institutional capacity and coordination for integrated water management.	Number of new or existing drinking sources effectively managed for the basic water requirements during periods of drought	Existing Water Capacity for each Island as identified in the Island Profiles	20% increase in safe water over Baseline	Back to office Reports of Pa Enea Division	Atiu pilot activity is adaptable to all other Pa Enea
	Number of communities that maintain safe drinking water supplies to meet basic needs at all times including during periods of drought			Reports from Water Security Engineer Island Government reports Red Cross Reports Ministry of Health Reports	
Output 1: Robust water Monitoring, reporting and assessment systems established and implemented through increased facilitation and the sharing of knowledge	Number of Water Committees	None	Quarterly meetings	Minutes of Water Committee Meeting	Water Committees share information
	Number of rain gauges, rainfall harvesting surveys, water resources and storage assessments disaggregated by dataset included on the Geo Portal	% water systems complete to date (baseline established at inception)	Quarterly increase for each island	GeoPortal reports Water Security Engineer Reports Disaster Management /GIS Specialist	Administrative assistance is provided to the Water Engineer
	Number of reports available to decision makers on local monitoring and assessment information	Nil (baseline established at inception)	Quarterly increase for each island	GeoPortal reports Water Security Engineer Reports	Administrative assistance is provided to the Water Engineer

Outcome /Output	Indicator	Baseline	Target	Sources of verification	Assumptions
				Disaster Management /GIS Specialist	
	Number of drought assessment methodologies developed and implemented and used	Nil (baseline established at inception)	At least one for the North and One for the South	GeoPortal reports Water Security Engineer Reports Disaster Management /GIS Specialist	Administrative assistance is provided to the Water Engineer
Output 2. Water Resilient Plans including drinking water safety practices	Number of these drought assessments methodologies being used to support local drought management plans	Nil (baseline established at inception)	At least one in the North and One in the south	Island Government Reports GeoPortal reports Water Security Engineer Reports	Administrative assistance is provided to the Water Engineer
	Number of communities and agencies trained in coping with future water security threats	Nil (baseline established at inception)	Year on Year increase in trained communities and agencies for each island	GeoPortal reports Water Security Engineer Reports Red Cross Reports	Administrative assistance is provided to the Water Engineer
	Number of community level drinking water safety plans reviewed and updated and implemented	Nil (baseline established at inception)	All plans reviewed and updated by Year 3 of the project	Water Security Engineer Reports Red Cross Reports	Administrative assistance is provided to the Water Engineer
	% coverage of Schools and island communities	% existing coverage of schools and communities (baseline established at inception)	100% coverage of Schools and Island Communities by Year	Water Security Engineer reports	Administrative assistance is provided to the Water Engineer

Outcome /Output	Indicator	Baseline	Target	Sources of verification	Assumptions
			3 of the Project		
Output 3. Allocation of Water Security Fund	Number of proposals approved and implemented	Nil	Full utilisation of fund by Year 3 of the programme	Minutes of Water Committee Meetings Water Security Engineer Reports Red Cross Reports	Water Committee Chair responsible

Outcome/Output	Indicator	Baseline	Target	Sources of verification	Assumptions
Component 3					
Revitalised agricultural production systems strengthening island food sources and livelihoods in the Pa Enea					
Outcome: Increased island food security resilience and preparedness for disasters	Number of irrigation system installed	Unknown. A priority for MoA to establish	One farm per island in Southern Group	Island agriculture reports	Responsibility for agriculture development returned to MoA
	Displacement of island vegetables imports	Unknown. A priority for MoA to establish	50% of vegetable imports displaced in Northern Group	Island agriculture reports	Responsibility for agriculture development returned to MoA
	Fruit products sold in Rarotonga	Unknown. A priority for MoA to establish	33% rise in fruit products sold from Southern Group	Island agriculture reports Horticultural reports	Responsibility for agriculture development returned to MoA
	Improved variety of staple crops	Unknown. A priority for MoA to establish	50% of planted crops have improved variety	Island agriculture reports	Responsibility for agriculture development returned to MoA
Output 1: Island plant and seedling nurseries	Number of operating island nurseries	A priority for MoA to establish the number of existing nurseries?	One per island in the Pa Enea	Island agriculture reports Agriculture specialist reports	Responsibility for agriculture development returned to MoA
	Number of nursery business plans	Nil (baseline established at inception)	All nurseries have business plans	Agriculture specialist reports	Responsibility for agriculture development returned to MoA
	Production capacity utilisation of island nurseries	Unknown. A priority for MoA to establish existing production capacity	75% production capacity utilised per nursery	Island agriculture reports Agriculture specialist reports	Responsibility for agriculture development returned to MoA
	Operating costs recovery	Unknown. A priority for MoA to establish	100% of operating costs recovered	Island agriculture reports	Responsibility for agriculture development returned to MoA

Outcome/Output	Indicator	Baseline	Target	Sources of verification	Assumptions
		existing operating costs		Agriculture specialist reports	
Output 2: School gardens for the northern group islands	Number of operating school gardens	Two	One per school in Northern Group	Ministry of education reports Island agriculture reports Agriculture specialist reports	Effective collaboration between MOE, MoA and Te Ipukarea Society
	Number of students by gender taught science, social science and health & wellbeing units using school garden	Nil (baseline established at inception)	50% of school population annually	Ministry of Education reports Island agriculture reports Agriculture specialist reports	Effective collaboration between MOE, MoA and Te Ipukarea Society
Output 3: Tropical orchards technical support for Southern Group islands	Number of orchard with technical support	Two	12 orchards assisted in Southern Group	Island agriculture reports Horticulturalist reports	A MoA fruit horticulturalist is appointed and coordinates activities with the Water specialist
	Number of community tree management plans implemented	Nil (baseline established at inception)	One per island in Southern Group	Island agriculture reports Horticulturalist reports	Local community participation
	Productivity of orchards	Unknown. (baseline established at inception)	50% productivity improvement in the Southern Group	Island agriculture reports Agriculture specialist reports	Water efficient irrigation systems are widely implemented
Output 4: Pa Enea Agriculture Knowledge Sharing Platform	Number of island integrated in AgIntel	Nil	11 islands	Island agriculture reports Agriculture specialist reports	MoA's Ag Mkt Information Bulletin widely available to Pa Enea farmers
	Number of Pa Enea farmers using E-	Nil	50% of Pa Enea farmers	Island agriculture reports	Pa Enea farmers have good access

Outcome/Output	Indicator	Baseline	Target	Sources of verification	Assumptions
	Agriculture information			Agriculture specialist reports	to E-Agriculture information
Output 5: Allocation of Economic Resilience Fund	Number of proposals approved and implemented	Nil	Full utilisation of fund by Year 3 of the programme	Minutes of Agriculture Committee Meetings Agriculture specialist reports	Pa Enea farmers receive support from Ag/Hort Specialists