**Document of the Inter-American Development Bank**

**Haiti**

**Port-au-Prince Water and Sanitation Program III**

**HA-L1103**

**Environmental and Social MANAGEMENT REPORT**

**(ESMR)**

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| **ENVIRONMENTAL AND SOCIAL MANAGEMENT REPORT (ESMR)** | |
| **Operation Name:** | Port-au-Prince Water and Sanitation Project III |
| **Operation Number:** | HA-L1103 |
| 1. **Operation Details** | |
| **IDB Sector** | Water and Sanitation |
| **Type of Operation** | Multiple Works Program |
| **Impact Categorization** | B |
| **Disaster Risk Rating** | Moderate |
| **Borrower** | Republic of Haiti |
| **Executing Agency** | Direction Nationale de l’Eau Potable et de l’Assainissement (DINEPA) |
| **IDB Loan US$ (and total project cost)** | **65,000,000.00** |
| **Applicable Policies/Directives** | OP 761, OP 710, OP-704, OP-102, OP-703 Operational Directives B.1, B.2, B.3, B.4, B.5, B.6, B.7, B.10, B.11. B.17, |
| 1. **Executive Summary** | |
| The overall environmental and social impacts of the Program are expected to be largely positive, particularly increased availability and reliability of potable water. Given the nature of the proposed interventions, their location mainly in urbanized areas, the construction techniques to be employed, and the short duration of individual works, it is anticipated that any negative environmental and social impacts are likely to be moderate, mostly local, and short-term, and effective mitigation measures will be known and readily available to manage them. This program is therefore classified as a category “B” operation under the Bank’s Environmental and Safeguards Compliance Policy (OP-703). Additionally, as per the Bank’s Disaster Risk Management Policy (OP-704), the Program has been assessed for disaster risks and is categorized as “moderate.”  The planned pipe works of the Program are to be conducted in small portions of a hundred meters each, and they are to take no longer than 2-3 weeks per section. It is expected that economic activity will continue throughout these works. There is, however, a potential to disrupt the economic activities of local commerce and street vendors if planned works take longer than anticipated and/or are conducted on a larger scale than expected. To address such cases, a livelihood restoration framework has been prepared and will be implemented during/prior to such works. Other negative environmental and social risks are related to typical environmental, and health and safety (EHS) risks during construction (e.g., increased dust, air pollution and noise, risk of accidents with pedestrians and vehicles, worker’s accidents, and temporary traffic disruption along main routes). During the operational phase, potential impacts will mostly affect workers who are responsible for operations and infrastructure maintenance particularly, through exposure to hazardous wastes and chemical products.  The implementation of the Environmental and Social Management Framework (ESMF)[[1]](#footnote-1) and Plans (ESMPs) that include the appropriate Emergency Contingency and Response Plans, as well as specific requirements to ensure that local commerce and street vendors are not impacted during construction, will mitigate potential environmental and social risks during the construction phase. The consultation process for the sample program (urban and rural) was held in January and March 2017.      Figure 1 – Intervention zone Port-au-Prince | |
| 1. **Operation Description** | |
| This multiple-works program is the third operation with DINEPA and will be implemented in collaboration with the *Centre Technique d’Exploitation* (CTE) from Port-au-Prince, the *Office Régional de l’Eau Potable et de l’Assainissement Ouest (OREPA Ouest*), and *Assistance Technique Opérationnelle* (ATO). The first two operations were designed to improve water supply to residents in Port–au-Prince and to address immediate and long-term needs resulting from the 2010 earthquake and deferred maintenance of existing systems and infrastructure.  The objective of the program is to improve the quality of life and sanitary conditions of the population of Port-au-Prince and rural communities through the provision of sustainable water and sanitation services.  Project financing by component include:   * **Component 1: US$ 12.0 million - Institutional Strengthening of the Port-au-Prince CTE**   This component will finance the contracting of international experts to fill key positions in the CTE-Metropolitan Region of Port-au-Prince (MRPP), such as for water production and distribution, based on a new management modality of private-public partnership to be designed in 2017. In addition, this component will finance activities to support DINEPA as a regulatory institution and the OREPA Ouest as a deconcentrated entity.   * **Component 2: US$ 2.5 million – Support to operation and maintenance**   This component will finance the operation and maintenance costs (e.g., energy, chlorine and repair equipment), which cannot be covered by the current annual revenues generated by the CTE-MRPP.   * **Component 3: US$39.5 million – Investment in potable water works**   This component will finance the rehabilitation of water networks and facilities, as well as works aimed at improving water distribution and expansion of the water network. This component will also finance the refurbishment of the Bolosse reservoir, the construction of a new 2,000 m3 reservoir in Vivy-Mitchell, 33,000 new household connections, in addition to 95 new and rehabilitated water kiosks, the improvement of water distribution in Cité Soleil, as well as the final designs of water works for the MRPP (US$1 million). This component will also finance a pilot sanitation project aimed at the construction of 400 semi-collective small potable water systems and 15 semi-collective sanitation systems for 450 households in the Martissant area. The component will also include the development of marketing and communication to improve hygiene aspects around the use of water and to improve connection to the water system. The sample projects include (i) the rehabilitation of the Reservoir Bolosse, and (ii) the main rehabilitation site along the route of a 24” water pipe in densely populated areas of Port-au-Prince (from Bolosse to Diquini). This mainly includes improvements to pipes (e.g., re-routing, elimination of water leaks and withdrawals, and laying new pipes), installation of water kiosks, construction and rehabilitation of reservoirs, among other activities.   * **Component 4: US$ 7 million - Investments in rural water works.**   This component will provide resources for the construction and rehabilitation of water works in the West Department, as well as emergency works needed to restore access to potable water in rural areas in the Department of Artibonite. The component will finance water systems, emergency survey and planning, final feasibility studies and design, as well as construction, expansion, or rehabilitation of potable water systems, protection of water sources, and supervision of works. The sample projects include improvements to access to water in the rural town of Pye Kabwet which include the rehabilitation of the Mel Melon catchment (e.g. new catch boxes, erosion control for the source, a public access point for feeding livestock), approximately 12 home connections, four new public kiosks, a 36 m2 building for the Water and Sanitation Committee - CAEPA[[2]](#footnote-2)-, and a sanitary block for the primary school.   |  | | --- | |  | | 1. **Key Impacts, Risks, and Mitigation Measures** | |  | | **Assessment Requirements**  OP-703 (Environment and Safeguards Compliance Policy): B.3 (Screening and Classification), B.4 (Other Risk Factors), and B.5 (Environmental Assessment and Plans Requirements) |   A PESA (Programmatic Environmental and Social Assessment) was prepared for the Operation and includes the identification and proposed management of specific environmental and social impacts that are typical of the evaluated sample projects. The PESA also includes an Environmental and Social Management Framework (ESMF), a Disaster Risk Assessment (DRA), a Disaster Risk Management Plan (DRMP), a Grievance Mechanism Framework, and a Livelihood and Restoration Framework.  Separate Environmental and Social Assessments (ESAs) were prepared for the three sample projects in Port-au-Prince and in Artibonite.  IDB due diligence also identified the limited capacity of the Borrower and that of the executing parties to implement ESMPs, manage consultation with the affected parties, as well as enforce proper measures that will protect workers’ health and safety. | |
| **Consultation**  **OP-703 (Environment and Safeguards Compliance Policy): B.6 (Consultation); and Consultation requirements of OP-710 (Involuntary Resettlement Policy), OP-765 (Indigenous Peoples Policy), OP-761 (Gender Equality in Development Policy), and OP-704 (Disaster Risk Management Policy) as applicable** | |
| **Urban Component**  As per IDB policy directives for Category B operations, public consultation events were held with affected parties and relevant stakeholders to discuss the Program and its potential environmental and social impacts. A total of 11 public consultation events were held in the MRPP between January 8th and 25th of 2017, as detailed in the public consultation report. 300 people participated in these activities, which included a sample cross-section of the affected population as well as representatives of water committees (*Komite Dlos*) who work closely with DINEPA and their communities to monitor issues with water usage. Additionally, there were representatives from 150 families who participated in a socio-economic and behavioral survey during project preparation, as well as representatives of local NGOs and municipalities.  During consultations, participants expressed their concerns with the quality of water, the trustworthiness of the *Komite Dlos*, the lack of communication with DINEPA, and the hygiene related to water and sanitation. In addition, participants expressed concerns around non-functioning water kiosks – and the abuse of and illegal accessing of water. As a result of the consultations, to address concerns brought up during the events, the DINEPA committed to informing all the Mayor’s offices on the specific projects to be implemented in their respective municipality and to organizing more focus groups, particularly on water and sanitation.  **Rural Component**  Public consultation events were held on March 9th and 10th of 2017 in the community of Pye Kabwet in Artibonite. The Department for Rural Communities (DMR) worked with DINEPA to mobilize stakeholders, with the support of traditional leaders.  During consultations, the participants expressed enthusiasm for the Program, particularly because current access to water is precarious and time consuming. Primary concerns were around the cost of accessing water and the location of water points. DINEPA will launch a socio-economic study to help determine the service rate of drinking water.  **Public Consultation Reports and Next Steps**  Reports on the results of the urban and rural public consultation events have been prepared and were shared with participants through local media. All queries and concerns were registered and will be considered in the program design when pertinent and possible. The Stakeholder Engagement Framework that was prepared and disclosed as part of the PESA will serve as guideline for the preparation of stakeholder engagement plans for the rural and urban components of the program.  In Port-au-Prince, DINEPA has a general hotline number for complaints and a department that works with poor communities. The DINEPA will adapt these tools and include them in the development of their grievance mechanism for the program. | |
| **Information Disclosure** OP-703 (Environment and Safeguards Compliance Policy): B.5 (Environmental Assessment and Plan Requirements);  OP-102 (Access to Information Policy) | |
| The preliminary PESA was published on November 11, 2016 in the IDB website (http://www.iadb.org/en/projects/project-description-title,1303.html?id=HA-L1103)) and on the DINEPA website (<https://www.dinepa.gouv.ht/evaluation-environnementale-et-sociale-programmatique/>) on November 17, 2016.  The updated PESA and ESAs and ESMP for the sample rural project were published on the IDB webpage July 28th, 2017 <http://www.iadb.org/en/projects/project-description-title,1303.html?id=HA-L1103> and on the DINPEPA page were published on August 2nd , 2017(<https://www.dinepa.gouv.ht/etude-evaluation-environnementale-bid>). Accompanying PESA annexes (Stakeholder Engagement Framework, Livelihood and Restoration Framework, and Evaluation of DINEPA Water and Sanitation Project Management) will be disclosed prior to OPC. | |
| **Environmental and Social Impacts and Risks and Mitigation**  **OP-703 (Environment and Safeguards Compliance Policy): B5 (Environmental Assessment Requirements), B8 (Transboundary Impacts), B9 (Natural Habitats and Cultural Sites), B10 (Hazardous Materials), B11 (Pollution Prevention and Abatement), and B12 (Projects Under Construction)**  OP-710 (Involuntary Resettlement Policy)  OP-765 (Indigenous Peoples Policy)  OP-704 (Disaster Risk Management Policy)  OP-761 (Gender Equality in Development Policy) | |
| **Environmental Impacts**  Key, negative environmental impacts and risks are expected to occur principally during construction. Most works will take place along existing roadways, where road surfaces will be restored to their original condition after works. During construction, the most pressing, negative environmental impacts are likely to be dust and particulates from excavation and transport of machinery; sedimentation of nearby water courses caused by runoff from construction sites; erosion and sedimentation from disturbed areas; slope failures adjacent to the construction area in steep terrains; and water and soil contamination from mismanagement of waste and hazardous materials in construction sites.  Mitigation for key environmental risks have been outlined in the ESAs and ESMPs for the sample works. These include the development of a Soil Erosion and Sediment Control Plan to minimize the extent of disturbed areas and to stabilize erosion with sediment controls, such as hay bales, silt fences, rock anchors and mid-slope protection. To further prevent soil erosion, the ESMP recommends minimizing the extent of exposed soils, suppressing dust with water spray trucks, and micro-routing of the pipeline. The ESMP also recommends the development of a waste management plan to identify acceptable methods of handling and disposing of solid and hazardous waste.  For rural areas, the proposed works and potential environmental impacts from construction are similar, although in a smaller scale. The potential impact on the soil and on underground water are likely to be more significant in rural areas than for the urban communities. Potential risks to natural habitats are likely to be minor, given the project areas are heavily deforested and lack biodiversity.  **Disaster Risks**  The entire Program (urban and rural) is in an area exposed to natural hazards (Type 1). Hurricanes, tropical storms, storm surges, riverine, coastal floods, landslides, earthquakes, as well as associated soil liquefaction and tsunamis may cause significant damage to the population and to the environment throughout the implementation of the Program.  Mitigation methods for the potential impacts associated with the project potential to exacerbate risks to human like, property, the environment and the project itself (Type 2) are outlined in the Disaster Risk Management Framework prepared and disclosed as part of the PESA, in addition to a specific Disaster Risk Management Plans included in the ESMPs for the sample. During construction, for mitigating damage, it is recommended to avoid extending the pipeline in high risk areas, such as steep slopes susceptible to erosion or landslide; to ensure that pipeline bedding, joints, and anchors are structurally designed and constructed to withstand earthquakes; to carefully design the pipeline stream crossing so that adequate depth is provided and that the pipeline is not exposed from the stream bed during flooding; to ensure that adequate clearance is given above flood elevations, by placing valves at strategic locations; to ensure that a damaged pipe can be isolated without contaminating the entire water system; and to conduct pipeline integrity testing.  During pipeline operations, recommended mitigation measures are to ensure maintenance of positive pressure in the pipeline to minimize the risk of introducing contaminants, especially during flooding and storm surge events and to conduct regular inspections and provide routine maintenance.  Implementation of these measures are expected to adequately manage the overall risk from natural disasters to the Project. In addition to risk prevention measures, the ESMF and the project ESMPs include requirements for the Contractors and the Operators to have in place an Emergency Preparedness and Response Plan. During construction, the Construction Contractor must develop a Construction Emergency Response Plan that describes procedures to be implemented both in the event of a forecasted event (e.g., hurricane or tropical storm) or an unanticipated event (e.g., earthquake). This would involve securing equipment and materials, stabilizing disturbed areas, and similar actions.  During operations, the water system operator must also develop an Operations Emergency Response Plan that describes procedures to be implemented in the event of forecasted and unanticipated natural disasters.  **Occupation Health and Safety Impacts (OHS)**  The Program entails the typical potential negative occupational health and safety impacts (OHS) and risks of water and sanitation projects. During construction, potential OHS impacts and risks derive from unsafe workplace practices (i.e., worksites not cordoned off adequately, inadequate signage, inadequate traffic management, impacts and risks to workers during excavation, and inadequate use of personal protective equipment – PPE, among the prevalent). Previous experience in urbanized areas indicate that there is no risk of introduction of invasive species.  Given the existing history in the sanitation sector in Haiti of not addressing OHS impacts and risks, standard mitigation measures for OHS will be put into place, including the provision to use PPE, such as safety helmet, safety vest, gloves, ear and eye protection, and face masks (when required).  During operation, the potential key impacts are related to the use of chemicals and production of hazardous wastes, both in small to moderate quantities, and include potential inadequate disposal of chemicals’ used containers, as well as health and safety impacts to workers, due to inadequate labelling (of the products’ containers) or handling **Social**  **Social Impacts**  During the construction phase, potential negative social impacts include: short temporary disruption of formal and informal commercial activities along the affected roads (particularly along the major corridor of Carrefour); and temporary disruption of traffic and other infrastructures.  Mitigation of these risks during construction have been described in the ESMPs. These contain limiting hours of construction activity to avoid any night-time construction near sensitive receptors, advise community in advance of activities, and provision of a grievance mechanism so affected people have a vehicle for submitting complaints. The development and implementation of a traffic management plan will contribute to the safety of the surrounding population and should include the following components:   * Establishing alternate routes to access critical spaces (including schools, hospitals, clinics etc.); * provision of early notification of road closures, detour signage, and safety programs/measures for pedestrians and bicyclists.   Economic displacement and physical resettlement is not envisioned for the sample projects thanks to (i) alternative routes that were defined during the EIA process (see figure 2) and (ii) short duration and sequencing of the works in small tranches, as well as specific requirements regarding micro-routing to avoid affecting households and economic activities.  The Livelihood restoration framework has been prepared for the entire program in case economic displacement could not be avoided: (i) in relation to a change of design to the sample, or (ii) in the context of future projects to be included in the Operation. It defines how to prepare (before initiation of construction) and implement Executive Resettlement Master Plans in such situation.  C:\Users\sara.nawaz\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\DU3YMR7E\Pipeline_Reroute (2).jpg  Figure 2 Alternative route to avoid physical displacement  The development and the implementation of a traffic management plan will contribute to the safety of the surrounding population and will include the following components: establishing alternate routes to access critical spaces (including schools, hospitals, clinics etc.); completion of project sections in segments; and the provision of early notification of road closures, detour signage, and safety programs/measures for pedestrians and bicyclists.  People that currently sell water collected informally from accidentally or deliberately broken pipes may be a source of social risks. As local hiring is expected throughout the implementation phase, the population’s expectations can be managed with the development of a local hiring plan that prioritizes communication, clarifying what profiles are needed, ensuring local hires are given precedence, and establishing a viable means through which positions can be advertised.  Mitigation measures for these potential negatives impact have been included in the ESMPs for the sample projects and through the development of Livelihood and Restoration Framework and a Grievance Mechanism Framework. | |
| **Noninvestment Lending and Flexible Lending Instruments**  OP-703 (Environment and Safeguards Compliance Policy): B.13 (Noninvestment Lending and Flexible Lending Instruments) | |
| Not applicable | |
| **Livelihoods and Resettlement**  OP-710 (Involuntary Resettlement Policy) | |
| See “Social impacts” above in “Environmental and Social Impacts and Risks and Mitigation” section. | |
| **Indigenous Peoples**  OP-765 (Indigenous Peoples Policy) | |
| There are no indigenous peoples, neither in the urban nor in the rural areas of the Program. Therefore, the Indigenous Peoples Policy is not triggered. | |
| **Gender Equality**  OP-761 (Gender Equality in Development Policy) | |
| In Haiti, 82% of the population travel on average 30 minutes to reach the closest water source, and, in Port-au-Prince, it is mostly women who dedicate a great amount of their time to collect water[[3]](#footnote-3). The increase of water kiosks as well as shared and individual water connections are, therefore, expected to have a positive impact on women, particularly in diminishing the time spent travelling to and from water points.  The Program will also help to promote gender equality in the water sector by: i) increasing women’s participation in water-related decision-making processes, both at the community level (through consultations and focal groups) and within the CTE (through a gender inclusive policy); and ii) increasing women’s labor participation in water kiosk management. Additionally, a Technical Cooperation HA-T1214 that supports the project will finance an awareness campaign to help improve household’s hygiene behavior and health (including menstrual hygiene management, healthy cooking tips, reproductive health, among other topics). Although gender-disaggregated data is not generally available for the specific area of the intervention, the Bank will collect data disaggregated by sex for the pilot sanitation project.  Finally, although not expected, temporary or permanent disruption to economic activities in the projects’ areas would impact more women than men, considering the gender characteristics of the types of activities potentially impacted. As mentioned in previous sections, adequate mitigation measures would be executed should there be a risk of these impacts to materialize due to e.g. change of design. | |
| **Disaster Risk Management**  OP-704 (Disaster Risk Management Policy) | |
| The Operation was classified as Moderate Disaster Risk. According to the Disaster Risk Tool, Haiti is identified as a high-risk country for natural disasters. The Program is proposed in an area highly exposed to natural disasters, such as earthquakes, hurricanes, and flooding. Also, the Project could exacerbate the risks for people, assets, and for the operation itself. For example, a natural disaster (earthquake, landslide, etc..) can have large impacts during construction, such as when trenches are open or when works are performed in steep slopes (risk scenario Type 2). A DRA was prepared as part of the PESA (see link <http://www.iadb.org/en/projects/project-description-title,1303.html?id=HA-L1103>). The information obtained shows a high susceptibility to soil liquefaction in the Program area. However, given that the infrastructure will mainly be underground, this will reduce the risks of impacts once they have been taken into consideration in the project design and in the construction management. For the construction phase, Emergency Preparedness and Response Plans will be required from the Contractors as part of the proposed ESMPs for the sample projects, and for each future construction site, as presented in the DRMP that is part of the ESMF presented in the PESA. | |
| **Supervision**  OP-703 (Environment and Safeguards Compliance Policy): B.5 (Environmental Assessment and Plans Requirements) and B.7 (Supervision and Compliance)  OP-710 (Involuntary Resettlement Policy)  OP-765 (Indigenous Peoples Policy)  OP-704 (Disaster Risk Management Policy)  OP-761 (Gender Equality in Development Policy) | |
| Supervision activities will be carried out specially for verifying the fulfillment of the mitigation measures outlined in the ESMP. The Executing Agency will also have to present Quarterly Compliance Reports on the environmental and social aspects of the Program during and after implementation.  As part of its supervision, the Bank will monitor the project’s impact on women during construction, operations, and maintenance, as necessary. It will also review the registers for the Grievance Mechanisms to identify and address any complaints regarding economic displacements in either the urban or the rural projects. Additionally, specific gender-based information will be monitored regarding the pilot sanitation project. | |
| 1. **Environmental and Social Requirements** | |
| In order to meet the requirements of the Bank’s Environmental and Social Safeguard Policies, the Borrower/Executing Agency will comply to the satisfaction of the Bank with the ESHS contractual terms and conditions set forth below and detailed in Annex B hereto. These terms and conditions can only be modified with the prior written consent of the Bank, including clearance by ESG*.* These include (i) conditions prior (CPs) to Board and/or OPC; (ii) standard conditions for implementation of the ESHS Plans and measures as well as reporting and supervision requirements; (iii) conditions that address key risks and impacts; (iv) conditions to be included in the Operating Manual; (v) definitions. These conditions and definitions will be incorporated into the Grant Agreement and as such the Borrower is legally bound to comply with these conditions*.*  Conditions to be satisfied prior to OPC and/or the presentation of the Loan to the Board of Executive Directors: Prior to distribution to the IDB Board of Executive Directors, the following conditions must be satisfied: (i) disclosure of the following frameworks: Livelihood and Restoration, Stakeholder Engagement and Grievance Mechanism, (ii) disclosure of the consultation reports for the urban and rural components. | |
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**Annex A. Summary of Compliance with IDB Environmental and Social Safeguard Policies**

| **Policies / Directives** | **Applicable Policy / Directive Aspect** | **Compliance Status and Rationale with Policy / Directive Requirements** | **Requirements / Actions / Plans** |
| --- | --- | --- | --- |
| **OP-703 Environment and Safeguards Compliance Policy** | | | |
| B.2 Country Laws and Regulations | Requirements for compliance with country environmental legislation including multilateral international environmental agreements | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time.**  The ESAs for sample projects have been developed but have not yet been submitted to the *Bureau Nationale d’Evaluation d’Impact Environnementale (BNEE).*  Public consultations for urban and rural components were conducted between January 8th, and March 10th, 2017 as per ART. 56 of Decree dated October 12, 2005. | To achieve compliance all ESAs must be submitted to BNEE, at the latest before works start. |
| B.3 Screening and Classification | Requirement for screening and classification of operations based on Project E&S impacts | **Full compliance achieved.**  Project was screened and classified as Category B, given that most of the potential E&S negative impacts are likely to be localized, moderate, and of short-term duration (namely during construction). |  |
| B.4 Other Risk Factors | Requirements for the Bank to address other potential risk factors that could affect the sustainability of the operation, such as institutional capacity and natural disaster risks | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period.** | **Mitigation of risks related to the lack of institutional capacity, as well as multiple institutional agencies involved, will be mitigated through** the placement of an ESHS governance structure for the execution of the Program, as well as development and implementation of an Operations Manual following terms previously agreed with the Bank, which include procedures to ensure compliance with the Bank’s environmental and social safeguards. |
| B.5 Environmental Assessment and Plans Requirements | Requirement for compliance with ESA requirements, as well as an ESMP, for all Cat B operations. | **Full compliance achieved**  An ESA (PESA) was prepared for the entire program, including ESMF, DRA and DRMP.  ESAs, including DRAs and ESMPs, have been developed for the sample projects. |  |
| B.5 Social  Assessment and Plans Requirements |  | **Full compliance achieved.**  A detailed social assessment is included in the programmatic environmental and social assessment and ESAs and ESMPs have been developed for the sample projects. | Subsequent detailed ESA for each specific location should be developed prior to works for projects not included in the sample. |
| B.5 Disclosure of ESA and ESMP | An ESA with its respective ESMP must be prepared and disclosed prior to the analysis mission. | **Full compliance achieved.**  ESA (PESA) with ESMF have been prepared and disclosed.  ESA and EMSP for sample urban and rural components have been prepared and disclosed. |  |
| B.5 Disclosure of Final ESMP/ESMF, RP/RF, IPP/IPF before Board Approval | The approval of the operation by the Bank will consider the quality of the process and the documentation of the ESA. | **Expected to be in compliance before Board approval.**  The final ESA (PESA) and ESMP/ for have been disclosed. | The Livelihood Restoration Framework, Stakeholder Engagement Plan Framework and Grievance Mechanism Framework will be disclosed prior to OPC. |
| B.6 Consultation | Requirement to consult with affected parties as part of the ESA process. Cat B projects must be consulted at least once during the preparation or review of the ESMP. | **Expected to be in compliance before Board approval.**  A preliminary report on the results of the public consultation for rural and urban components has been developed. | Final reports are expected to be received prior to Board in October 2017. |
| B.7 Supervision and Compliance | Requirements for The Bank will supervise compliance with all safeguards conditions and to include the ESMP measures in Project contractual documents and/or Operational Manual of the Project. | **Compliance achievable through Specific conditions established in legal documentation for actions over a defined period of time.** | Specific conditions established in legal Documentation include (a) the Borrower to submit quarterly ESHS Compliance Reports (ESCR); (b) the Borrower to cooperate with the Bank’s supervision, as a minimum on a semi-annual basis; and (c) ESHS compliance required for every disbursement. |
| B.8 Transboundary Impacts | Not Applicable | Project impacts are localized. |  |
| B.9 Natural Habitats | Not Applicable | Project is not expected to impact natural habitats. |  |
| B.9 Invasive Species | Not Applicable | The Project will not introduce invasive species |  |
| B.9 Cultural Sites | Not Applicable | The ESAs did not identify Project impacts in cultural sites. | As a precautionary measure, the Legal Requirements include that the ESMP for construction must contain a Chance Finds Procedure. |
| B.10 Hazardous Materials | Requirements for adequate use and disposal of hazardous materials such as, oils and lubricants, chlorine, etc. | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time.**  The Project will include the use and disposal of hazardous materials such as, oils and lubricants, chlorine, etc. | Specific conditions established in legal documentation include that the ESMPs for both construction and operations must contain procedures for chlorine management and a Waste Management Plan, including Hazardous Wastes. |
| B.11 Pollution Prevention & Abatement | The Borrowers must comply with emissions and discharge standards that are recognized by multilateral development banks. | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time.**  The Project will involve compliance with effluents discharge during construction, as well as with potable water standards during operations. | Specific conditions established in legal documentation include that the ESMPs for both construction and operations must contain procedures to ensure compliance with effluents discharge during construction, as well as with potable water standards during operations. |
| B.12 Projects under Construction | Not Applicable | Not Applicable |  |
| B.13 Noninvestment Lending and Flexible Lending Instruments | Not Applicable | Not Applicable |  |
| B.14 Multiple Phase and Repeat Loans | Not Applicable | Not Applicable. |  |
| B.15 Co-financing Operations | Not Applicable | Not Applicable |  |
| B.16 In-Country Systems | Not Applicable | Not Applicable |  |
| B.17 Procurement | Acceptable environmental safeguards to be incorporated in the procurement process for goods and services related to activities and projects financed by the Bank may be included in the legal documents for the Project. | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time.**  The Project will involve E&S safeguards for the procurement process of activities and services during construction and operation. | Specific conditions established in legal documentation include that the ESAs or construction must be incorporated in the bidding process for each construction project financed by the Bank under the Operation. Similarly, legal contractual clauses require 1) the ESMPs for operation to be submitted and approved by the Bank no later than 60 days prior to starting operations of projects financed by the Bank; and 2) include such approval as condition for disbursements. |
| **OP-704 Natural Disaster Risk Management Policy** | | | |
| Disaster Risk Assessment | Project teams must evaluate the risks for projects highly vulnerable to natural disasters. | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time.**  Disaster Risk Assessments (DRAs) were developed in the ESAs for the sample projects. | Specific conditions established in legal documentation will require that a DRA be developed as part of the ESAs (PESAs) prior to approving investments in additional components to be included during the execution of the Program. |
| Disaster Risk Management Plan | A Disaster Risk Management Plan (DRMP) must be prepared for projects highly vulnerable and a summary must be included in the ESMR. | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time.**  A DRMP for the urban projects was developed and included in the ESA/ESMPs.  The Project will involve the development of DRA and DRMP for the additional projects to be financed during the execution of the Program prior to approving the investment. | Specific conditions established in legal documentation will require that a DRMP be developed prior to approving investments in additional components to be included.  In addition, the contractual clauses will also define requirements for the Executing Agency to evaluate the risks and mitigate them as part of Project execution. |
|  | | | |
| **OP-710 Operational Policy on Involuntary Resettlement** | | | |
| Resettlement Minimization | N/A |  |  |
| Resettlement Plan Consultations | N/A |  |  |
| Impoverishment Risk Analysis | N/A |  |  |
| Resettlement Plan or Resettlement Framework (Prior to Analysis Mission/Board Approval | A livelihood restoration framework has been included in the PESA. | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time.** | Economic displacement is not anticipated. However, in case unavoidable in specific situations, a livelihood restoration plan will be developed prior to starting work as per the Livelihood Restoration Framework. |
| Livelihood Restoration Program | A livelihood restoration framework has been included in the PESA. | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time**  The project is not likely to result in long term and or permanent disruption of economic activities. | Specific conditions established in legal documentation require the development of a livelihood restoration plan prior to starting work if economic displacement cannot be avoided through identified mitigation measures. |
| Consent (Indigenous Peoples and other Rural Ethnic Minorities) | Not Applicable | Not Applicable |  |
| **OP-765 Operational Policy on Indigenous Peoples – Policy not applicable given that the project does not affect indigenous peoples, either positively or negatively.** | | | |
| **OP-761 Operational Policy on Gender Equality** | | | |
| Gender-based Exclusion Addressed | The program will require increasing women’s participation in water related decision-making processes both at the community level (through consultations and focal groups), and within the CTE (through a gender inclusive policy); and increasing women’s labor participation in water kiosk management. | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time.** | There are specific requirements included both in project design and project implementation - with measurable indicators. |
| Equal Access to Project Benefits/ Compensation Measures | Not Applicable | Not Applicable |  |
| Uneven Impact Burden Addressed | Not Applicable | Not Applicable |  |
| Disaggregation of Impact Data by Gender | The Bank requires that gender disaggregated data is collected for all programs. | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time**  Compliance is expected to be achieved as data for consultations, socio-economic analyses and the development of any livelihood restoration plan will include gender disaggregated data. | Specific conditions will require that all baseline data and studies include gender disaggregated data. |
| Consultation of Affected Women |  | **Compliance achievable through specific conditions established in legal documentation for actions over a defined period of time**  Close attention was paid to the participation of women during the consultation process done to date. | Specific conditions will require that representation of women be adequately considered in any future consultation needed. |
| **OP-102 Access to Information Policy** | | | |
| Disclosure of Environmental and Social Assessments Prior to Analysis Mission |
| Preparation and disclosure of ESAs for sample projects prior to Analysis Mission. | **Compliance not achieved**  Due to changes in the definition of the sample projects, ESAs were prepared and disclosed after the Analysis Mission (November 2016). |  |
| Disclosure of Final ESMP/ESMF, RP/RF, IPP/IPF before Board Approval | Final ESMP/ESMF will be disclosed prior to the Board. | **Expected to be in compliance before Board approval.**  Final ESMP have been disclosed. | Final ESMF (in particular Livelihood and Restoration framework) to be disclosed before OPC. |
| Provisions for Disclosure of Environmental and Social Documents during Project Implementation | The Bank will maximize access to all the information it produces or that it receives and that is not included in the list of exceptions to the Policy. | **Compliance overtime achievable through specific conditions established in legal documentation for actions over a defined period of time.** | Specific conditions established in legal documentation will require that the Executing Agency makes available to the public the ESAs, DRAs, DRMPs, RPs and Livelihood Restoration Plans prepared for the additional specific projects financed under the Operation.  In addition, the contractual clauses will also specify that E&S documents produced for the operation, such as, but not limited to, supervision reports, will be made available to the public during Project execution. |

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| **Annex B. ESHS Legal Requirements** |
| **“ESHS Conditions of the Grant Agreement”**  “The following ESHS conditions are required to be fulfilled to the satisfaction of the Bank in order to comply with the Bank’s ESHS Safeguard Policies. Conditions under 1. below will be included in the Grant Agreement while conditions under 2. below will the included in the Project’s Operations Manual which approval is required under the Grant Agreement.” |
| **“1. Conditions to be Met Prior to the First Disbursement of the Grant.”**  The Beneficiary or the Executing Agency shall present evidence that (a) it has the resources required to implement ESHS requirements; (b) that the Executing Agency has put in place the ESHS governance structure, including 1 staff at OREPA Ouest specifically hired for the execution of this Project, and training of staff for monitoring of environmental and social issues; (c) that a stakeholder engagement plan, disaster risk assessment, disaster risk management plan and grievance mechanism have been designed for the construction phase of the Project, in terms agreed upon with the Bank, and has been put in effect and has been integrated in the Operational Manual; and d) that a socio-economic study has been conducted to determine affordable service rates for water. |
| **2. Conditions of Execution for Compliance During the Execution of the Project.**  a) The Beneficiary shall cause the Executing Agency and every other contractor, operator or any other person performing Project related activities to, design, build, operate, maintain and monitor the Project in compliance with: (i) the Bank's environmental and social safeguards policies, as well as their respective implementation guidelines, including: the Access to Information Policy (OP-102), the Environment and Safeguards Compliance Policy (OP-703), and the following, as applicable, the Disaster Risk Management Policy (OP-704); the Involuntary Resettlement Policy (OP-710); the Policy on Gender Equality in Development (OP-761); and the Operational Policy on Indigenous Peoples (OP-765); (ii) the ESHS requirements established by the ESMR, the Project’s Programmatic Environmental and Social Assessment and its accompanying annexes, Livelihood Restoration Framework, Stakeholder Engagement Framework and Grievance Mechanism Framework the ESMF and ESMPs for Sample Projectsand all updates agreed to by the Bank; and (iii) any specific ESHS plans, including Corrective Action Plans, (hereinafter, the “environmental and social requirements” or “ESHS requirements”).  b) Prior to starting works in Diquini if economic displacement cannot be avoided through identified mitigation measures that livelihood and restoration plan has been prepared and implemented.  c) Any substantive changes to the ESHS provisions or ESHS plans referred to herein shall be in writing and approved by the Bank in a manner consistent with the Bank's environmental and social safeguards policies.  d) The Executing Agency shall implement the Project stakeholder engagement processes that are consistent with the recommendations in the Stakeholder Engagement Framework to ensure that affected communities are informed and consulted about the progress of the work and the ESHS management of the Project and have access to grievance resolution mechanisms.  e) The Executing agency shall prepare and execute detailed ESMPs for the construction and operational phases of the sample project consistent with the ESMPs that were developed  d) With respect to the Project, the Executing Agency shall notify the Bank in writing within ten (10) days of any (1) potential or actual material noncompliance with the environmental and social requirements; (2) accidents, incidents or other significant events ; (3) significant actual or imminent social conflicts; (4) ESHS regulatory action; or (5) any newly identified environmental and social risks and impacts, that may affect the environmental and social aspects of the Operation; in each case such notice shall include actions taken or proposed with respect to such events.  f) A disaster risk management plan be developed prior to commencement of work in Artibonite.  g) In the event the Bank determines that a Corrective Action Plan (CAP) is required, the Executing Agency shall submit a CAP, including the corresponding schedule and budget, that is satisfactory to the Bank within thirty days of the Bank’s request.  h) The utilization of the resources of the Financing shall be subject to compliance with the ESHS provisions of the Grant Agreement and Operations Manual.  i) Implementation of a livelihood restoration plan prior to starting works in areas where economic displacement cannot be avoided through identified mitigation measures.  j) that EAs including their accompanying ESMPs, DRAs, and DRMPs will be prepared for the operational and maintenance phase of each project not part of the sample and to be included in the Program. |
| **“3. Monitoring, Reporting and Supervision.”**  For the purposes of monitoring and supervision of ESHS compliance, the following requirements shall apply:  a)The Beneficiary, or the Executing Agency on behalf of the Executing Agency, shall prepare and present to the Bank’s satisfaction, an ESHS Compliance Report (ESCR), in the form and content agreed upon with the Bank, quarterly during construction, and biannually for two years after construction is completed; b) The Beneficiary, or the Executing Agency on behalf of the Executing Agency, shall fully cooperate with the Bank, or an ESHS Consultant on its behalf, to carry out Project supervision and prepare supervision reports in order to (i) verify compliance of the implementation of the ESHS requirements for the Project; and (ii) address any ESHS impact or liability that has not been adequately mitigated or compensated. |

1. The ESMF is included in the Programmatic Environmental and Social Assessment (PESA). [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. The Now Institute (2014). Haiti Now. [↑](#footnote-ref-3)