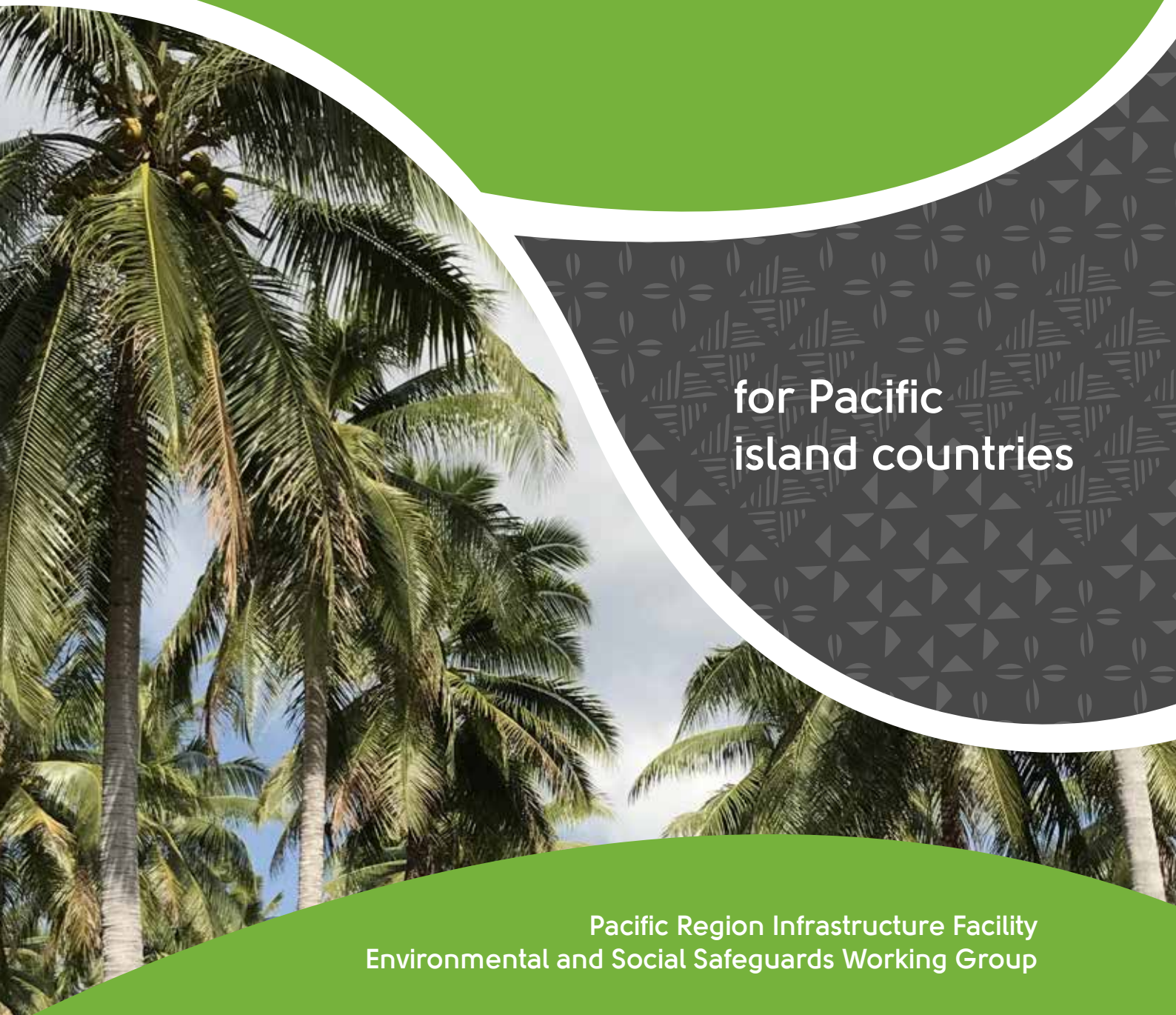




A SHARED APPROACH FOR Management of Environmental and Social Risks and Impacts



for Pacific
island countries

Pacific Region Infrastructure Facility
Environmental and Social Safeguards Working Group





This report is published by the Pacific Region Infrastructure Facility (PRIF), a multi-partner coordination and technical assistance facility for improved infrastructure in the Pacific region. The PRIF development partners are the Asian Development Bank (ADB), Australian Department of Foreign Affairs and Trade (DFAT), European Investment Bank (EIB), European Union (EU), Japan International Cooperation Agency (JICA), New Zealand Ministry of Foreign Affairs and Trade (NZMFAT), United States Department of State (USDoS) and the World Bank (WB).

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Published March 2021.

Photos courtesy of PRIF Coordination Office and PRIF Members.





Foreword

The Shared Approach is a collaborative effort by the Pacific Region Infrastructure Facility (PRIF) development partners to propose a shared approach to, and standard methods and procedures for, addressing environmental and social issues that are common in the delivery of projects in Pacific island countries (PICs). The Shared Approach is not an interpretation of existing safeguard/ environmental and social policies nor does it propose to amend, revise or change the existing policies of the PRIF development partners. The Shared Approach recognizes that PRIF development partners may have specific policy requirements that are applicable for certain projects, and that these will continue to be applied where relevant.

The Shared Approach sets out methods and procedures for implementing safeguard/ environmental and social policies in a manner suitable to the PICs, recognizing a number of challenges and conditions unique to the Pacific.

Further, it provides for standard, consistent and Pacific-appropriate approaches to management of environmental and social issues commonly encountered in the preparation and implementation of projects in the PICs.

The Shared Approach is intended to benefit the PICs through supporting and strengthening country safeguard/ environmental and social systems; improving development effectiveness through implementation of common methods, procedures and terminology; and refining counterpart understanding of PRIF development partner processes.

Ultimately, it is hoped that this Shared Approach will make it more efficient for PICs and PRIF development partners to collaboratively manage the environmental and social risks and impacts of infrastructure projects through a harmonized approach.

Abbreviations and Acronyms

ADB	Asian Development Bank	IPP	Indigenous Peoples Plan
CESMP	Contractor Environmental and Social Management Plan	JICA	Japan International Cooperation Agency
CSS	Country Safeguard Systems	NZMFAT	New Zealand Ministry of Foreign Affairs and Trade
DFAT	Australian Department of Foreign Affairs and Trade	PIC	Pacific Island Country
EIA	Environmental Impact Assessment	PIU	Project Implementation Unit
EIB	European Investment Bank	PMU	Project Management Unit
ESIA	Environmental and Social Impact Assessment	PRIF	Pacific Region Infrastructure Facility
ESMP	Environmental and Social Management Plan	RMI	Republic of Marshall Islands
ESSWG	Environmental and Social Safeguards Working Group of the PRIF	SEP	Stakeholder Engagement Plan
EU	European Union	SPREP	Secretariat of the Pacific Regional Environment Programme
FSM	Federated States of Micronesia	TOR	Terms of Reference
GDP	Gross Domestic Product	USDoS	United States Department of State
GRM	Grievance Redress Mechanism	WB	World Bank
IPF	Indigenous Peoples Framework	WBASP	World Bank-Australia Safeguards Partnership
		WBG	World Bank Group



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A. Introduction

Regional Cooperation to Support Infrastructure

The Pacific Region Infrastructure Facility (PRIF) is a multi-partner mechanism that helps coordinate development partner assistance to Pacific island countries (PICs) to develop and maintain their critical economic infrastructure. PRIF members work at the regional, sub-regional and national level with the PICs (see Box 1 and Figure 1 below).

Management of Environmental and Social Risks and Impacts

The Environmental and Social Safeguards Working Group (ESSWG) was formed to provide a platform for PRIF partner safeguard experts to share knowledge and good practice, and work collaboratively to build capacity for improved safeguard implementation in the Pacific. The ESSWG has developed the "Shared Approach" to provide guidance on ways to address environmental and social safeguard issues and challenges in the PICs, particularly those that are unique to these countries. The Shared Approach aims to establish methods and procedures suitable to the PICs' context, to enhance the application of each development partner's safeguard policies. The Shared Approach also assists PRIF development partners to converge on an approach to the management of environmental and social risks and impacts that is shared and improves project-level safeguard performance. This approach is intended to make it more efficient for PRIF development partners and the PICs to collaboratively manage the application of environmental and social safeguards in infrastructure projects.

The PICs will benefit from the application of the Shared Approach in the following ways:

- (i) more efficient and effective project preparation and implementation by employing methods and procedures that are common among PRIF development partners and appropriate to a number of unique conditions in the PICs;
- (ii) use of the same terminology for environmental and social documents that are used by PRIF development partners and counterparts; and
- (iii) an improved counterpart understanding of development partner processes. In addition, the Shared Approach seeks to strengthen and assist the PICs to apply their country safeguard systems (CSS).

Secretariat of the Pacific Regional Environment Programme

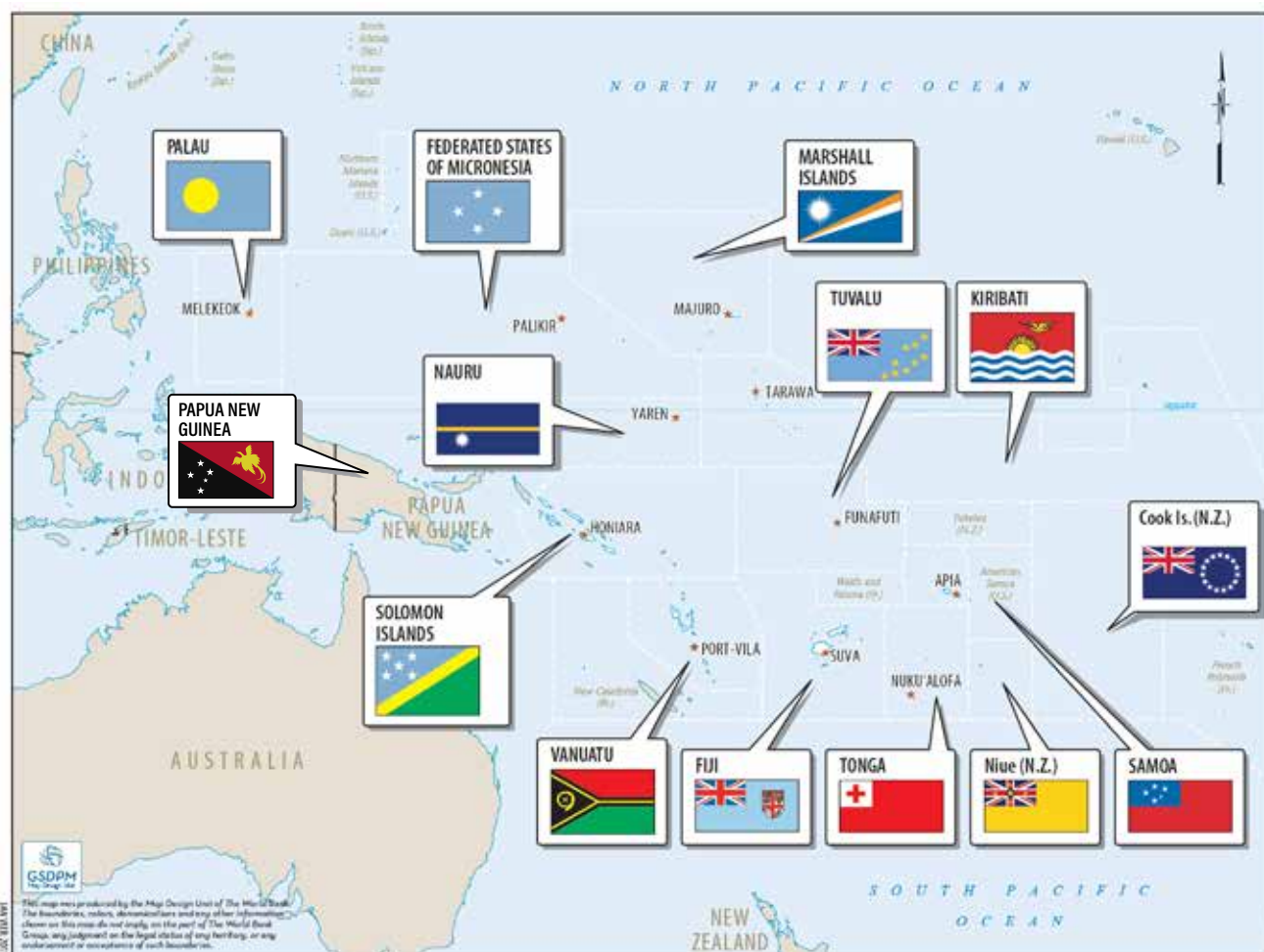
The Secretariat of the Pacific Regional Environment Programme (SPREP) plays an important role in supporting the PICs to strengthen and implement their CSS. In this capacity, in 2016 it issued "Strengthening Environmental Impact Assessment: Guidelines for Pacific Island Countries and Territories" (EIA Guidelines), which provide widely used guidance for conducting environmental assessment in the PICs, and complement the Shared Approach. It has also organized and provided institutional and individual training for the PICs on the application of these guidelines.

Box 1. PRIF Members and PRIF Member Countries

PRIF Members	PRIF Member Countries (PICs)
<ul style="list-style-type: none"> ▪ Asian Development Bank (ADB) ▪ Australian Department of Foreign Affairs and Trade (DFAT) ▪ European Union (EU) ▪ European Investment Bank (EIB) ▪ Japan International Cooperation Agency (JICA) ▪ New Zealand Ministry of Foreign Affairs and Trade (NZMFAT) ▪ United States Department of State (USDoS) ▪ World Bank (WB) 	<ul style="list-style-type: none"> ▪ Cook Islands ▪ Fiji ▪ Federated States of Micronesia (FSM) ▪ Kiribati ▪ Nauru ▪ Niue ▪ Palau ▪ Republic of Marshall Islands (RMI) ▪ Samoa ▪ Solomon Islands ▪ Tonga ▪ Tuvalu ▪ Vanuatu ▪ Papua New Guinea (Associate Member)*

*In 2020, Papua New Guinea became an associate member of PRIF.

Figure 1. PRIF Member Countries



B. Challenges to Effective Development in the Pacific

Recognizing and Addressing the Unique Situation and Challenges in the Region

The Shared Approach recognizes and addresses significant challenges that are endemic to the Pacific. These include: remoteness and isolation, small populations, prevalence and diversity of traditional social practices and economies, limited administrative and technical capacity, frequency and severity of natural disasters, and vulnerability to climate change.

Meeting the Challenges of the Pacific

These challenges require an appropriate and coordinated response from PRIF development partners. Operationally, the PIC investments of any of the PRIF development partners are small in proportion to their overall portfolio. Collectively, however, PRIF investments provide essential financial and technical support to the region. Based on recognition of the PICs' challenges and constraints, collaboration between PRIF development partners will help each of them to implement more efficiently their respective environmental and social requirements. The Shared Approach can provide more efficient and more effective means to promote environmentally sustainable and socially beneficial development.

Diversity of Social and Economic Structures

The Pacific comprises three main social and ethnic groupings (Micronesian, Polynesian and Melanesian), all of which are diverse both ethnically and nationally. The PICs have varying histories of colonization and conflict, which have left legacies that affect and shape institutional and regulatory arrangements. Such arrangements are often underpinned by varying local traditions and customs of many different indigenous communities regarding land and shared natural resources including forests, fisheries and minerals.

Land is a central aspect of life for many communities and is largely held under customary title. Varying forms of customary tenure, coupled with land scarcity, frequently complicate the process of obtaining access to land for development purposes.

Remoteness and Isolation

The Pacific as a region encompasses a huge area with countries, and even islands within countries, that can be remote from each other. For example, Kiribati is one of the most remote and geographically dispersed countries in the world, consisting of 33 islands spread over 3.5 million square kilometers of ocean – an area larger than India – and the Solomon Islands is geographically splintered into 1,000 small islands and atolls. Limited and often expensive air and marine transport connections present additional challenges. Many smaller islands can be reached only by infrequent or irregular marine transport, presenting often severe logistical constraints for movement of people and materials.

Small Island States

Even by the definition of "Small States," most PICs are very small, with populations of less than 250,000. Cook Islands, Nauru, Niue, Palau and Tuvalu have populations of 20,000 or less. Fiji, with nearly a million people, and Solomon Islands, with half a million, are the most populated. In addition, the PICs are located in areas that are prone to cyclones and tsunamis, and in some cases, vulnerable to sea level rise (see below).

Constraints from Small Economies

The small size of the economies of many of the PICs makes the cost of delivering public services a very large share of gross domestic product (GDP) and puts them beyond the resources available from domestic taxation. Small domestic markets keep them largely dependent on imported consumer goods, while their remoteness and limited supply of skilled labor reduce export competitiveness.

Limited Administrative and Technical Capacity

Government agencies responsible for environmental and social management typically are understaffed. Existing staff (and local consultants) usually are under-trained, have limited familiarity with good practices, and have inadequate authority and/or resources to do their jobs. Individuals who develop skills and experience often move to more senior positions, or migrate abroad. At present, the inconsistent and variable procedural requirements of PRIF development partners further limit capacity for effective environmental and social risk management.

High Rates of Migration

Relatively easy migration from southern PICs to Australia and New Zealand and from northern PICs to the United States has led to a steady stream of permanent migrants as well as temporary ones (for seasonal work in Australia and New Zealand), and therefore a large proportion of populations in absentia. This has created a brain drain of qualified individuals and increasing levels of dependency on remittances.

Middle-Income Status with Some Hardship

Largely due to income from tourism and the high levels of remittances and overseas development assistance, most PICs qualify as middle-income countries. Many people have access to land and at least subsistence fishing, hunting and agriculture. While extreme or abject poverty is rare, social problems relating to lack of formal employment opportunities and high rates of obesity due to reliance on imported processed foods are endemic. For these reasons, there is a need to increase access to health and education services.

Natural Disasters

The PICs are disaster “hotspots” located in one of the world’s most disaster-prone regions. The PICs are vulnerable to natural hazards that include floods, droughts, tropical cyclones, earthquakes, volcanic eruptions, and tsunamis. Any one of these hazards can result in disasters that affect the countries’ entire economic, human, and physical environment and severely affect their long-term development agenda. Eight of the 20 countries in the world with the highest average annual disaster losses by GDP are PICs: Cook Islands, FSM, Fiji, Niue, RMI, the Solomon Islands, Tonga and Vanuatu.

Fragility and Climate Change

Of 26 states classified as fragile by the WBG in 2015, five are PICs: FSM, Kiribati, RMI, Solomon Islands and Tuvalu. (A sixth, Vanuatu, registered one point above the classification cut-off). Resource decline, including ocean fisheries, is one source of vulnerability. The PICs recognize climate change as potentially a major source of fragility, especially in low lying atolls and coastal areas already subject to rising sea levels and storm tide submergence. The impacts of climate change are particularly challenging for the PICs because they have no control over global processes that cause them, and very little capacity to deal with their consequences.

C. A Shared Approach for Management of Environmental and Social Risks and Impacts

Purpose of the Shared Approach

The purpose of the Shared Approach is to:

- Provide a robust approach to managing environmental and social risks and impacts of infrastructure development in the PICs; and
- Improve the efficiency and effectiveness with which the PICs and PRIF development partners undertake measures to address environmental and social risks and impacts.

Objectives of the Shared Approach

The main objectives of the Shared Approach are to:

- **Use Methods and Procedures**
Develop and implement a common set of methods and procedures to identify and assess potential risks and impacts, devise appropriate mitigation measures, and monitor the effectiveness of their implementation in projects supported by PRIF development partners;
- **Support Country Safeguard Systems**
Provide coordinated assistance to strengthen and improve CSS and implementation of CSS in the PICs; and
- **Share Knowledge**
Share knowledge and good practice, and work collaboratively to build institutional and technical capacity for improved environmental and social safeguard implementation throughout the PICs.

Principles of the Shared Approach

The Shared Approach uses the following principles:

- **Build Upon Capacity in the Region**
Shared Approach activities coordinate with and build upon national, regional and international efforts to strengthen capacity to manage environmental and social risks and impacts in the Pacific (e.g., through SPREP, University of South Pacific, United Nations agencies, and other development partners).
- **A Focus on Shared and Consistent Approaches**
The Shared Approach aims to enhance the application of safeguard policies and to increase the coherence of PRIF development partner interventions through consistency in responses. The focus of the Shared Approach is to provide methods and procedures to support consistency in the way in which PRIF development partner policies are implemented; it does not interpret or propose, or intend, to change or modify the policies of PRIF development partners.
- **Efforts Proportional to Risks and Impacts**
Safeguard efforts under the Shared Approach are proportional to the potential environmental and social risks and impacts of each project, and emphasize use of appropriate implementation methods, given existing constraints.

Features of the Shared Approach

The Shared Approach recognizes three closely linked factors that are likely to influence the effectiveness, and consequences, of development activities in the Pacific. They are: the scarcity of, and deep attachment to, land and natural resources; the importance of traditional leadership and decision-making practices; and the importance of community in designing and implementing development projects. Accordingly, the Shared Approach:

- Supports collaborative decision making by all involved parties;
- Analyzes and assesses potential risks and impacts;
- Identifies actions to avoid, minimize, mitigate and/or offset negative impacts;
- Identifies measures to extend the reach of project benefits, or to confirm that they are culturally appropriate;
- Integrates management and monitoring measures into design and implementation of projects; and
- Includes provisions for public consultation, disclosure of information, and culturally appropriate channels for raising and resolving local grievances.

Application of the Shared Approach

The Shared Approach follows the process outlined in:

- Table 1 Elements of the Shared Approach;
- Table 2 Overview of Environmental and Social Planning and Management Activities by Project Phase;
- Table 3 Tasks Related to Environmental and Social Activities by Project Phase;
- Table 4 Roles and Responsibilities for Environmental and Social Planning and Management by Project Phase; and

- The annex which covers topics and issues of particular relevance for the PICs, including:
 - (a) land;
 - (b) stakeholder engagement, consultation, disclosure and grievance redress mechanisms;
 - (c) indigenous communities in the Pacific context; and
 - (d) special issues for contractors in the Pacific.

Figure 2 provides a graphic representation of the process. The Shared Approach can be applied by PRIF development partners to assist with the majority of projects they support in the PICs. While the Shared Approach does not contain guidance for every type of project, it does provide for:

- (i) consideration of special issues in relation to stakeholder/community engagement, land ownership and Indigenous Peoples; and
- (ii) consideration of environmental and social management issues throughout the project cycle. The Shared Approach can also be used together with the SPREP Environmental Impact Assessment (EIA) Guidelines, where appropriate.

The Shared Approach is primarily intended for use in infrastructure development projects (e.g., energy, telecommunications, transport, water and sanitation, and urban development sectors) that:

- Are either stand-alone projects or are sub-projects or projects that are part of a larger program for one or multiple countries, and
- Involve civil works, for example, works relating to power and water supply, coastal protection or transport (including roads, airports and ports).

There may be cases where PRIF partners decide to apply the Shared Approach to private sector operations; however, the process steps and timing may be different in terms of the project phases for public sector projects that are described in Tables 2, 3 and 4.

Application Beyond PRIF

Though the Shared Approach is primarily intended for use by PRIF development partners for infrastructure sector projects in the PICs, the tools may also be of broader use by governments or other development agencies working in other sectors in other areas of the Pacific region not included in the PRIF membership.

Implementation of the Shared Approach

The Shared Approach will support improved environmental and social safeguards implementation in the Pacific region through a series of measures that are presented in Table 1 below. Table 2 shows the steps by project phase. Table 3 provides additional detail on activities at each phase of the project cycle and how the Shared Approach can be operationalized. Table 4 identifies broad roles and responsibilities in implementation of the Shared Approach.

Importance of Knowledge Sharing

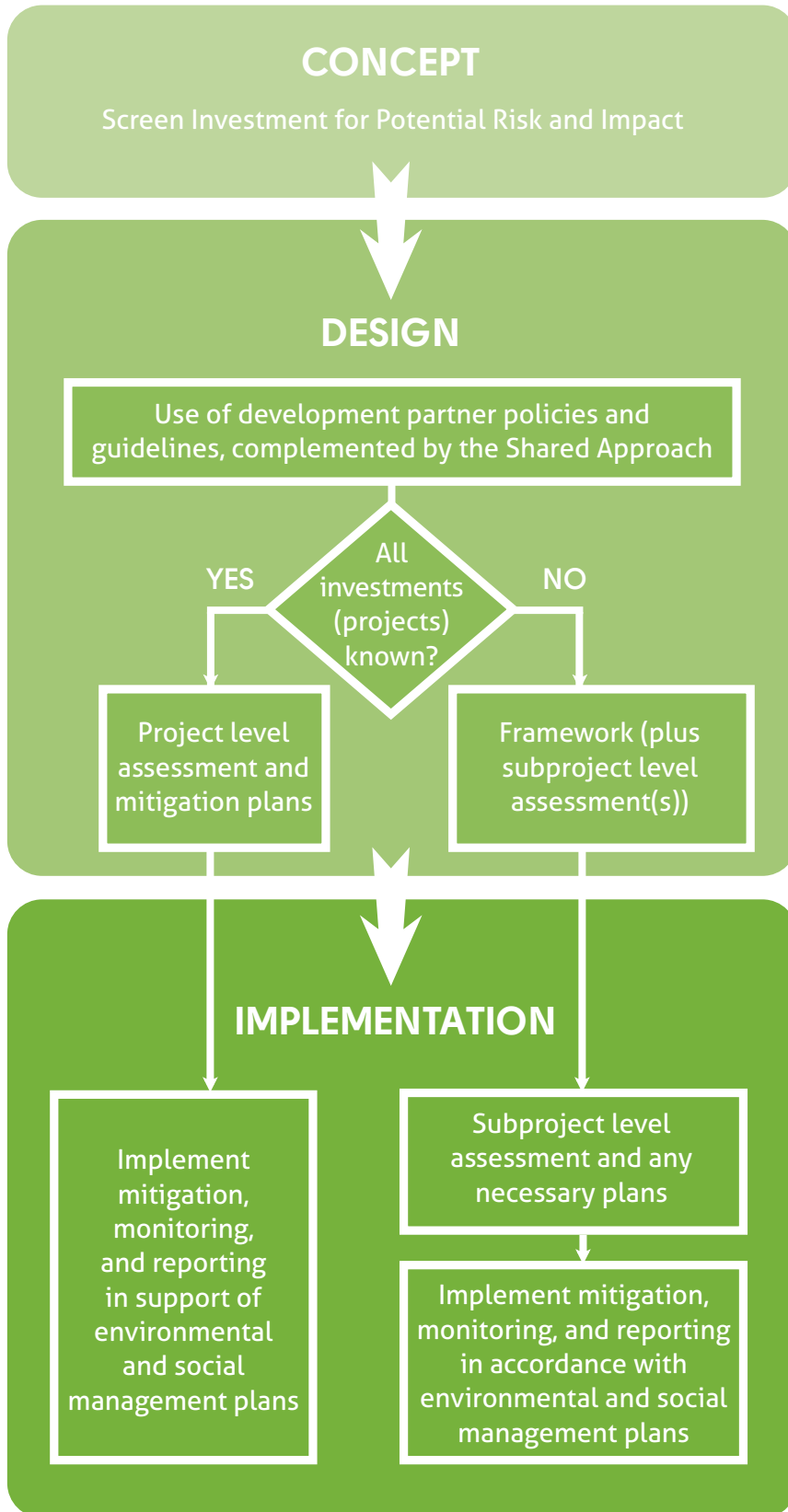
An important role for PRIF and its development partners is to collect, assess and disseminate knowledge, including examples of good practice. The sharing of knowledge is viewed as a priority activity both between PRIF and its development partners, and between those parties and the PICs. A key priority is the identification of examples of good practice in different phases or aspects of environmental and social risk management, across a representative set of PICs.

A Living Document

The Shared Approach will remain a living document to be updated through the ESSWG as required when issues emerge. The ESSWG will assess the effectiveness of the implementation of the Shared Approach 2-3 years after it enters into use, and will thereafter determine whether updates or adjustments are advisable.



Figure 2. Shared Approach Flowchart for Assessment and Management of Environmental and Social Risks and Impacts



D. Complementary Initiatives

Strengthening Country Safeguard Systems

PRIF development partners are encouraged to support a collaborative approach to building capacity and institutional strengthening for implementation of CSS. While the Shared Approach recognizes the need to implement CSS, it also recognizes that additional measures may be necessary to meet the requirements of PRIF development partner policies, such as the use of gap-filling measures.

The Shared Approach seeks to build capacity to address implementation difficulties and weaknesses inherent in application of CSS in many PICs. To support this objective, a series of regional and country-level studies to understand laws, regulations, capacity and performance is being undertaken by PRIF development partners and other parties through parallel assistance, to better target any strengthening activities.



Table 1 Elements of the Shared Approach

Table 1 sets out the procedure to be followed under the Shared Approach. It summarizes the key issues and provides guidance on how to address them.

Topics and Issues	Shared Approach	Comments
Section 1: Use of an Integrated Framework for Management of Risks and Impacts		
<p>The Shared Approach What is the Shared Approach for Management of Environmental and Social Risks and Impacts (Shared Approach)?</p>	<p>The Shared Approach: (i) is a robust approach to managing environmental and social risks and impacts of infrastructure development in the PICs; and (ii) seeks to improve the efficiency and effectiveness with which the PICs and PRIF development partners undertake measures to address environmental and social risks and impacts.</p> <p>The Shared Approach assists the application of the environmental and social safeguard policies of PRIF development partners, by taking into account the unique circumstances of the PICs. It is expected to help PRIF development partners to implement environmental and social safeguards in the PICs in a shared and consistent way, which will make infrastructure development more efficient, particularly in co-financed activities.</p>	<p>The Shared Approach may be used by the following PRIF development partners:</p> <ul style="list-style-type: none"> ▪ Asian Development Bank (ADB) ▪ Australian Department of Foreign Affairs and Trade (DFAT) ▪ European Investment Bank (EIB) ▪ European Union (EU) ▪ Japan International Cooperation Agency (JICA) ▪ New Zealand Ministry of Foreign Affairs and Trade (NZMFAT) ▪ United States Department of State (USDoS) ▪ World Bank (WB)
<p>Special Issues in the Pacific Island Countries Why is a “Shared Approach” for the management of environmental and social risks and impacts needed for use by PRIF development partners in the PICs?</p>	<p>The PICs present a unique setting in which PRIF development partners are providing support to a series of geographically remote and isolated countries with complex environmental and social challenges and highly variable and often limited institutional capacity. The dependency of countries on their vulnerable land and marine resources is high. Land is a central aspect of life for many communities and is largely held under customary title. The “land is our life” is a recurrent view expressed across the region.</p> <p>These issues result in an exceptionally complex setting for project design, implementation and operation in which management of environmental and social issues is a major challenge. The experience of PRIF development partners has shown that while their policies are sound in this context, different approaches are needed in terms of methods and procedures to achieve the objectives of safeguard policies in the PICs.</p>	<p>The PRIF development partners have determined that this special set of conditions warrants development and use of an approach to the application of environmental and social safeguards in the PICs that reflects those conditions.</p>

Topics and Issues	Shared Approach	Comments
<p>Status of the Shared Approach What is the status of the Shared Approach?</p>	<p>The Shared Approach is intended to support development partners in the application of their own environmental and social policies and requirements. The purpose of the Shared Approach is to provide standardized methods and procedures recommended to be used by PRIF development partners to support the application of safeguard policies in the PIC context.</p> <p>The Shared Approach will remain a living document to be updated through the ESSWG as required when issues emerge. The ESSWG will assess effectiveness of implementation of the Shared Approach 2-3 years after it enters into use, and will thereafter determine whether updates or adjustments are advisable.</p>	<p>PRIF development partners plan to use their policies and guidelines in the PICs, complemented by the use of the Shared Approach.</p>
<p>Scope of Application What is the scope of application of the Shared Approach?</p>	<p>The Shared Approach may be implemented for PRIF development partner-funded infrastructure projects with low to medium impacts and risks in the PICs, including co-financed operations.</p> <p>The Shared Approach can be used for infrastructure projects irrespective of whether they are stand-alone projects or are part of a larger program for one or multiple countries.</p>	<p>Given the complexity of land issues in the PICs, it is proposed that PRIF development partners apply the provisions of the Shared Approach to projects. The Shared Approach includes several land access options that, if implemented, could avoid the “compulsory land acquisition” approach, which is rarely successful in the PIC context. These alternatives also seek to reduce disenfranchisement that inevitably arises from land “alienation.” Community participation should be used to reduce potential delays in obtaining access to land.</p>



Topics and Issues	Shared Approach	Comments
<p>Pacific Island Countries To which countries will the Shared Approach be applied by PRIF development partners?</p>	<p>The Shared Approach has been designed by the PRIF for use in the PICs in which PRIF operates.</p> <p>The Shared Approach, which supports application of the PRIF development partners' safeguard policies, would be used in the following:</p> <ul style="list-style-type: none"> ▪ Cook Islands ▪ Federated States of Micronesia (FSM) ▪ Fiji ▪ Kiribati ▪ Nauru ▪ Niue ▪ Palau ▪ Papua New Guinea ▪ Republic of Marshall Islands (RMI) ▪ Samoa ▪ Solomon Islands ▪ Tonga ▪ Tuvalu ▪ Vanuatu 	
<p>Key Features How does the Shared Approach support more effective application of safeguards in the PICs?</p>	<p>The Shared Approach aims to increase the effectiveness and efficiency of the application of PRIF development partners' safeguard policies, and to increase the coherence of the application of safeguards in the PICs. The Shared Approach includes measures to meet the special circumstances of the PICs in terms of:</p> <ul style="list-style-type: none"> ▪ Improving project identification, design and delivery through use of a project cycle approach to environmental and social risk management; ▪ Supporting decision making by all parties through highlighting the importance and integral role of community and stakeholder engagement throughout the project cycle; ▪ Assessment processes and instruments; ▪ Promoting stakeholder/community engagement, with consultation, disclosure and grievance redress; ▪ Approaches to accessing land for development projects; and ▪ Project implementation, supervision and monitoring. 	

Topics and Issues	Shared Approach	Comments
<p>Convergence – Option to Use SPREP Guidelines</p> <p>How does the Shared Approach acknowledge the convergence of environmental and social safeguard policies in the context of the PICs?</p>	<p>The Shared Approach acknowledges the convergence in approaches used for environmental and social safeguards in the PICs. One example is that the Shared Approach recognizes the major role played by the SPREP with regard to development of guidelines and capacity building in the Pacific, and refers to SPREP publications, in particular the EIA Guidelines, which were published in 2016, as key regional guidance to approaching environmental and social impact assessment (ESIA).</p> <p>To support convergence and improve effectiveness in the application of safeguards in the PICs, it is proposed that PRIF development partners take into account the SPREP guidelines on environmental and social assessment, as described in the SPREP EIA Guidelines, in the context of the Shared Approach. The EIA Guidelines were ratified by SPREP members at the SPREP annual general meeting in September 2016.</p>	<p>The guidelines are guidance notes and tools and do not constitute law, regulation or policy in any PIC. In suggesting use of these guidelines on selected operations, the Shared Approach notes that their use would significantly reduce the challenge for the PICs to meet the requirements of many development partners. It would also allow the PRIF development partners and SPREP to work together in safeguard training and provision of more consistent advisory support.</p>
<p>Country Systems (1)</p> <p>Is the Shared Approach compatible with country systems for environmental and social safeguards?</p>	<p>The Shared Approach builds on CSS and seeks to strengthen capacity in application of CSS. A key focus of the Shared Approach is to support efforts by a diversity of parties to build capacity to address implementation difficulties and weaknesses inherent in the application of the CSS in many PICs.</p>	<p>As a complementary action, PRIF development partners intend to continue to support a collaborative approach to building capacity and institutional strengthening for improved implementation of CSS.</p>
<p>Country Systems (2)</p> <p>Does the Shared Approach provide for the use of country safeguard systems for environmental and social safeguards for development partner funded projects?</p>	<p>The Shared Approach supports use of various aspects of CSS where compatible with PRIF development partner environmental and social policies, and where sufficient implementation capacity is in place. Given the need to strengthen CSS in many PICs, their use at the project level is viewed as a medium-to long-term proposition in most PICs.</p> <p>With regard to formal requests for use of CSS as an alternative to PRIF development partner policies, the Shared Approach recognizes that each development partner considers this through application of relevant policies. Accordingly, any formal use of country systems to address environmental and social issues will be on a case-by-case basis, when informed by studies of the respective systems by the PRIF development partners and other qualified parties indicating that CSS are appropriate, and that implementation capacity is adequate.</p>	<p>Any formal request for use of country systems in the PICs will be informed by the ongoing efforts being undertaken in this area by the ADB, WB and WB/Australia Safeguards Partnership (WBASP). To date, CSS studies (to differing levels) have been prepared for Kiribati, Samoa, Solomon Islands, Tonga and Vanuatu by ADB and WB.</p> <p>The use of CSS by PRIF development partners will likely require adoption of supplemental or gap-filling measures to make CSS consistent (using equivalence and acceptability measures) with development partner policies, or to strengthen implementation performance.¹</p>

1 Following formal request, adoption of CSS for any country, sector or agency would be subject to further assessment and approval by the Board and/or management of a particular development partner. Adoption of CSS for any country, sector or agency by any one development partner would not mandate use of CSS for that country, sector or agency by other development partners.

Topics and Issues	Shared Approach	Comments
<p>Independent Accountability Mechanisms What is the role of the Independent Accountability Mechanisms of the cooperating development partners when the Shared Approach is used?</p>	<p>The ADB, EIB, JICA and WB all have Independent Accountability Mechanisms. The Shared Approach implements each development partner's policy requirements; as such, application of the Shared Approach in a project will fall under the scope of the relevant accountability mechanisms in accordance with their mandates.</p>	<p>The Shared Approach does not constitute a new policy or amendment to any existing policy. It is an approach to implementing existing safeguard policy through methods and procedures that recognize unique conditions and challenges in implementing infrastructure projects in the PICs.</p>
<p>Development Partner Cooperation What measures are planned to improve development cooperation in the implementation of the Shared Approach?</p>	<p>The Shared Approach is a key step in development partner cooperation in the PICs, since it provides a collaborative approach to the management of environmental and social risks and impacts. Where possible, the Shared Approach provides for preparation of a single set of safeguard documents, and strengthens development partner collaboration for targeted CSS institutional strengthening and capacity building.</p>	<p>For co-financed and/or parallel-financed projects, a decision will need to be made concerning the willingness of PRIF development partners to undertake joint appraisal and supervision missions that will result in a single report (if feasible) concerning environmental and social aspects of the project.</p>
<p>Section 2: Assessment Processes and Environmental and Social Documents</p>		
<p>Screening and Categorization Under the Shared Approach, how would projects be screened and categorized for environmental and social impacts and risks?</p>	<p>The Shared Approach provides for each development partner to use its own screening and categorization system. For co-financed or parallel-financed projects, PRIF development partners are encouraged to collaborate to support consistency in the screening and categorization of projects, to the extent possible given their own respective policies and procedures. The screening and categorization is based on review of both potential environmental and social risks and impacts. Categorization is proportional to the significance of potential environmental and social risks and impacts.</p>	<p>In reviewing the social risks and impacts of a project, special attention should be given to the vulnerability of different groups within the beneficiary community or potentially affected people. Screening and assessment processes should identify any groups who may be affected in different ways, or to a significantly different degree, by project construction or operation. This may include ethnic minorities, women, children, the elderly, the disabled, or others who may become more vulnerable to hardship as a result of the project. Development partners may require that special assistance measures be put in place to mitigate any such vulnerabilities.</p>

Topics and Issues	Shared Approach	Comments
<p>Application of Policies The screening process should identify the specific environmental and social safeguard policies that apply to the project, recognizing that their application will be enhanced by the guidance provided by the Shared Approach in the Pacific context.</p>	<p>The Shared Approach provides guidance to support the application of safeguard policies used by PRIF development partners in the PICs. These include in particular the following topics (see Annex):</p> <ul style="list-style-type: none"> ▪ Environmental and Social Impact Assessment ▪ Land access arrangements (Involuntary Resettlement and Land Acquisition) ▪ Indigenous Peoples ▪ Consultation and Disclosure. 	<p>The guidance for these topics is outlined further below in this table (Section 7) and in the Annex.</p>
<p>Selection of Assessment Instruments One or more instruments for assessment of environmental and social risks and impacts should be selected.</p>	<p>A variety of instruments may be used for the assessment of environmental and social risks and impacts under the Shared Approach. They should be selected on a project-specific basis and their scope and level of effort should be proportional to potential risks and impacts of the project. In some cases, multiple instruments will be required, especially when a project involves land issues.</p> <p>These instruments may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ ESIA, which normally includes an Environmental and Social Management Plan (ESMP) ▪ Environmental and Social Management Framework ▪ Land Acquisition Plan and/or Framework ▪ Land Access Plan and/or Framework ▪ Indigenous Peoples Plan and/or Framework 	<p>Use of a variety of instruments is a departure from most CSS which require only environmental and social assessment.</p> <p>In some cases, it may be appropriate for a variety of reasons to also make use of “high level” assessment instruments that may include, but not be limited to, the following: Strategic ESIA; Sectoral ESIA; or Regional ESIA.</p> <p>Cumulative Impact Assessment may also be used to examine issues above the project level.</p> <p>Through the Shared Approach, social assessment can be applied as part of an ESIA process to specifically analyze, monitor and manage social risks and impacts. The ESIA may also support the identification of special or additional management or mitigation measures. When applied effectively, by appropriately qualified and experienced personnel, ESIA can help to promote community development and empowerment, build community capacity, and develop social networks and trust.</p>

Topics and Issues	Shared Approach	Comments
<p>Use of Plans and/or Frameworks</p> <p>Depending on the financing modality and level of details known, programs and projects may use plans and/or frameworks under the Shared Approach.</p>	<p>The Shared Approach may utilize two types of approaches for assessment and management of risks and impacts:</p> <ul style="list-style-type: none"> (i) plans; and (ii) frameworks. In some projects a combination of these may be used. <p>Plans</p> <p>Where project activities have been determined and details about project sites and activities are known prior to appraisal, it is appropriate, and necessary, to prepare environmental and social assessments and the mitigation and monitoring plans, such as an ESMP, for review and acceptance at appraisal.</p> <p>Frameworks</p> <p>Where project activities and/or subprojects are not known during preparation, it is not possible to determine siting details and the corresponding scope and scale of potential environmental or social risks and impacts. For these projects, the Shared Approach recommends preparation of safeguards frameworks, such as an Environmental and Social Management Framework. Project- and subproject-specific documents, such as the ESIA (including ESMP), are then prepared for review and approval by PRIF development partners during implementation, as relevant information becomes available.</p>	<p>If relevant information is available for some project activities but not for others at appraisal, plans are prepared for those for which such information is available (usually for the most sensitive component or subproject for sector-type projects), and frameworks are prepared for the remaining activities. The scope and level of detail of the instruments used are commensurate with the impacts requiring mitigation and the requirements of the relevant development partner policies.</p>



Topics and Issues

Area of Influence

In the PICs, careful consideration should be given to the definition of the area of influence with regard to effects in neighboring countries.

Shared Approach

A project's area of influence is defined by the SPREP EIA Guidelines as "the area affected by a development project, which is beyond the project footprint. It may be upstream and/or downstream of the project site and include the wider catchment, watershed, coastal/ocean zone, airshed or buffer zones; an off-site resettlement zone; and areas that are culturally significant or used for livelihood activities."

On some projects with minimal impacts or resource requirements, this area may correspond to the construction footprint plus the area of development. On other projects, particular attention should be given to verifying that the area of influence is clearly defined, and that any assessment of environmental and social risks and impacts covers this larger area.

Comments

In the PICs, it is possible that some aspects of project design may extend the area of influence to a neighboring country. This is often the case with the import of construction materials and disposal of waste. For example, construction materials may be sourced from a quarry in a different country and transported by ship to the site. Similarly, disposal of waste materials from construction may not be possible in the country where the project is located, and these wastes must therefore be transported to another country for disposal. In such circumstances, the project proponent may have little or no influence over the environmental and social aspects. For this reason, while the assessment of environmental and social risks and impacts should cover these, the ability of the project proponent to mitigate and supervise may be limited.

The very large distances involved in such processes and the complexity introduced by the much larger area of influence mean that, wherever possible, a practical and implementable approach should be adopted to address this type of situation when applying the concept of the area of influence.

The definition of "area of influence" used in the respective safeguard policies of PRIF development partners may vary and in the case of a co-financed project, the higher standards should be applied.

Topics and Issues	Shared Approach	Comments
<p>Associated Facilities In the PICs, project associated facilities may involve related facilities or operations in another country that may be physically removed and at a significant distance.</p>	<p>While definitions may vary, associated facilities are facilities or activities that are not funded as part of the project, but that are an integral part of or directly related to the project, in that they are to be carried out contemporaneously with it and are necessary for the project to be viable. In the PICs, projects often involve related works in another country, for example, operation of a quarry in one country to supply materials to a project in another. Associated facilities are to be included in the project's management of environmental and social impacts. Where the facilities are in a different country than the project, they should be evaluated on a case by case basis to determine the degree of attention they should receive in the assessment process.</p>	<p>The threshold for application in another country should be discussed and defined. Efforts should be made to carefully define the project's area of influence.</p> <p>As a minimum part of due diligence, the existence of a formal permit or operating license for quarrying or excavating materials in the source country should be reviewed.</p> <p>The definition of "associated facilities" used in the respective safeguard policies of PRIF development partners may vary and in the case of a co-financed project the higher standards should be applied.</p>
<p>Multi-Country Investments Multi-country investments are often used to provide support in key sectors to the PICs in which responsibility for preparation of safeguard documents is divided between the PRIF development partner and the countries.</p>	<p>The use of the multi-country investment approach is an important feature of support to the PICs and provides an opportunity to improve the effectiveness and efficiency of the use of environmental and social safeguards. In this type of approach, the responsibility is divided between the PRIF development partner who is responsible for preparation of the framework and the cooperating countries which prepare the documentation for national level investments. In such projects, the Shared Approach recommends the use of frameworks (e.g., environmental management framework, resettlement framework, or Indigenous Peoples framework) for multi-country investments that would be complemented by sub-project specific environmental and social documentation.</p>	<p>An inventory of examples of this approach would be useful to support the PRIF partners to develop an approach in a more consistent manner.</p>

Section 3: Guidance for Application of the Shared Approach

Natural Environment

Marine ecosystems and biodiversity throughout the region are very rich and some PICs are located within the coral triangle. The natural environment in the Pacific is key to many people's way of life, as people have a very close connection to land and sea. This connection includes natural resources, such as food, water and building materials.

The Shared Approach recognizes the intrinsic linkage between environment and community and the need to have this acknowledged and integrated into project identification and delivery. The key to identification and management of this linkage is early and thorough screening and assessment, including effective stakeholder/community engagement, to enable potential issues and impacts to be identified and considered early in the planning process. The Shared Approach incorporates planning aspects that reflect good practices, some of which are particularly important in protecting fragile PIC environments and local PIC communities. These include consideration of:

- a) Siting alternatives, incorporating social constraints and community preferences
- b) Sourcing for all necessary materials (and labor)
- c) On-site storage arrangements for materials and equipment
- d) Waste management and removal
- e) Labor camp and service arrangements
- f) Construction scheduling and safety
- g) Coastal protection and construction management in sensitive lagoon and marine environments
- h) Operational and maintenance arrangements.

The fragility of the marine and terrestrial environment means that a small initial impact can have large consequences later. Most projects are not likely to have any large-scale or irreversible physical and ecological impacts. However, even small physical and biological impacts can have disproportionate environmental or social consequences in the PICs, if availability of land (including seabed) or other resources is extremely limited.

In some cases, limited land area and the importance of lagoons means that there is only "one" environment, which therefore has very high value. It also means there is often limited ability to source construction materials and/or manage waste via processing and landfills.

Experience shows that it is often exceedingly difficult to construct or operate public projects in the PICs unless steps are taken to obtain community acceptance of project arrangements.

Topics and Issues	Shared Approach	Comments
<p>Land and Livelihoods</p> <p>In the Pacific, land tenure arrangements are intimately linked with the organization of society, the economy, political structures and geography. Most of the land in most PICs is held in customary title or ownership. Customary title of land is land lawfully owned, used or occupied by a person or community in accordance with current customary usage, or land owned or occupied, or in which an interest is held, by one or more persons in accordance with the rules of custom. In most PICs customary land is not registered or recorded, but is widely recognized as land that is “not alienated.” Therefore, to acquire such land means going through the recording and registration process, based on identification of all owners or people with rights to the land.</p>	<p>Where there is a project requirement for land, the Shared Approach is based on the principle of retaining land in customary ownership wherever possible/feasible and obtaining access to land for public infrastructure through other means, such as lease, memorandum of understanding or agreement for use, community donation of land for public works/infrastructure, in-kind compensation, or benefit sharing agreement. If permanent land acquisition is considered necessary for project purposes, the first preference will be for negotiated settlement rather than through exercise of eminent domain or other compulsory means.</p> <p>The Shared Approach provides for the application of PRIF partners’ Involuntary Resettlement policies in cases where compulsory land acquisition resulting in physical and/or economic displacement cannot be avoided. In such cases, the provisions of the PRIF partners’ Involuntary Resettlement policy apply in full.</p> <p>In the PICs, it is also important to distinguish among categories of use rights and ownership. Often it is more culturally appropriate to create temporary use rights than to alienate the land by sale purchase or eminent domain.</p> <p>It is especially important to distinguish between private ownership and customary ownership, and to follow appropriate procedures for each. In customary ownership, for example, land is often collectively owned and deemed inalienable. When collective ownership is involved, it is important that traditional leaders, or traditional decision-making processes, adequately protect the interests of those who use the land parcel to be obtained.</p>	<p>The Shared Approach recognizes that project-related land acquisition and restrictions on land use and natural resources can have adverse impacts on communities and persons. Land and livelihood implications should be fully considered at the project’s concept stage. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, water bodies (for e.g. lagoons) and the seabed.</p>

Means of Obtaining Land Access

In applying the Shared Approach, what are possible ways of obtaining land access, and what are appropriate procedures for obtaining land access?

Shared Approach

The Shared Approach identifies four ways to obtain land for development purposes. See also the Annex section on Land: A Special Approach in the Pacific, for more detail. The four ways are:

Voluntary transfer of use rights. This category includes in-kind contribution, agreements for use of land, and land donation. Procedural guidance operationally defines “voluntary” as based on explicit informed consent, in a setting in which siting alternatives exist. Procedural measures may also be in place to identify and resolve any outstanding claims or disputes regarding use rights or ownership. In the PICs, such arrangements typically involve only limited restrictions on use for a specified period; transfer of formal ownership is much less common. The processes for application of such arrangements will be properly documented and verified by a third party.

Voluntary transfer of ownership. This category includes lease or sale on a willing buyer-willing seller basis. As above, procedural guidance operationally defines “voluntary” as based on explicit informed consent, in a setting in which siting alternatives exist. Procedural measures may also be in place to identify and resolve any outstanding claims or disputes regarding use rights or ownership. The processes for application of such arrangements will be properly documented and verified by a third party.

Negotiated settlement for transfer of use rights or ownership. In many instances, particularly settings in which siting alternatives are not available, land access may be obtained through a process of negotiated settlement as an alternative to formal expropriation. Such arrangements cannot be considered fully voluntary if the owner has no full right of refusal. However, key procedural aspects should be followed so that the owner is adequately informed, can negotiate terms, and has recourse to other means of resolution (expropriation procedures, legal review) if satisfactory terms cannot be negotiated. Arrangements are put in place to identify and resolve any outstanding claims or disputes regarding use rights or ownership.

Expropriation. Though PICs infrequently resort to formal expropriation procedures as prescribed by law, this approach may be necessary as a last resort. The Shared Approach anticipates more detailed procedures when property is expropriated, in line with land acquisition policies of PRIF development partners. Procedural measures include preparation of an action plan (or framework), which normally must be approved by the PRIF development partner (or partners) prior to commitment of financial support.

Terms and procedures are further elaborated in the Annex.

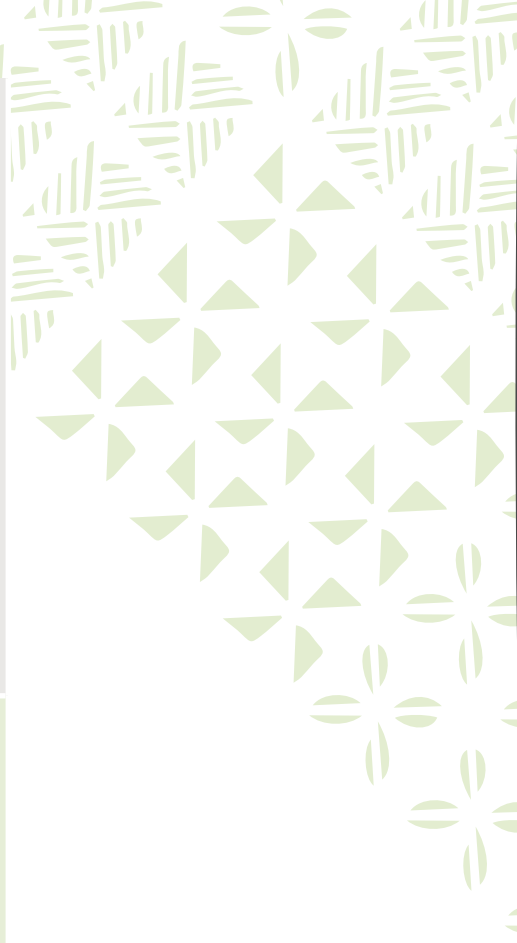
Comments

Alternative approaches/options for land access will require documentation of the due diligence undertaken during the arrangements. This includes third party verification of the process to enable transparency and appropriate information disclosure.

Formal expropriation procedures, exercise of eminent domain or compulsory acquisition powers may be used but with caution, so as not to amount to forced eviction. This means that the exercise of such powers by the Government will comply with national law and the relevant policies of the PRIF development partners policies, and the process should be conducted in accordance with applicable law and procedural protections, which will include principles of due process.

Topics and Issues	Shared Approach	Comments
<p>Indigenous Peoples</p> <p>In the PICs, the great majority of people are indigenous to the country or area within the country in which they live. Most people identify themselves as indigenous to their land and different from migrants from other islands or countries. Under such circumstances, the PRIF partners' policies on Indigenous Peoples will generally apply to PIC investments. The PIC context, however, differs from most other countries; in that the indigenous populations in the PICs constitute a majority of the national population, most countries are relatively homogeneous in cultural and ethnic terms, language is generally shared (even with many differences between dialects), and social and political institutions are traditional and widely accepted. In applying PRIF partners' Indigenous Peoples policies, the Shared Approach emphasizes the importance of taking Indigenous Peoples' interests and concerns into account in project design.</p>	<p>The Shared Approach emphasizes stakeholder/community engagement as the key measure to achieve effective application of PRIF development partners' Indigenous Peoples policies. An ESIA (or similar assessment process) is expected to include direct consultation with potentially affected communities, to solicit and understand their preferences and concerns, and to assess any potential adverse impacts, as well as the equitability and cultural appropriateness of project-related interventions and benefits.</p> <p>Because the great majority of potentially affected people in PIC projects are recognized as Indigenous Peoples, any necessary planning or design measures will be incorporated directly into project design; there usually will be no need for preparation of a stand-alone Indigenous Peoples Plan (IPP) or Indigenous Peoples Framework (IPF). Key aspects of the stakeholder/community engagement and planning processes recommended under the Shared Approach include:</p> <ul style="list-style-type: none"> (i) Community engagement and consultations are conducted in a way that allows Indigenous Peoples to speak freely and openly; are conducted in a timely manner, allowing for consultation results to be factored into planning and decision-making processes; and occur after potentially affected communities have been informed about the proposed project and its possible implications for them. (ii) The Shared Approach is applied only if the consultation (and broader assessment) process demonstrates that there is broad support among potentially affected communities for the project. (iii) Consultation results are summarized, with formulation of responses to major issues raised. If it is determined that no further action is required to address concerns or complaints, the justification for that finding is briefly explained. If it is decided that further action or special measures should be provided, the summary describes actions and measures, how they are to be incorporated into project design, and how they will be implemented and financed. <p>The project screening process will identify the social and cultural context in which the project is to be designed and implemented, and the stakeholder/community engagement process will be designed to fit the project context. For example, a very simple consultation process may be sufficient for a project with minor impacts potentially affecting one homogeneous community, while more sophisticated methods may be necessary for a project affecting numerous communities with greater diversity among them. The assessment process also includes broader issues relating to ethnic or cultural relationships in the project area of influence, including any legacy of conflict between or among social groups.</p>	<p>One or more PRIF partners involved in an investment may determine that additional Indigenous Peoples consultations, or preparation of a free-standing IPP or IPF is necessary.</p> <p>The definition of "broad support" used in the respective safeguard policies of PRIF development partners may vary, as may references to consultation or consent.</p>

Topics and Issues	Shared Approach	Comments
<p>Cultural Heritage In the PICs, there are both tangible and intangible forms of cultural heritage that need to be addressed in the environmental and social documentation and in project design. The history of most PICs is oral and many cultural heritage elements cannot be, or are not, documented. In the PICs, cultural and sacred sites can be linked with the spiritual as well as the non-built physical (landforms, landscapes and seascapes) elements. In many cases these will not be disclosed to outsiders.</p>	<p>The Shared Approach recognizes the need to assess potential risks and impacts to tangible and intangible forms of cultural heritage including sacred sites. The concern with both these elements of cultural heritage, emphasizes the need for early and ongoing stakeholder/community engagement, the findings of which will be captured in the ESIA.</p> <p>So that such issues and risks are properly handled, chance find procedures and protocols are included in the ESMP.</p>	<p>Special disclosure procedures will be used to protect sacred sites when requested by the government or communities.</p> <p>Such "special disclosure" might include removal of any specific identifiers of a heritage or cultural site from an ESIA, ESMP or Land Acquisition and Resettlement Plan, or similar document, or disclosure of a separate document that explains a process of identifying such sites has been undertaken by appropriate parties and that a strategy is in place to protect the sites but that the locations of the sites may not be disclosed.</p> <p>If there is potential for impacts on or discovery of significant archaeological and/or historic sites, suitably qualified experts should be engaged to undertake field-based surveys. For other cultural heritage or resources, engaging customary, traditional and spiritual leaders and community members is an important element of the communication and ESIA processes.</p>



Topics and Issues	Shared Approach	Comments
Section 4: Stakeholder Engagement: Consultation and Disclosure		
<p>Stakeholder Engagement There are PIC-specific issues (some of which have been identified above such as intrinsic connection to the land and sea, oral history and nature of some cultural or sacred sites) which mean that stakeholder engagement (and especially local stakeholder/community engagement) is critical to successful project identification, preparation and implementation in the PICs.</p>	<p>Under the Shared Approach, stakeholder engagement is a key risk management tool in effectively identifying and delivering development partner supported projects.</p> <p>“Stakeholder engagement” refers broadly to the process of soliciting, and responding to, concerns and preferences of all persons or entities who may have an interest in supporting or opposing the proposed project or its objectives. Stakeholders may include, for example, national and local governments or agencies, project affected people, civil society and nongovernmental organizations, or others, some of whom may live or work at considerable distance from the proposed project site. Stakeholders may also include contractors that have experience in the sector.</p> <p>In the PICs, most project contexts require that special emphasis be placed upon “community engagement,” referring to active communication processes with communities that would be most directly affected by a proposed project, or whose cooperation is essential in achieving project construction and operation. The primary modes of stakeholder/community engagement are through consultation, information disclosure and grievance redress, as further described below. The forms and extent of stakeholder/community engagement are determined in proportion to the potential risks or impacts of the proposed project, but normally are expected to continue throughout the project development process, through screening and assessment, planning and decision-making, and monitoring phases.</p>	<p>Community engagement, and stakeholder engagement more broadly, refer to communication processes intended to establish trust, transparency and cooperation in the facilitation of development objectives. In the PICs, as elsewhere, there is a risk that stakeholder engagement will be viewed as largely pro-forma processing requirements rather than as a set of potentially valuable tools for project development. The following issues should be considered in promoting effective engagement:</p> <ol style="list-style-type: none"> Who are the stakeholders, and how can they be engaged? Within affected communities, what is the leadership structure, and how inclusive are decision-making processes? (It should not be assumed that traditional leaders will act in the interest of the community at large, or that community members will necessarily agree with decisions made by traditional leaders.) What communication steps are necessary to ensure that stakeholder/community engagement is inclusive? What practical steps can be taken to solicit local participation in consultation and monitoring processes in remote areas? <p>For projects with potentially complex social issues, or for which social issues may extend beyond construction into the operational phase, it may be appropriate to prepare a stakeholder/community engagement plan, specifying provisions for stakeholder/community engagement throughout the process and ensuring that necessary resources are available.</p>

Meaningful Consultation

Consultation is important in all phases of project identification, preparation and implementation under the Shared Approach.

Because of the strong linkage between local communities and the natural environment in the PICs, active stakeholder/community engagement is essential to effective project planning, construction and operation. Accordingly, the Shared Approach views engagement and consultation with potentially affected communities as the cornerstone for identification and resolution of critical issues involving land, shared natural resources, cultural and spiritual sites and other elements which can lead to project delays if the issues are not identified and managed effectively. The Shared Approach promotes proportionate and appropriate consultation methods. The emphasis is on effective two-way communication, which may involve varying formal or informal methodologies, depending on the project context. Effective consultation is:

- (i) **Inclusive:** A consultation process should solicit the views or concerns of all demographic subgroups (e.g., gender, cultural or ethnic groups, intergenerational) within potentially affected communities. Consulting with traditional leaders is altogether appropriate, but it should not be assumed that traditional leaders will represent the views of all community members.
- (ii) **Open:** If consultation processes involve public or community meetings, they should be conducted in a manner conducive to frank and open exchange of views without risk of intimidation or recrimination. In some instances, separate arrangements such as focus group discussions may be necessary to obtain the views of groups unlikely to participate in community-level consultations.
- (iii) **Accessible:** Consultations should be conducted at a place, time, and in a language accessible to potentially affected communities. This may require special measures such as allowing sufficient time to conduct, or telecommunication arrangements for, consultation with communities on remote islands.
- (iv) **Timely:** The primary point of consultation is to obtain views as an input to decision-making, building trust and cooperation within the development process. It is necessary, then, that consultation processes occur at a point when results can feed into planning (in advanced stages) or into adaptation to changes that may be necessary in the construction or operation phases.
- (v) **Regardless of the scope or formality of consultation methods, it is important that consultation results are summarized and publicly disclosed in a manner accessible to affected communities, to serve as a record of stakeholder/community engagement, feedback received and positions reached.**

Recognizing that substantial local knowledge is required to facilitate such a process can mean re-thinking how the PRIF development partners identify "experts." Under the Shared Approach, the ESIA (or similar assessment process) often will be the primary vehicle for consultation with local communities. Such assessments should be undertaken by persons knowledgeable about local environmental and social conditions, as well as local patterns of social interaction, traditional leadership, and grievance redress.

Topics and Issues	Shared Approach	Comments
<p>Disclosure</p> <p>The distance, remoteness, poor internet connectivity, and history of oral rather than written communication in the PICs present a challenge to meaningfully disclosing information and documenting the disclosure.</p>	<p>Disclosure is the process by which relevant information or documentation about a proposed project (including its objectives and specifications, as well as its intended benefits and potential adverse environmental and social impacts) is made available to those who may be affected (and other stakeholders). Under the Shared Approach, disclosure arrangements are to be based upon the following key attributes:</p> <ul style="list-style-type: none"> (i) Disclosure should be <i>adequate</i> in scope. The range of information to be provided should be adequate to allow those potentially affected to understand the project and its implications. If, as is frequently the case, sufficient information is not available at the time of initial disclosure, arrangements should be in place for subsequent re-disclosure as relevant information becomes available. (ii) Disclosure of project documents, including feasibility studies and reports, engineering and technical plans and reports, and safeguard due diligence documents, should be <i>timely</i>. Information should be disclosed prior to finalization of project documents, so that those potentially affected can bring potential problems or concerns to the attention of planners. (After decision-making is finalized, disclosure of revised and final project planning arrangements is also important for purposes of transparency, monitoring and grievance redress.) (iii) Disclosed information should be <i>accessible</i>. Information should be made available at locations in, or accessible to, potentially affected communities. Information also should be made available in a language and form accessible to local residents in potentially affected communities. This may mean that the contents of complex plans should be summarized, focusing on aspects of direct relevance to potentially affected communities, or may mean that information should be provided orally or through visual representations in areas of low literacy. <p>The Shared Approach does not replace any mandatory disclosure requirements of the PRIF development partners. The Shared Approach seeks to clarify the disclosure requirements and criteria that help to achieve meaningful consultation.</p>	<p>In addition to information regarding the project and its implications for local communities, full disclosure also includes providing information about project processes. In particular, information regarding the project grievance redress procedures and how and where to initiate and resolve grievances is necessary.</p> <p>Consideration should be given, when planning disclosure processes, as to how environmental and social documentation, can be made available at multiple levels, including national and local levels, which may require different methods. For example, it may be appropriate to post documents online at the national level, whereas at the local level, including in the project area, both online posting and hard copies in accessible locations may be necessary.</p>

Topics and Issues	Shared Approach	Comments
Section 5: Grievance Redress		
<p>Grievance Redress Mechanisms Given the cultural setting in the PICs, it is important that projects have an appropriate project level grievance redress mechanism (GRM). The GRM will need to address elements such as traditional governance arrangements, community and social structure (including hierarchy), and communication and logistics challenges as noted above.</p>	<p>An element of the early phase of the engagement process should be to identify potential options for an effective GRM that can benefit from traditional or practices already used in the project area. While it often is appropriate to base initial grievance redress procedures on local practices, it should not be assumed that local practices are fair and equitable in all instances, and alternative means of appeal should be available.</p> <p>The GRM should be proportionate to the risks and impacts of the project. GRM arrangements should specify performance standards, indicating who is responsible for decisions in what time frame, for each step involved in the process.</p> <p>The GRM implementation should be affordable and accessible to all parties, especially project-affected communities. The GRM is required to be readily accessible, culturally appropriate and gender sensitive.</p> <p>Given the importance and prevalence of oral communication in the Pacific, provisions to address this should be included in the design of the GRM. Nevertheless, it still needs to include provisions for documentation, routine monitoring and reporting.</p>	<p>It should be noted that GRMs are designed to deal with the full range of project-related grievances and are not restricted in their scope to environmental and social issues.</p> <p>Given the key role played by contractors, they will need to understand their role in implementation of the construction stage requirements of the GRM. This includes when and how to record, resolve and report on complaints from communities and individuals.</p> <p>In some cases, the requirements for a GRM to be both culturally appropriate and gender sensitive can be difficult. Understanding gender dimensions within cultural settings is key to designing consultation and grievance redress mechanisms which facilitate meaningful engagement with men and women while respecting customary/traditional leadership roles and systems.</p>



Topics and Issues	Shared Approach	Comments
Section 6: Construction Concerns		
<p>Construction Materials The availability of construction materials (sand, aggregate, rock etc.) needs to be assessed early on in project preparation. This is necessary because in many of the PICs, especially the atolls, availability of suitable materials is very limited. Materials often need to be imported from long distances.</p>	<p>The Shared Approach ESIA process identifies key stages where the issue of materials sourcing needs to be considered and addressed.</p> <p>The Shared Approach seeks to manage the sourcing of materials issue in recognition of the risks it presents to the environment, communities and project delivery.</p>	<p>As noted elsewhere in this table, often materials may be sourced from other countries and transported long distances by sea. Appropriate sourcing of materials and issues around logistics are important considerations.</p> <p>This issue must not be left to contract stage when there is little, if any, scope to address potential problems with materials sources. If this is not considered until contract award, it can lead to delays and cost over-runs (large contract variations) if materials need to be imported.</p>
<p>Construction Workforce and Labor In the Pacific context—compared with other regions—especially remote areas with small populations, a comparatively small workforce, brought in from outside, can create high risk and social impacts to host communities.</p>	<p>The social and cultural risks, including to children, women and vulnerable groups within host communities, need to be identified and assessed in the ESIA with clear measures to avoid or manage the risks tracked through to the ESMP, procurement plan and contract management.</p> <p>Measures should be considered in projects so that local employment and training goes to maximizing social benefits beyond a project's direct benefits.</p>	<p>Unskilled and semi-skilled roles in construction should be provided to local people as a priority. Where possible, workers brought in from outside should be for skilled positions or roles that cannot be filled locally, including elsewhere in the country. This issue needs to be specified in bidding documents, contracts and procurement plans and then monitored, together with requirements which reflect the measures identified to address risks and impacts. The influx of workers can pose risks to individuals and groups within host communities, particularly children, women and other vulnerable groups.</p>
<p>Health and Safety Does the Shared Approach include measures to address health and safety issues?</p>	<p>In the context of the Shared Approach, it is anticipated that PRIF development partners will apply their respective policies for health and safety for both workers and members of the community. Occupational health and safety requirements for workers and measures to protect the health and safety of individuals and the community should be identified as part of the environmental and social assessment process.</p>	<p>Many PRIF development partners make use of the WBG Environmental, Health and Safety Guidelines or have developed similar guidance on these issues.</p>

Topics and Issues	Shared Approach	Comments
Section 7: Special Issues		
<p>Special Issues In some cases, individual PRIF development partners have policies or processes that must be addressed in addition to the provisions of the Shared Approach.</p>	<p>In applying the Shared Approach, PRIF development partners undertake screening and safeguards categorization, application (or not) of Indigenous Peoples policy, and determination of documents and monitoring results to be disclosed according to their individual processes. However, two or more PRIF partners co-financing a project, for example, may decide to rely on the policies of one of the partners.</p> <p>The PRIF development partners are encouraged to use the Shared Approach in the PICs. It is recognized that use of the Shared Approach may be contingent on application of partner-specific provisions to the Shared Approach for a project to be eligible for funding.</p>	<p>The PRIF development partners will identify and provide the ESSWG with information concerning specific policies and/or policy provisions that may need to be placed on the list of special issues that need to be addressed if they are funding a project.</p>
<p>Child Protection Australia requires DFAT's Child Protection Policy be addressed in all Australian supported projects.</p>	<p>DFAT has a dedicated policy which sets out a zero-tolerance approach to child exploitation and abuse, and works to minimize such risks in its functions and programs.</p>	<p>Multilateral organizations and bilateral development partners funded by DFAT through the Australian aid program are expected to act in accordance with the policies and abide by relevant international declarations, conventions and agreements. Risk assessment requirements and child protection standards apply to DFAT-funded individuals and organizations. The policy can be accessed on www.dfat.gov.au/childprotection</p>
<p>Gender-based Violence (GBV) The WB recognizes the serious problem of GBV and requires it to be addressed in all WB-supported projects.</p>	<p>The WBG has explicit requirements and recommendations on addressing the risks of gender-based violence (GBV), in particular sexual exploitation and abuse (SEA) and sexual harassment (SH) in operations, including in major civil works in investment project financing it supports. These requirements and recommendations should be applied, as relevant, in identifying, assessment and managing the risks of GBV, SEA and SH in such projects.</p>	<p>The WBG's Good Practice Note addressing GBV can be accessed on https://www.worldbank.org/en/topic/socialsustainability/brief/violence-against-women-and-girls</p>

Topics and Issues	Shared Approach	Comments
<p>Sexual Exploitation, Abuse and Harassment</p> <p>Australia requires DFAT's Prevention of Sexual Exploitation, Abuse and Harassment Policy to be addressed in all Australian supported projects.</p>	<p>DFAT has a zero-tolerance approach to sexual exploitation, abuse and harassment, and works to minimize such risks in its functions and programs.</p>	<p>Multilateral organizations and bilateral development partners funded by DFAT through the Australian aid program are expected to act in accordance with the policies and abide by relevant international declarations, conventions and agreements. Risk assessment requirements and standards apply to DFAT-funded individuals and organizations. The policy can be accessed on www.dfat.gov.au/pseah</p>
<p>Asbestos</p> <p>DFAT does not permit use of asbestos and asbestos-containing materials in Australia's new aid activities. Australia requires DFAT's Asbestos Policy to be addressed in all Australian supported projects</p>	<p>DFAT aims to minimize the adverse effects of asbestos-containing materials on the health of workers, communities and the environment and supports a coordinated approach to addressing asbestos risks in its aid program.</p>	<p>DFAT's policy applies to investments it is financing or co-financing, including projects with PRIF development partners.</p> <p>DFAT's asbestos policy can be accessed on https://www.dfat.gov.au/aid/topics/aid-risk-management/Pages/asbestos-management-in-the-aid-program</p>
<p>Disclosure of Monitoring Results</p> <p>JICA's Guidelines for Environmental and Social Considerations 2010 require disclosure of results of monitoring conducted by or on behalf of the project proponent on its website for those investments it is financing or co-financing.</p>	<p>Generally, the Shared Approach will presume in favor of disclosure of project information. There will be exceptions as stipulated in communications and disclosure policies of individual PRIF development partners.</p>	<p>JICA's disclosure requirements apply to investments it is financing or co-financing, including with PRIF development partners.</p>

Topics and Issues	Shared Approach	Comments
<p>Prohibited Investment Activities ADB's Safeguard Policy Statement includes a list of prohibited investment activities for the investments it is financing or co-financing.</p>	<p>The list of prohibited investment activities of ADB will be applied to the investments it is financing or co-financing.</p>	<p>The Shared Approach does not seek to change policy. The requirements of each PRIF member's safeguards or other policy in respect of prohibited investment activities applies to the investments they are financing or co-financing under the Shared Approach.</p>
<p>Previously Agreed Alternative Arrangements for Land Use for Specific Purposes Under the Compacts of Free Association, the United States has unique rights for the designation of U.S. defense sites.</p>	<p>There are situations in which PICs have previously agreed to alternative arrangements regarding land use for specific purposes.</p>	<p>The Shared Approach does not seek to opine on or alter such agreements or arrangements.</p>



Table 2 Overview of Environmental and Social Planning and Management Activities by Project Phase

Project Phase	General Project Activities	Environmental and Social Assessment	Stakeholder Engagement	Grievance Redress	Disclosure	Land	Responsibility
1. Project Identification	Identification of proponent, allocation of resources, risk allocation, between government departments, development partners, contractors.	Initial risk assessment and screening.	Identification of key stakeholders and planning of engagement activities.	Review of status of and experience with any local GRM.	Review of potential approaches for disclosure of information on a project-specific basis.	Identification of land requirements and siting alternatives. Identification of existing ownership or tenure arrangements for each.	Process driven by counterpart with development partner interaction.

Milestone: Project Concept Note

Project Phase	General Project Activities	Environmental and Social Assessment	Stakeholder Engagement	Grievance Redress	Disclosure	Land	Responsibility
2. Project Preparation and Assessment	<p>Commencement of project management activities (including coverage of environmental and social management activities).</p> <p>Preparation of pre-feasibility, including initial project preparation and assessment, including terms of reference (TOR) for design and supervision and specialists and contractor.</p>	<p>Scoping and alternatives analysis informing project design. ESIA process (including ESMP) and framework for multi-project program.</p>	<p>Community/ stakeholder contribution to the design process, key environmental and social risks. Preparation of stakeholder engagement plan (SEP).</p>	<p>Identification of GRM for project and incorporation into consultations and assessment documents. GRM identified in the SEP.</p>	<p>SEP disclosed. ESIA report (and any other necessary safeguards plans or frameworks) publicly disclosed.</p>	<p>Consultation of owners or other stakeholders regarding site accessibility, potential impacts on land and resources, and possible mitigation options. If needed, land acquisition plan or framework for project with undetermined subprojects devised.</p>	<p>Consultant, counterpart, development partner</p>

Milestone: Decision Meeting/Appraisal/Negotiation/Board Approval



Project Phase	General Project Activities	Environmental and Social Assessment	Stakeholder Engagement	Grievance Redress	Disclosure	Land	Responsibility
3. Detailed Design, Engineering and Procurement	<p>Establishment of project management team (including coverage of environmental and social management activities).</p> <p>Identification of labor (and training) requirements.</p> <p>Preparation for pre-construction.</p> <p>Bid and contract documents prepared.</p>	<p>Updated ESIA/ESMP prepared. Impacts inform design.</p> <p>Environment and social input to bid documents and contract documents.</p> <p>Environment and social input to tender review.</p>	<p>Implementation of the SEP. Community informed of design details and environmental and social impacts, and how feedback was incorporated.</p>	<p>Establishment of GRM.</p>	<p>ESMP or other plans or frameworks updated to reflect detailed engineering design redesigned.</p>	<p>Options refined, negotiations with individual owners or communities finalized, or land and asset valuation finalized if expropriation is necessary. Land access agreements or land acquisition plans revised if necessary.</p>	<p>Design and supervision consultant, counterpart, development partner</p>

Milestone: Construction Contracts Awarded



Project Phase	General Project Activities	Environmental and Social Assessment	Stakeholder Engagement	Grievance Redress	Disclosure	Land	Responsibility
4. Pre-construction	Construction phase readied by project management unit/project implementation unit (PMU/PIU) working with supervision consultant and contractor.	Construction/ site-specific ESMP prepared by contractor (CESMP). ESIA/ESMP updated if required.* If specific mitigation measures are necessary, environmental or social baseline conditions are documented.	Community informed preferably four weeks prior to contractor mobilization, with details of activities, information on contacts and identification of liaison officer.	GRM implemented.	CESMP, schedule, GRM disclosed.	Site access transactions completed, including payments agreed in negotiated settlements, or payments of agreed compensation due as a result of expropriation. Transaction processes monitored.	Contractor, design and supervision consultant, counterpart, development partner
Milestone: Construction, Supervision and Monitoring							
5. Construction	Construction activities commenced. Contract management, progress supervision and monitoring,	CESMP implemented, new risks identified, CESMP updated and supervised.*	Community consulted periodically throughout construction.	GRM implemented for environmental and social aspects, including contractor handling small-scale complaints.	Environmental and social monitoring reports disclosed.	Monitoring of all aspects of the site access/acquisition process. Process adapted to meet any changes in project design, or in response to emerging issues or local grievances.	Contractor, design and supervision consultant, counterpart, development partner
Milestone: Project Implementation Completion Report							

* Data collection and monitoring provisions of ESMP undertaken.

Table 3 Tasks Relating to Environmental and Social Activities by Project Phase

Project Phase	General Project Activities	Environmental and Social Assessment	Stakeholder Engagement and Disclosure	Grievance Redress	Indigenous Peoples	Land	Health and Safety
1. Project Identification	<p>Identification of proponent, allocation of resources, risk allocation, risk allocation between government departments, development partner(s), contractors.</p>	<p>Initial risk assessment and screening. Early engagement with regulatory agencies (environment and land – regarding CSS laws/requirements). TOR prepared for project ESIA requirements, as appropriate.</p>	<p>Key stakeholder identification (national/sub-national)/local government, communities, civil society organizations/ non-governmental organizations) and engagement planning.</p>	<p>To be coordinated with stakeholder engagement to understand existing/traditional systems (local governance structures, arrangements, etc.).</p>	<p>Presence of Indigenous Peoples determined. Within urban or rural settings; customary/ communal land issues identified (including dialogue with any agencies). Requirement for broad community support assessed.² TOR prepared for project due diligence and assessment requirements (if any).</p>	<p>Land tenure constraints identified. Early engagement with regulatory agencies (environment and land). TOR prepared for project land access/acquisition process. TOR prepared for 3rd party verification.</p>	<p>Initial risk identification. Early engagement with regulatory agencies.</p>

Milestone: Generic understanding of the concept, its value. Decision to proceed to project preparation and feasibility study or not

² The definition of "broad support" used in the respective safeguard policies of PRIF development partners may vary.

Project Phase	General Project Activities	Environmental and Social Assessment	Stakeholder Engagement and Disclosure	Grievance Redress	Indigenous Peoples	Land	Health and Safety
2. Project Preparation and Assessment	Commencement of project management activities (including coverage of environmental and social management activities). Preparation of pre-feasibility, including initial project preparation and assessment.	Scoping and alternatives analysis (including community inputs). Risk identification and design response. Baseline data collection and analysis. Draft ESIA/ESMP prepared as appropriate.	Preparation of stakeholder/ community engagement plan (SEP). Consultations and engagement during ESIA and land access/acquisition process. Community/ stakeholders contribution to design process, key environmental and social risks. Draft ESIA and report on land access/ acquisition process publicly disclosed.	Identification of GRM and incorporation into consultation (and draft ESIA and report on land access process). Clear that GRM requires feedback loop to project implementation to resolve recurring issues/concerns.	Consultation and participation requirements and needs identified and integrated into project design, SEP and GRM. Identification of Indigenous Peoples' issues with regard to presence of any special interest, minority groups or specific vulnerabilities within the majority Indigenous Peoples; if present, development as measures tracked through to ESMP. Identification of culturally appropriate benefits.	Identification of stakeholders, land tenure, land access/acquisition arrangements/ options, SEP. Identification of options, costs, access procedures. Report on land access/acquisition process prepared.	Risk assessment for worker health and safety and community health and safety impacts.

Milestone: Decision to proceed with project or not

Project Phase	General Project Activities	Environmental and Social Assessment	Stakeholder Engagement and Disclosure	Grievance Redress	Indigenous Peoples	Land	Health and Safety
3. Detailed Design, Engineering and Procurement	<p>Establishment of project management team (including coverage of environmental and social management activities).</p> <p>Identification of labor (and training) requirements.</p> <p>Preparation for pre-construction.</p> <p>Bid documents and contract documents prepared.</p>	<p>Continued environmental and social assessment and update of existing documentation.</p> <p>Design informed by impacts.</p> <p>Key risks or issues around construction materials sourcing identified.</p> <p>ESIA/ESMP updated.</p> <p>Approvals/clearances under CSS.</p> <p>Environmental and social input to bid documents and contract documents.*</p> <p>Environmental and social input to tender review.</p>	<p>Implementation of SEP. Community informed of design details and environmental and social impacts and mitigations, how feedback was addressed and incorporated.</p> <p>Updated ESMP publicly disclosed.</p>	<p>GRM established and information disseminated.</p> <p>Parties informed of roles and responsibilities.</p> <p>Roles of parties clearly defined for each level and stage of the process.</p>	<p>Continued implementation of SEP to enable ongoing meaningful engagement.</p> <p>Confirmation of culturally appropriate benefits.</p>	<p>Potential costs refined. Land access/acquisition arrangements/options confirmed.</p> <p>Negotiations, valuations, as appropriate.</p>	<p>Health and safety risk management for workers and community which reflects CSS laws/regulations (as element of ESMP).</p>

Milestone: Construction Contracts Awarded



Project Phase	General Project Activities	Environmental and Social Assessment	Stakeholder Engagement and Disclosure	Grievance Redress	Indigenous Peoples	Land	Health and Safety
4. Pre-construction	<p>Readying of construction phase by PMU/PIU, working with supervision consultant and contractor.</p>	<p>Contractor to prepare CESMP reflecting results of environmental and social assessment. CESMP reviewed and cleared by PMU/ PIU/ PRIF development partner/ regulatory agency (if required). ESIA/ESMP updated if required.*</p> <p>Contractor to prepare materials sourcing and management plan(s) (cleared by PMU/PIU/ PRIF development partner and regulatory agency).</p> <p>Contractor mobilization and induction of contractor to site(s).</p>	<p>SEP implementation. Community informed preferably four weeks prior to contractor mobilization, with details of activities, information on contacts and identification of liaison officer. Contractor's schedule disclosed, including GRM implemented through CESMP.</p>	<p>GRM implemented and monitored.</p>	<p>Ongoing meaningful engagement, to inform any specifics required in GRM. Implementation of elements/measures in the ESIA and/ or IPP (if one is required).</p>	<p>Land access/ acquisition report updated, finalized. Transactions completed including payment (if applicable) and compensation for assets made and verified.</p>	<p>Health and safety plan prepared by contractor as part of CESMP.</p> <p>Engagement of approved service provider for delivery of program for awareness and prevention of communicable diseases for communities and workers.</p>

Milestone: Construction Commencement

Project Phase	General Project Activities	Environmental and Social Assessment	Stakeholder Engagement and Disclosure	Grievance Redress	Indigenous Peoples	Land	Health and Safety
5. Construction	Construction activities commenced. Contract management, progress monitoring.	CESMP implemented, new/unforeseen risks identified, CESMP updated, monitored and supervised.* Monitoring and reporting as required.	Ongoing engagement with communities and other stakeholders throughout construction. Environmental and social monitoring reports (audits and inspections) disclosed.	GRM implemented, including contractor handling and recording complaints directed to it. Monitoring and reporting as required.	Ongoing engagement. Ongoing implementation of measures as required. Monitoring and reporting as required.	Land access/ acquisition process repeated for any emerging issues. Monitoring and reporting as required.	Health and safety plan implemented with updating as required. Monitoring and reporting as required.

Milestone: Project Completion Report/Implementation Completion Report

* Data collection and monitoring provisions of ESMP undertaken.



Table 4 Roles and Responsibilities for Environmental and Social Planning and Management in the Project Phases

Roles and Responsibilities for Environmental and Social Management					
Project Phase	General Project Activities	Counterpart – Executing Agency	Counterpart – Implementing Agency (Incl. PMU/PIU)	Development Partner	Contractor
1. Project Identification	<p>Identification of proponent, allocation of resources, risk allocation, between government departments and PRIF development partner(s).</p>	<p>Commits to project development on behalf of government. Identifies, and makes arrangements with, implementing agency. Commits to broadly scoped project administration and management arrangements.</p>	<p>Undertakes screening of project. Provides information for scoping. Develops TOR for ESIA and third-party verification, as appropriate. Initial identification of and dialogue with stakeholders (as basis for SEP preparation).</p>	<p>Undertake field mission and site visit. Develops and endorses project concept. Undertakes initial safeguards screening and categorization of project Provides inputs to/clearances of TOR for ESIA, land access/acquisition process and third-party verification.</p>	NA



Roles and Responsibilities for Environmental and Social Management					
Project Phase	General Project Activities	Counterpart – Executing Agency	Counterpart – Implementing Agency (Incl. PMU/PIU)	Development Partner	Contractor
2. Project Preparation and Assessment	<p>Commencement of project management activities (including coverage of environmental and social management activities).</p> <p>Preparation of pre-feasibility, including initial project preparation and assessment.</p>	<p>Confirms that implementation of the project complies with all commitments.</p> <p>Enters into loan negotiations with development partner on behalf of government.</p> <p>Discloses environmental and social documents.</p>	<p>Prepares and implements SEP.</p> <p>Develops scoping and pre-feasibility documentation (including environmental and social documentation requirements) with assistance from consultants if required.</p> <p>Designs project administration and management arrangements (including for conducting ESIA, land access/acquisition process, Indigenous Peoples, and consultation and disclosure for environmental and social documents).</p> <p>Makes arrangements for third-party monitoring.</p>	<p>Provides advice on ESIA requirements to meet policies.</p> <p>Assists with TOR for consultants to help prepare the project (pre-feasibility, feasibility, design, etc.).</p> <p>Reviews feasibility study documentation, review, clearance and disclosure of environmental and social documentation.</p> <p>Undertakes field mission and site visits to validate findings.</p> <p>Approves project.</p>	NA



Roles and Responsibilities for Environmental and Social Management					
Project Phase	General Project Activities	Counterpart – Executing Agency	Counterpart – Implementing Agency (Incl. PMU/PIU)	Development Partner	Contractor
3. Detailed Design, Engineering and Procurement	<p>Establishment of project management team (including coverage of environmental and social management activities).</p> <p>Identification of labor and training requirements.</p> <p>Preparation for pre-construction.</p>	<p>Supports the implementing agency and PMU/PIU for preparation and submission of project documentation, including bids and contracts.</p> <p>Confirms budget and funding availability for PMU/PIU and provides counterpart support and contribution to the project.</p> <p>Discloses environmental and social safeguard documents on behalf of government.</p>	<p>Undertakes ongoing stakeholder engagement in accordance with SEP.</p> <p>Integrates updated ESMP including permit/license consent conditions into bid and contract documents and technical specifications.</p> <p>Recruits consultants for detailed design and supervision.</p> <p>Based on detailed design, updates ESIA and plans.</p> <p>Submits applications to regulatory agency for environmental (and other) clearances or approvals under CSS.</p>	<p>Reviews detailed design and updated safeguard documents (ESIA and plans, including those related to land and Indigenous Peoples).</p> <p>Provides environmental and social input to the procurement process.</p> <p>Discloses updated safeguards documents (ESIA and plans).</p> <p>Provides support as required to the implementing agency.</p> <p>Conducts review missions.</p> <p>Confirms third-party monitoring arrangements.</p>	NA

Roles and Responsibilities for Environmental and Social Management					
Project Phase	General Project Activities	Counterpart – Executing Agency	Counterpart – Implementing Agency (Incl. PMU/PIU)	Development Partner	Contractor
4. Pre-construction Phase	<p>Readying of construction phase by PMU/PIU, working with supervision consultant and contractor.</p>	<p>NA</p>	<p>Ongoing stakeholder engagement in accordance with SEP.</p> <p>Establishes the grievance redress mechanism (GRM) and reporting channels.</p> <p>Confirms that the requirements under CSS (including permits for associated activities – waste discharges, materials sourcing, etc.) have been satisfied.</p> <p>Confirms that the baseline conditions are benchmarked and recorded as required by the ESMP for subsequent monitoring.</p> <p>Provides induction training to the contractor(s) prior to the preparation of the CESMP. As required, works with the contractor to identify appropriate construction methodologies and site-specific mitigations.</p> <p>Reviews and approves the CESMP and materials sourcing and management plans.</p>	<p>Reviews ESMP and measures included in bidding documents.</p> <p>Provides advice, guidance and clearance for contractor's CESMP.</p> <p>Provides support as required to the implementing agency and contractor.</p> <p>Conducts review missions.</p>	<p>Nominates suitably qualified environmental and social specialists to prepare CESMP.</p> <p>Prepares CESMP including the site-specific plans and construction methodologies (working methods, materials sources, spoil disposal locations, methods and GRM), submits CESMP to PMU/PIU for reviews and approval (revising as necessary if required).</p> <p>Works with PMU/PIU on obtaining necessary regulatory and administrative permits and approvals.</p> <p>Designates environment, health and safety, and community liaison officers for implementation of CESMP, GRM, environmental and social measures.</p> <p>Identifies materials and equipment sources and arranges necessary permits, and landowner agreements for temporary use areas, as appropriate.</p> <p>Provides pre-mobilization induction on CESMP to employees.</p>

Roles and Responsibilities for Environmental and Social Management					
Project Phase	General Project Activities	Counterpart – Executing Agency	Counterpart – Implementing Agency (Incl. PMU/PIU)	Development Partner	Contractor
5. Construction Phase	<p>Construction activities commenced.</p> <p>Contract management, progress monitoring.</p>	<p>Reviews progress reports and monitoring reports and discloses documents.</p>	<p>Undertakes ongoing stakeholder engagement in accordance with SEP.</p> <p>Enforces contract conditions.</p> <p>Supervises, monitors and reports on contractor(s)' implementation of CESMP.</p> <p>Audits construction phase through inspections (including identifying correction actions) and reviews monitoring data.</p> <p>Prepares and submits progress and monitoring reports to executing agency and development partner.</p>	<p>Conducts review missions (including identifying correction actions).</p> <p>Reviews contractors' reports, counterpart's progress and monitoring reports and discloses documents.</p>	<p>Implements approved CESMP including GRM.</p> <p>Reports on progress of CESMP, GRM implementation and corrective actions.</p> <p>Undertakes field-based monitoring and site inspections. Works closely with supervision engineer representing the PMU/PIU.</p>

Annex: Topics and Issues of Particular Relevance in the Pacific Islands



1. Land: A Special Approach in the Pacific

Introduction

Among the challenges in infrastructure development in the PICs, obtaining access to land can be one of the most difficult. This difficulty reflects two linked constraints. Physically, land is an extremely limited resource in most locations. Culturally, most land is communally-owned or held in some form of communal public trust, and deemed by the owners to be inalienable.

Like virtually all sovereign states, the PICs have the legal authority to take land for public purposes. In the PICs, however, governments rarely resort to formal legal expropriation. In some PICs the prospect of stiff local political or social opposition discourages taking of property through force of law while in other countries the necessary process of identifying, recording and then registering landowners - all steps required prior to acquisition - is a process too lengthy and cumbersome to undertake. Government agencies typically try to find alternative means to secure land access through various forms of negotiation with landowning communities.

This approach generally is consistent with the land acquisition and resettlement policies of PRIF development partners. It minimizes involuntary land acquisition, accentuates the participation of local communities, and helps to ensure that communities receive compensation and/or forms of benefits that are acceptable to them. It is more culturally appropriate to create temporary usage rights than to alienate land by sale/purchase or the exercise of eminent domain.

The Shared Approach promotes consultation with potentially affected communities as an integral part of any process to obtain land access. Articulation of broad community support is essential in obtaining land access, for construction, and for sustainable project operation. While the views of traditional leaders should be solicited, it is also important to engage communities in a broad and inclusive manner. Because negotiations to obtain land access may involve the risk of inequitable distribution of any negotiated benefits as well as adverse impacts within local communities, the planning process should not assume that traditional leaders necessarily represent the interests of all community members. Consultations and planning processes should promote transparency and accountability in all processes to obtain land access. For additional guidance on consultation purposes and methods, see Section 2, on "Stakeholder Engagement: Consultation, Disclosure and Grievance Redress Mechanisms."

The present section provides a basis for facilitating land access for development purposes in the PICs, sets out different options to obtain land access and describes steps to be taken for each of those various methods, as an element of the Shared Approach. These steps provide PRIF development partners with assurance that the interests of potentially affected persons will be protected, and that the safeguard policies will be met. This includes disinterested third-party verification of the process for alternative land access arrangements.

Project Identification

Finding an appropriate site for development purposes requires an initial screening process that considers many factors, including technical suitability, ownership status and current usage. The logical starting point in site selection is to formulate the technical requirements, including site size and locational attributes. Linear investments (such as roads or electricity transmission or distribution lines, for example) require continuity of alignment. Some projects may have specific site requirements (access to existing roads or ports, or access to water for intake or outfall, for example). But other projects may not have such binding locational prerequisites, providing greater flexibility for siting. As feasible, based on the technical requirements, more than one site should be identified for detailed consideration.

At the project identification stage, the Shared Approach also addresses identification of ownership and current use of the sites under consideration. Common forms of land rights may include, but not be limited to, state land, customary ownership, communal or public trust land (deemed inalienable), and private land. Where land law or registration is well established, determining ownership or tenure may be relatively straightforward. In many instances, however, consultation with local leaders may be essential in confirming that tenure status is mutually understood and accepted. Site inspection and local consultation is necessary to determine ownership and current use or occupancy, and to identify claims that may later complicate obtaining land access. Site inspection and consultation is also essential in identifying patterns of resource use within and adjacent to potential project sites.

No formal documentation regarding potential site access is specified in the project identification stage. However, results of site inspections and any local consultations should be recorded, and used as inputs in ongoing site decision-making processes. At the project identification stage, different options for land access should be considered, including siting alternatives and land tenure systems.

Project Preparation and Assessment

This stage includes detailed assessment of alternative sites, including consultations with owners or other stakeholders regarding the proposed project, its potential impacts, and the likelihood of site accessibility under various methods of obtaining access. This process enables the relevant public agency and PRIF development partners to compare alternatives, estimate costs of each, and proceed with site selection.

Based on the potential range of alternative sites and the existing tenure status of each, key considerations and documentation requirements for different options for obtaining access to land are provided in Table A.1.

Given that the definition of risks and impacts of the respective PRIF development partner policies may vary, this table sets out minimum requirements relating to each land access option under the Shared Approach; the policies of some PRIF development partners may require other specific actions depending on the option.



Table A.1. Land Access Options, Considerations and Documentation Requirements

Option	Primary Stakeholders	Key Risk Management Considerations	Procedural Aspects and Documentation
Use of State Land			
Use of state land	State agency or land management agent	<p>(i) Consider any existing land use or occupancies or encumbrances.</p> <p>Because the potential for expropriation exists, the policies of some PRIF development partners may require specific actions to protect the interests of affected persons, including compliance with procedural requirements and the preparation of a land acquisition plan (as described below, under <i>Formal Expropriation As Prescribed By Law</i>).</p>	Formal letter or other transfer document, subject to policies of the concerned PRIF development partner.
Voluntary Transfer of Use Rights			
Transfer of use negotiated on basis of informed consent, for donated use (no payment) or lease (payment)	Owner(s)/ Users	<p>(i) Dissemination of relevant information about the project and its implications for types and duration of land use.</p> <p>(ii) Existence of suitable alternative sites; no initial steps taken by project proponent to obtain authority to expropriate.</p> <p>(iii) Agreement reached on all terms, on basis of informed consent.</p> <p>(iv) Identification and resolution of any claims or disputes relating to ownership or use rights.</p> <p>(v) For communally owned customary land, measures may be necessary to mitigate any adverse impacts that would be borne by those already using or occupying the land.</p> <p>The Shared Approach provides for validation by a disinterested third party of the voluntary transfer of use rights, whether such transfer is for compensation or not.</p> <p>Because the potential for expropriation exists, the policies of some PRIF development partners may require specific actions to protect the interests of affected persons, including compliance with procedural requirements and the preparation of a land acquisition plan (as described below, under <i>Formal Expropriation As Prescribed By Law</i>).</p>	<p>Formal, signed domestic-law agreement establishes range and duration of use rights to be transferred, as well as any negotiated terms or considerations.</p> <p>Fulfillment, of any agreed obligations.</p> <p>Fulfillment of any CSS requirements.</p> <p>Third-party verification of process and any specific requirements under CSS.</p>

Option	Primary Stakeholders	Key Risk Management Considerations	Procedural Aspects and Documentation
Voluntary Transfer of Ownership			
Contractual agreement, negotiated on basis of informed consent, for land donation, or sale on a willing buyer-willing seller basis	Owner(s)/ Users	<p>For land donation, measures are taken to demonstrate that land is donated under conditions of “informed consent” and understanding of any alternative arrangements available. The Shared Approach provides that those potentially donating land owners are aware:</p> <ul style="list-style-type: none"> (i) About the project and its purposes; (ii) That donation means they are to be deprived of ownership; (iii) That they can refuse to donate the land, in whole or in part, or to negotiate terms for use; (iv) That suitable alternative sites exist for project use (if a particular site has technical or locational attributes making it necessary for project use, an implicit threat of expropriation exists; the owner cannot logically refuse use on a voluntary basis for land that has been deemed essential to project purposes); and (v) That other directly affected users (family, in the instance of private land donation, or community users in the instance of communal land donation) also are aware of donation terms, and either accept them or have alternative means available by which any adverse impacts upon them will be mitigated. <p>All terms regarding land donation are documented in a land donation agreement.</p> <p>The Shared Approach provides that the land donation agreement is validated by a disinterested third party.</p> <p>For sale on a willing buyer-willing seller basis, a valid sales contract is negotiated on the basis of informed consent. Resolution of any competing claims to ownership also is necessary prior to transfer of the land for project purposes.</p>	<p>For donation: a documented land donation or in-kind contribution agreement governed by domestic law.</p> <p>Fulfillment of any legal requirements regarding registration of lease agreement or terms of transfer.</p> <p>Fulfillment of any CSS requirements.</p> <p>Third-party verification of process.</p> <p>For sales: signed domestic-law sales contract; explain fulfillment of all legal requirements for registration, titling or transfer of ownership; fulfillment of all contractual obligations.</p>

Option	Primary Stakeholders	Key Risk Management Considerations	Procedural Aspects and Documentation
Negotiated Settlement for Transfer of Use Rights or Ownership			
Negotiated settlement for access (on temporary or permanent basis) to land identified as essential for project purposes	Owner(s)/ Users	<ul style="list-style-type: none"> (i) Dissemination of relevant information regarding the project and its potential implications for land use or ownership, including potential for expropriation. (ii) In the case of communally owned customary land, consultation with affected communities to solicit opinions and concerns of leaders as well as users of proposed sites. If a particular site has technical or locational attributes making it necessary for project use, an implicit threat of expropriation exists; the owner cannot logically refuse use on a voluntary basis land that has been deemed essential to project purposes. (iii) Agreement reached with owners and users on all terms. In the case of communally owned customary land, this may include community acceptance of arrangements for equitable access to, or distribution of, project-related benefits, as well as arrangements for mitigating adverse impacts that would be imposed on users within the community (including loss of access to resources other than land). (iv) Determination that other directly affected users (family, in the instance of private land donation, or community users in the instance of communal land donation) also are aware of terms, and either accept them or have alternative means available by which any adverse impacts upon them will be mitigated. (v) Identification and resolution of any conflicting claims or disputes regarding use rights or ownership. <p>All terms regarding transfer of use rights are documented in an agreement.</p> <p>Because the potential for expropriation exists, the policies of some PRIF development partners may require specific actions to protect the interests of affected persons, including compliance with procedural requirements and the preparation of a land acquisition plan (as described below, under <i>Formal Expropriation As Prescribed By Law</i>).</p> <p>The Shared Approach provides that the agreement be validated by a disinterested third party.</p>	<p>Terms of domestic-law agreement are finalized in writing, and signed by both the owners and the responsible project entity.</p> <p>In the case of communally owned customary land, community consultations are summarized and indicate broad community support, and arrangements for mitigating adverse impacts on users are formulated.</p> <p>The land use agreement specifying all relevant terms of usage, and summary of consultations are disclosed.</p> <p>Third-party verification of process.</p>

Option	Primary Stakeholders	Key Risk Management Considerations	Procedural Aspects and Documentation
Formal Expropriation As Prescribed By Law			
Expropriation	Owners	<p>If expropriation is undertaken, a wider range of actions is necessary to protect the interests of affected persons. In addition to compliance with legal and procedural requirements of the government, the public agency promoting the project investment must demonstrate compliance with the procedural requirements and standards of the relevant PRIF development partner or partners. While specific requirements may vary, they are likely to include preparation of a land acquisition plan describing:</p> <ul style="list-style-type: none"> (i) Measures taken to inform potentially affected persons and communities, and to consult with them on their preferences and concerns; (ii) The range and scope of potential adverse impacts relating to land acquisition and/or loss of access to resources; (iii) A census of affected persons and inventory of fixed assets they are likely to lose; (iv) Identification of affected businesses, tenants, or others whose livelihoods may be disrupted because of land acquisition; (v) Asset valuation and compensation standards (consistent with a replacement cost criterion); (vi) For communal lands, description of arrangements for equitable distribution of compensation or other assistance to those members directly affected; (vii) Other transitional assistance measures needed to promote restoration of livelihoods or living standards, as a result of either physical or economic dislocation; (viii) Measures to restore or replace public or community infrastructure or services; (ix) Transitional support measures for any groups (e.g., ethnic minorities, women, children, the elderly and the disabled) that may be particularly vulnerable to hardship as a result of land acquisition; (x) Organizational arrangements for land acquisition and provision of all forms of assistance; (xi) Implementation timetable and budget estimating costs and establishing financial responsibilities, with contingency arrangements; (xii) Arrangements to monitor implementation effectiveness, until implementation of all support measures is complete; (xiii) Arrangements for raising and addressing grievances; and (xiv) Eligibility criteria for compensation and all other forms of assistance, summarized in an Entitlements Matrix. 	<p>Fulfillment of all legal requirements and processes relating to expropriation.</p> <p>Implementation of land acquisition plan.</p> <p>The scope and scale of plan requirements are proportional to potential risks and impacts.</p> <p>Additional guidance on planning requirements and procedures is available from PRIF development partners.</p>

Land access issues are addressed in accordance with the above for all project activities defined by the time the PRIF development partner commits to project participation (usually at the appraisal stage). For projects with multiple subprojects to be defined during implementation, a framework document specifies how and when the government counterpart agency or agencies responsible for obtaining land access plans to address land access issues as future subprojects are identified.

Depending on project timing and complexity, it may not always be possible to meet all necessary procedures and finalize all necessary documents during the Project Preparation and Assessment stage. Under such circumstances, the public agency promoting the project may summarize the results of the assessment, and provide and disclose preliminary land acquisition plans or reports on the status of negotiations. The scope and scale of available information should be satisfactory to the PRIF development partner as a basis for internal review or appraisal of the proposed project.

Detailed Design, Engineering and Procurement

In the detailed design stage, some aspects of project design may change, or new information may emerge regarding the scope or scale of project-related impacts. For obtaining land access, all arrangements should be finalized in this stage. This includes finalization of the land access option/method, and any land acquisition plans required for cases of expropriation. Any required plans are also publicly disclosed as they become available. Required final documentation, which may include assessments, domestic law agreements and plans, is provided to the PRIF development partner for review and concurrence prior to awarding of construction contracts or, in exceptional circumstances, prior to initiation of works.

Pre-Construction

The fundamental objective in this stage is to formally and physically obtain site access. By the end of this stage, purchase or lease payments should be made and other contractual terms fulfilled for open market transactions; any negotiated compensation or other assistance should be provided in accordance with negotiated settlements; any negotiated terms should be observed to effectuate transfer of use rights; all necessary steps should be taken to effectuate any land donation on a permanent basis; and/or compensation and other forms of assistance should be provided as required under land acquisition plans associated with expropriation. All forms of payment and assistance (except, in some cases, for livelihood restoration, or for support to vulnerable groups as may be required under land acquisition plans) should be provided prior to impact (e.g., before the site can be obtained for use).

For open-market transactions, land donations, arrangements to obtain temporary use rights, and often for negotiated settlements, the site acquisition process is completed when all terms of contracts or agreements have been fulfilled. For negotiated settlements involving distribution of compensation or other benefits to community members, and for land acquisition plans associated with expropriation, provision of compensation and assistance should be monitored to enable timely and complete payment to those entitled to receive it. Monitoring at this stage also reviews the GRM processes, identification of recurring issues and any problems with the effectiveness of the system in addressing them.

Construction

Implementation monitoring and processing of grievances continue until all forms of assistance in negotiated settlements or in land acquisition plans have been provided, and until construction is complete. While payment of compensation and provision of most forms of assistance normally is concluded prior to construction, monitoring may be necessary regarding the effectiveness of required actions that may occur during construction. Attention should be paid to undertaking actions to restore or replace community facilities or services in a timely manner.

Unanticipated or unintended impacts on land or fixed assets also may occur in this phase, often as a result of construction activities. These may include construction-related property damage or prolonged disruption of local access as a result of construction delays. Monitoring (including periodic consultation with affected communities) and the GRM process provide means for resolving any residual impacts in a timely and constructive manner.

Operation

Under normal circumstances, the land access process is complete, or nearly complete, by the end of the construction stage. All specified mitigation actions should be monitored until they have been fully implemented.

Even after construction and the land access process are complete, the project management agency should establish arrangements for continuing to manage community relations over time. These arrangements could include, for example, provisions for delivery of any ongoing benefits that may have been agreed, as well as provisions for responding to unanticipated disruptions to services or facilities that are related to project operations.



Box A.1: Promoting Voluntary and Transparent Land Donation

Donation of land by individuals or communities is an important means of obtaining land access for public development purposes in the PICs. This may occur in the form of transfer of use rights for a specified duration, or in the form of transfer of ownership. The Shared Approach emphasizes the importance of procedures to verify that land donation is voluntary, fair and transparent. To support this, adequate information should be made available to participating parties and the process of land donation independently verified.

The fundamental aspects that need to be verified are that any donation is genuinely voluntary; that there is the “power of choice;” and that people donating land are fully apprised of potential project impacts. PRIF development partners view land donation as acceptable only if it can be shown that any significant impacts on the livelihoods or living standards of all owners and users will be mitigated. In application of the Shared Approach, PRIF development partners expect project proponents to inform potential land donors of the following:

- (i) What the land is going to be used for, by whom and for how long;
- (ii) What restrictions on use may be imposed, or whether transfer of actual ownership will be required, as a result of temporary or permanent land donation;
- (iii) That donors have a right to refuse to donate the land, and/or if they choose, are free to negotiate all terms of donation;
- (iv) Whether there are proposals which would allow other land to be used;
- (v) What donors will need to do to donate the land, what costs may be involved, and who will bear any such costs; and
- (vi) The potential effect of the donation on family members (for donation of private land) or other users (for donation of customary land subject to donation by traditional leaders).

The above points assume that it is straightforward to identify owners of the land, and that there are no competing claims or disputes over that land. Clearly this is not always the case. In application of the Shared Approach, information regarding proposed land access requirements, and means to address any competing claims, is disclosed locally. In the case of potential donation of customary lands, communities are consulted to identify all users of the land in question.

To foster transparency, terms of agreement regarding any land donation are put into writing and signed by both the project entity receiving the land and the donor. For customary land donation, the terms of agreement also are disclosed locally. All terms under which land use rights (or ownership) have been donated are included in the land donation agreement. Under the Shared Approach, the land donation agreement is validated by a disinterested third party.

Box A.2: Promoting Fair and Transparent Negotiated Settlement

In the PICs, government agencies rarely resort to formal expropriation procedures, even when it is clear that access to a particular parcel of land is necessary for development purposes. In many instances, land access can be obtained through voluntary means (e.g., open market lease or purchase, or land donation). In other instances, where a land parcel has been identified as necessary for project purposes, the Shared Approach recognizes that a negotiated settlement process may be an acceptable alternative to expropriation proceedings. Through negotiated settlement, both owners and project entities can negotiate terms for transfer of land use rights or ownership in a manner that is likely to be more flexible and efficient than formal expropriation under law.

Because a negotiated settlement process is conducted in the context of the potential use of eminent domain, the Shared Approach emphasizes the importance of procedural requirements to provide fair treatment of potentially affected persons. These requirements are:

- (i) Disclosure of information to the affected person regarding the project, its purposes, its siting requirements, and its potential implications for land use rights or ownership.
- (ii) Obtaining prior formal agreement of owners to engage in a negotiated settlement process, indicating they are aware of potential implications on land use rights or ownership.
- (iii) For communal land under customary ownership, potentially affected communities are consulted, to identify the range of land users and to solicit their concerns and preferences.
- (iv) Where required, mitigation measures are put in place if the livelihoods or living standards of communal land users will be affected through the negotiated settlement process.
- (v) Following negotiations, terms of agreement are finalized in writing, and signed by both owners and responsible project entities. For communal land under customary ownership, the terms of agreement are disclosed in potentially affected local communities.
- (vi) Disclosure of information to affected persons regarding access to an established grievance redress process, to register complaints regarding failure to follow negotiated settlement terms or other relevant issues.

Because of the possibility of use of eminent domain where a negotiated settlement is being pursued, the policies of some PRIF partners may include the development of a land acquisition plan, as described in Table A.1 in the section on *Formal Expropriation As Prescribed By Law*.

2. Stakeholder Engagement: Consultation, Disclosure and Grievance Redress Mechanisms

Introduction

Stakeholder engagement is an important aspect of international good practice in development planning everywhere. The term refers to the process of soliciting the concerns and preferences of all persons or entities who may have an interest in the proposed project or its objectives and reflecting those comments and concerns into the design of the project.

In recognition of the close linkage between local communities and the natural environment in the PICs, the Shared Approach focuses primarily upon stakeholder/community engagement strategies and methods.

The PRIF development partners promote stakeholder/community engagement processes – information disclosure, community consultations, and grievance redress measures – as essential tools in designing and implementing development projects in the PICs. Effective stakeholder/community engagement serves the interests of both project proponents and communities. Informing communities about a proposed project's scope of activities and potential environmental and social impacts (positive and negative) can minimize rumors or misinformation, provide assurances of fair treatment to communities, and reduce local opposition. Soliciting information from communities regarding their preferences and concerns can yield local knowledge helpful to project design or operation, help to identify appropriate means for managing any adverse environmental or social impacts, and help to identify means for communities to obtain culturally appropriate benefits as a result of the project.

Ensuring that community members have access to responsive grievance redress procedures increases the likelihood that concerns will be addressed in a timely manner, reducing the likelihood of legal challenges or public controversies that can impose costly implementation delays. In sum, effective stakeholder/community engagement promotes transparency and accountability, as well as more efficient project implementation.

The PRIF development partners recognize and respect the value of traditional community communication, consensus-building and grievance redress/conflict resolution processes in the PICs, but also recognize a need to verify that those processes function in a manner consistent with the effective stakeholder/community engagement and benefit sharing that underpin development projects, or are supplemented with alternative arrangements where necessary.

The PICs generally have robust traditional methods within their communities for exchanging information and building consensus. Such methods establish roles in community decision-making and processes for managing disputes within the community. Though traditional means of communication and dispute resolution may be effective for many areas of everyday community life in the PICs, they vary in significant ways and do not correspond necessarily to the prerequisites for effective stakeholder/community engagement espoused by PRIF development partners. Several issues may arise in traditional practice. Information may not be broadly shared within the community. Internal consultation and decision-making processes may not include women or other social groups. Collective consensus-building may not adequately protect the interests of individuals in some circumstances. Or decision-making power may be concentrated in traditional leaders or chiefs, who may favor their own interests over those of others, or who may engage in "rent-seeking" behaviors at the expense of project proponents.

This section describes key attributes for effective stakeholder/community engagement in the PICs' cultural contexts, conducted in ways consistent with the policies of PRIF development partners. It also describes steps to be taken as an element of the Shared Approach throughout the project cycle.

Key Attributes for Effective Stakeholder/Community Engagement

In the Shared Approach, stakeholder/community engagement encompasses three distinct but related communication activities – information disclosure from project proponents to relevant communities (or the broader public), consultation between project proponents and relevant communities, and grievance redress procedures by which community members can seek remedial action from project proponents. Each of the three activities has key attributes, as follows:

Information Disclosure

The purpose of disclosure is to ensure that persons potentially affected by a proposed development project (as well as other potential project stakeholders) are informed about project goals, activities, timing, likely benefits or adverse impacts, or other aspects of relevance to them. To be effective, disclosure must be timely; there is little purpose in providing information after the opportunity to act upon it is lost. Disclosure is conducted in an accessible location and language. In some instances, special effort may be advised to enable information to be accessible to women or other groups who otherwise may be excluded. Though much of the disclosure is likely to occur in early phases of the project cycle (identification, project preparation and assessment, and detailed design), disclosure may also be necessary in construction and operation phases in response to changing circumstances.

Consultation

The fundamental purpose of consultation is to enable project proponents to be informed about community perspectives, preferences, concerns and constraints relating to the proposed project. Consultation refers to a variety of informal and formal activities, ranging from casual and sporadic conversations with community members to official community hearings. Often, the ESIA (or other screening or assessment exercise) serves as the primary vehicle for local consultations. To be effective, consultation should be recognized as an inherently qualitative process. It should be timely; it should be done when there is ample time in the process to influence decision-making with regard to the proposed project, its design, its implementation arrangements and its operation. It should be inclusive; the views of traditional leaders should be supplemented with views of others to be directly affected by the project, including those (women, minorities) whose participation in deliberative processes may be discouraged. It should be open; consultation should be conducted in a manner conducive to frank discussion, without interference or fear of reprisal. And it warrants a response; the project proponents or representatives should explain how consultation results are to be used in project assessment and design, should subsequently summarize and disclose consultation results, and should formulate responses to communities on key issues or concerns that are raised.

Consultation is especially important in formulating project design and plans. In these early stages of the project cycle, consultation may be undertaken as a key input for an ESIA process, as a separate activity, or both. But consultation also is intended to continue throughout the project cycle, through implementation monitoring processes or other means.

Grievance Redress Mechanisms

The fundamental purpose of grievance redress is to enable responsive and fair treatment for those who claim to have been harmed in the development process, either through imposition of adverse impacts, through abridgement of rights, or through inadequate or inequitable application of project processes. To be effective, grievance redress should be systematic, with an established and disclosed set of procedures. It should be accessible and affordable. It should be structured to be capable of rendering impartial results, in a manner independent from project management. And it should be responsive, with established performance standards and procedures for replying to those raising claims.

In many cases, traditional dispute resolution processes may be more established and more effective than those that may be specifically established for project purposes. Care must be taken, however, to verify that traditional processes can accommodate the range of issues that may arise in a development project, and are adequately objective and responsive to claims raised. In some instances, a project-related grievance redress mechanism may be an alternative means of appeal for those dissatisfied with the results of traditional processes, or those who do not expect to be treated fairly in traditional processes. It also is essential to inform claimants that they retain recourse to legal action, as a last resort.

The GRM is required to be readily accessible, culturally appropriate and gender sensitive. In some cases, the requirements for a GRM to be both culturally appropriate and gender sensitive can be difficult. Understanding gender and youth dimensions within cultural settings is key to designing consultation and GRMs that facilitate meaningful engagement with men and women while respecting customary/traditional leadership roles and systems.

Grievance redress processes are assessed or designed in the early phases of the project cycle, and should be functional as project design and plans become final and the construction phase begins. Some form of grievance redress should remain accessible throughout the operational life of the project.

Project Identification

At the project identification stage, initial ideas about the purpose, scope or size, location, and performance parameters for a project are beginning to take coherent shape. With regard to stakeholder/community engagement, the fundamental task at this stage is to undertake some form (formal or informal) of stakeholder analysis. This process is intended to identify communities that may be affected by the siting or operation of a project, the people who may be expected to benefit from project-related activities, and the people who may be expected to have issues with the proposed project or elements of its design for historical, cultural, political or other reasons. This information is important for gaining an initial picture of the environmental and social context in which the project would be placed, for identifying the range of communities or constituencies to be engaged, for estimating the scope or scale of engagement required, and for informing the design of any more detailed assessment studies that may be necessary.

An initial environmental and social screening of the project context should inform the stakeholder analysis. A project with minor physical impacts (rehabilitating existing works, for example) usually requires very little (and perhaps short-term) stakeholder/community engagement, especially if the communities involved are already known to be supportive of the works. But in the PICs, even small-scale projects may pose environmental or social risks that require management. A project requiring site acquisition or otherwise potentially affecting local livelihoods or lifestyles is likely to require more protracted engagement. Similarly, projects that may require active community support, or that intend to promote social or behavioral change (waste management practices, or sanitation practices, for example) require extensive stakeholder/community engagement. While infrastructure developments are intended to benefit communities, they may also expose individuals and groups within such communities to a range of social and cultural risks. The influx of workers, for example, may increase pressure on local resources and expose women, girls and children to increased risks of harm, including sexual exploitation and/or physical violence, if risks are not considered and adequately addressed.

Though the potentially relevant issues used to identify stakeholders may vary from context to context, the following are quite common:

- (i) Which communities will be included in the proposed project's general area of influence?
- (ii) How are their demographics (including gender), economy, culture, politics, or history likely to relate to the project, its objectives and its activities?
- (iii) How is local leadership exercised and what are the traditional governance arrangements, and how open and broad-based are deliberative processes? Whose participation may be excluded or discouraged?
- (iv) How will the project affect local environmental conditions? What constraints would there be on effective environmental management during construction?
- (v) Who will be affected by land acquisition, changes in land tenure, or restrictions on access or use of natural resources?
- (vi) How will the project potentially benefit the community and how equitably will those benefits be distributed?
- (vii) Will the project (including during the construction phase) adversely affect the community, social networks, traditions and customs, etc., or put vulnerable individuals, women, girls or children at risk of harm; and if so, how?

When a preliminary picture of the environmental and social context is available, the project proponent (in conjunction with PRIF development partners) can formulate a stakeholder/community engagement plan, commensurate to the scope and significance of issues and impacts. No impermeable boundary exists between the project identification stage and the project preparation and assessment stage; in some contexts, some level of informal information exchange or consultation may occur even as project design takes shape – there can be value in that practice. But the Shared Approach requires no specific action or formal documentation regarding stakeholder/community engagement in the project identification stage.

Project Preparation and Assessment

The fundamental purpose of this stage is to refine the project concept, initiate designs, select from among potentially feasible sites, and assess the technical and financial parameters of the project. With regard to stakeholder/community engagement, the project proponent devises a stakeholder/ community engagement plan (if not done earlier), and begins to engage with communities through both information disclosure and consultation.

A stakeholder/community engagement planning process is intended to determine more than which communities should be engaged and how to do so. It also helps in devising an appropriate strategy and methods. If land acquisition will be involved, for example, disclosure and consultation should be conducted in line with requirements for preparing a resettlement plan. Similarly, it is important to determine when and how environmental assessment will be undertaken, whether a social assessment is necessary and, if so, what form it should take (stand-alone or part of an integrated ESIA and ESMP), and TOR to establish scope and methods for necessary assessments.

Care should be taken in deciding on the form and scope of social assessment studies. In the PIC context, even relatively minor changes in land use, in environmental conditions, or in local distribution of economic opportunity may have disproportionately significant implications for local livelihoods or social conditions.

This stage of project preparation is critical in building a supportive relationship between the project and communities. Early identification of community perspectives and concerns allows for timely design.

Disclosure

In this stage, basic information about the proposed project, its potential benefits and impacts, its anticipated construction and operation timetable, and proposed stakeholder/community engagement for the entire process, should be provided to communities likely to be affected or otherwise involved.

Consultation

While there may not yet be enough detailed design information available to warrant more formal kinds of community consultation, it is important to solicit initial views from community leaders and a representative selection of other community members in response to the advance project information provided to them. This informs project proponents of likely environmental or social issues to be managed, or whether there already may be concerns about the project. It also provides useful "scoping" information important in designing more detailed consultations or assessment studies. In some instances, environmental and/or social assessment studies are initiated in this stage.

Grievance redress mechanisms

In this stage, relevant communities should be informed that the project will enable access to a responsive GRM. In local consultations, views are solicited in this stage regarding the responsiveness and equitability of existing traditional dispute resolution processes. In some instances, it may be possible to decide upon grievance redress procedures to be used for the proposed project.

Documentation requirements for the project preparation and assessment stage will vary depending on project context and the status of preparation. At this stage, some PRIF development partners may expect to receive documentation regarding information disclosure to relevant communities, and may expect to review TOR for environmental and/or social assessment studies.

Detailed Design

In the detailed design stage, more – and more specific – information is assembled regarding all aspects of project design, construction and operation. This includes more detailed identification and assessment of potential environmental and social risks or impacts, as well as specification of any necessary environmental or social mitigation plans or measures. Community engagement in this phase should be both intensive and integral to finalizing detailed designs.

Disclosure

In this phase, findings regarding potential environmental and social risks or impacts are provided to the communities potentially affected by them. Environmental and social assessment findings are summarized and disclosed. As mitigation plans are prepared, they are also disclosed (preferably in both draft and final versions). Detailed arrangements for ongoing stakeholder/community engagement, including arrangements for grievance redress, also are disclosed.

Consultation

The detailed design stage typically represents the most important stage of project consultation processes. There is much to discuss: this is the stage in which communities usually provide their most significant and sustained input into project assessment and mitigation planning processes. This stage also requires discussion (and frequently negotiation) of findings of ongoing environmental and/or social assessments, details regarding adverse impacts and the plans or measures to mitigate them, and various arrangements for stakeholder/community engagement as the project moves forward. It is important to recognize that this stage also should allow time for community members to engage in their own deliberations regarding the project and its potential impacts on them. After information is provided to them, they need to formulate their own consensus regarding their position in relation to the project, whether they want to rely on local leaders and traditional methods, and what changes they may want with regard to the project and its plans. Open consultation on disclosed project plans is one of the best available tools for promoting transparency and accountability and, conversely, for discouraging corruption, elite capture of benefits, or other rent-seeking behaviors.

Consultation in this stage can be expected to reach beyond exchange of information into actual negotiation on terms and conditions on the basis of which the community will provide their support for the project. Accordingly, this process may take considerable time. In sum, this phase may establish what is referred to as a “social license to operate” – implicit or explicit acceptance of the project on the basis of mutual understanding regarding management of risks and impacts, equitable distribution of project benefits, or other matters of concern to communities.

Grievance redress mechanisms

In this stage, the GRM is fully elaborated, including identification of access points and claim registration methods, detailed operating procedures and roles, performance standards, and provision of any necessary operating resources. The intended relationship between traditional dispute resolution processes and project management is specified, and arrangements for appeal (including access to courts presumably as a last resort) are defined.

Though procedural requirements may vary, PRIF development partners may require review of environmental and/or social assessments, and review and approval of any impact mitigation plans in this stage. Assessments include details regarding consultation and disclosure processes and a summary of significant issues to be addressed. Mitigation plans also include consultation and disclosure details and summaries, as well as indications how consultations have factored into final designs and plans. Plans also establish arrangements for ongoing stakeholder/community engagement, including consultations (often accommodated through implementation monitoring arrangements) and disclosure, and for grievance redress. Generally, concurrence of PRIF development partners on these plans and arrangements is obtained prior to awarding of construction contracts.

Pre-construction

As the project moves toward execution of contracts and readiness for construction, the nature of stakeholder/community engagement focuses more on proximate conditions. Communities continue to be informed and, as relevant, consulted on any emerging issues or design changes, and are informed regarding timing for initiation of construction.

Disclosure

Any changes in mitigation plans are disclosed. It is important to let communities know when construction will start, therefore it is good practice to also inform communities preferably four weeks in advance of beginning construction, as well as identifying any construction-related restrictions or obstacles that may impede normal life.

Consultation

Consultation may be warranted on changes to mitigation plans, as well as on construction-related impediments.

Grievance redress mechanisms

The GRM(s) should become accessible as mitigation plans are implemented and as contractors begin to mobilize in the project area. Most of the complaints to be received are likely to relate to real or perceived failure to meet all requirements of the mitigation plan. Contractor behavior, including inappropriate labor practices, inappropriate social conduct, or inadvertent damage to property, is another common source of complaints and PRIF development partners may have specific requirements in these areas.

If PRIF development partners require implementation monitoring reports, the monitoring process also is likely to begin in this stage. Monitoring parameters are likely to include both status and effectiveness of implementing mitigation plans. Monitoring also should review grievance redress processes, with attention both to system responsiveness and problem resolution, as well as the nature of issues and complaints being raised.

Construction

During the construction process, stakeholder/community engagement focuses on disclosure of information about, and subsequent consultation on, any significant unanticipated issues or impacts or design changes that may arise. Monitoring and GRM(s) continue. Where arrangements with PRIF development partners require submission of periodic monitoring reports on the progress of activities, these may also be subject to disclosure. Project management should remain attentive to results of any ongoing consultation activities, monitoring, and grievance redress processes, and should discuss possibly adapting management plans and procedures in response to problems or issues raised by community members.

Monitoring and grievance redress systems operate until construction is finished, and until all actions specified in the environmental or social mitigation plans are complete. PRIF development partners may also require evaluation studies at the end of construction, or after complete implementation of mitigation plans, to determine whether environmental or social impacts have been mitigated, or whether planning objectives have been achieved. If an evaluation is undertaken, it should include consultation with communities to solicit their perspective on project outcomes.

Project Operation

The nature of project operations varies widely, and, as a consequence, so do stakeholder/community engagement functions. "Operation" of infrastructure projects such as roads may involve only maintenance and enforcement arrangements, while operation with regard to ongoing services (such as waste management, health or education facilities, or resource management agencies) may be much more complex. Information disclosure may be warranted throughout the operational life of the project if there are significant changes in operational procedures or in access to services. Some form of grievance redress should also remain available to community members who may be dissatisfied with access to, or quality of, operational services. Typically, the operational life of the project may extend well beyond the period of direct involvement of PRIF development partners. While in general they do not seek to impose stakeholder/community engagement requirements throughout the operational phase, they may recommend ongoing stakeholder/community engagement to the project proponent as a matter of good practice.



3. Indigenous Communities in the Pacific Context

Introduction

Despite the remarkable cultural diversity that exists across the Pacific region, the individual PICs generally exhibit a relatively high degree of cultural and ethnic homogeneity. In many areas, local communities continue to live in-keeping with traditional customs and leadership arrangements, which are variably accommodated in the regulations and practices of the government.

Nonetheless, there are circumstances in which project design and operations should be mindful of arrangements regarding indigenous communities, or activities that may be perceived locally as affecting ethnic relations. As the most noteworthy example within the region, ethnic relations often are a significant consideration in Fiji, as a result of the sponsored in-migration of workers from India in colonial times. Issues involving ethnic relations also may arise sporadically in urban centers, where migrant traders and others have moved in search of economic opportunity. The PICs (with the exception of Nauru and Niue) are also multi-island countries, in which differing patterns of growth and development between or among islands may occasionally heighten the salience of subnational ethnic groupings. And, of particular relevance to infrastructure projects, construction practices and an influx of ethnically or culturally different laborers can create social problems unless adequate project management arrangements are instituted. Issues involving indigenous communities and ethnic relations, if poorly identified and managed, can lead to significant problems for both local societies and for proposed development activities.

The populations of the PICs exhibit many of the distinguishing characteristics of Indigenous Peoples as defined in the policies of some PRIF development partners, and generally self-identify as such. Accordingly, the Shared Approach seeks to enable projects to be planned and implemented in accordance with Indigenous Peoples policies of different PRIF development partners, in a manner appropriate to the PIC context. The focus should be on designing measures to address Indigenous Peoples issues that respond to the specific context of the project.

The Shared Approach, in conformity with PRIF development partners' policies, requires that: a project setting is assessed for its potential social impacts; Indigenous Peoples are consulted in an appropriate manner regarding their views and concerns relating to the project and its implications for them; and the development partner will not participate in a project for which there is no broad community support among Indigenous Peoples.

Because the great majority of potentially affected people in PIC projects will almost inevitably be Indigenous Peoples, the Shared Approach normally adopts the international practice of incorporating the Indigenous Peoples provisions of PRIF development partner policies into overall project design and implementation processes. Consultation with Indigenous Peoples is conducted as an integral part of stakeholder/community engagement, and any additional actions or measures deemed necessary to protect or promote the interests of Indigenous Peoples are incorporated into project design practices rather than through preparation of stand-alone IPPs or IPF. The overall process to be followed throughout the Shared Approach project cycle is described in greater detail below.

PRIF development partners may have different requirements for consultation and/or consent of Indigenous Peoples and preparation of stand-alone documentation (such as an IPP or IPF) in different project circumstances. This may impact different stages of this process.

Project Identification

As early as practicable in the project identification stage, all proposed projects should be screened for social risks and impacts, including those potentially affecting Indigenous Peoples in the project area of influence.

The fundamental purpose of social screening is to determine who is likely to be affected by the proposed project, and how the proposed project may affect them. Because the social context of proposed projects can vary greatly, no exhaustive checklist is available to guide initial screening. With regard to Indigenous Peoples (and ethnic relations more broadly) the following questions may help to inform the screening process:

- (i) What social, cultural and demographic conditions exist in the proposed project area? Would it affect a single community, or more than one? If several communities are potentially affected, are there significant ethnic or cultural differences between or among them?
- (ii) Do groups or communities in the project area identify themselves as culturally different from others within the country, or are they identified as culturally distinct by others?
- (iii) How do groups or communities view their relationship to lands or habitats?
- (iv) Do groups or communities adhere to traditional cultural, economic, social or political customs or institutions that are distinct from those used/or practiced elsewhere within the country?
- (v) Do groups or communities use or communicate in an indigenous language different from the official language of the country?
- (vi) Will the project likely alter the function or effectiveness of traditional institutions?
- (vii) Do project objectives promote, or depend upon, social or behavioral change?
- (viii) Will the project's potential adverse impacts disproportionately affect particular groups or communities?
- (ix) Do all groups and communities consider the project and/or its benefits to be culturally appropriate?
- (x) Is it likely that contemporary social, political and economic circumstances, as well as any historical legacy issues, may pose significant risks to project acceptability or operational sustainability, or may cause or exacerbate social conflict?
- (xi) Will construction require bringing in laborers from other parts of the country or from a different country?

The social screening process also requires initial consideration of what is to be deemed the project area. Because social risks and impacts can extend well beyond the physical footprint of the project, an initial attempt to define a "project area of influence" (taking into account direct, indirect and cumulative risks and impacts) is necessary, based on the scope and scale of project activities. PRIF partners expect that government staff or consultants with relevant environmental and social science expertise will be involved in identifying the range of potentially relevant issues to be included in the screening process, and in identifying the project area of influence within which screening will be undertaken.

Screening results are used to determine the scope and extent of social assessment to be undertaken, and to design appropriate arrangements for stakeholder/community engagement (including consultations) throughout the project design and implementation process.

Project Preparation and Assessment

If potential issues associated with indigenous communities are identified in the project screening process, they are scoped in greater detail in the project preparation and assessment stage, and incorporated as appropriate into the ESIA process and consultation arrangements. Scoping assesses the potential relevance and significance (e.g., scale and severity) of potential risks and impacts (including potential benefits). Scoping usually includes some level of direct consultation with potentially affected communities, to obtain their views regarding the proposed project and their perception regarding potential issues. Scoping results are incorporated, as relevant, into the TOR for the ESIA (or other form of assessment). Under some circumstances and as may be required by the policies of PRIF development partners, it may also be advisable to develop a detailed stakeholder/community engagement plan, based in part on screening and scoping results.

Key aspects of the stakeholder/community engagement and planning processes recommended under the Shared Approach include:

- (i) Consultations are conducted in a manner in which Indigenous Peoples will be able to speak freely and openly, are conducted in a timely manner, allowing for consultation results to be factored into planning and decision-making processes, and occur after potentially affected communities have been informed about the proposed project and its possible implications for them.
- (ii) The Shared Approach enables a consultation (and broader assessment) process that demonstrates that there is broad support among potentially affected communities for the project.
- (iii) Consultation results are summarized, with formulation of responses to major issues raised. If it is determined that no further action is required to address concerns or complaints, the justification for that finding is briefly explained. If it is decided that further action or special measures should be provided, the summary describes actions and measures, how they are to be incorporated into project design, and how they will be implemented and financed.

PRIF development partners may require preparation of a separate IPP or IPF focused on mitigating adverse impacts, or on assuring delivery of culturally appropriate benefits, for affected Indigenous Peoples. If such a plan is required, the Shared Approach promotes preparation of plans that are proportional to potential risks and impacts. In some instances, the plan may require no specific actions other than arrangements for continuing consultations and information sharing with Indigenous Peoples. In other circumstances if a project were likely to involve more complex risks or impacts, the plan may need specific measures to mitigate adverse risks or impacts, or to allow potentially affected Indigenous Peoples to obtain equitable access to culturally appropriate project benefits.

The nature and scope of any mitigation measures would depend on the nature and scope of adverse impacts and the local project context. In many instances, mitigation measures would address adverse physical impacts (such as loss of, or disrupted access to, natural resources, markets or services). In others, mitigation measures may focus on risks of social disruption (such as undermining traditional leadership or decision-making practices, or potential disruption to gender-based roles and responsibilities). Conversely, determining equitable access to, and cultural appropriateness of, project-related benefits also requires assessment in context. Equitable access refers both to the relative ease of locational access to beneficial facilities or service and to the proportionality of beneficiaries among communities and groups. Culturally appropriate benefits fit within community preferences and behavioral norms; benefits would likely be culturally inappropriate if they encouraged a breakdown in widely accepted traditional practices, or if they encouraged behaviors viewed as immoral or improper within the community.

The ESIA, ESMP and/or a specific action plan, if required, summarize the assessment of risks and impacts (including potential benefits), and the consultation form and content, methods and results. They are publicly disclosed at this stage for review and comment, in a location and language accessible to Indigenous Peoples (or other ethnic groups).

Detailed Design

This stage includes continuing consultation with potentially affected indigenous communities, focusing on ESIA findings and any mitigation measures that have been prepared. Consultation may also focus on project design considerations or changes that may continue to emerge. Often, the detailed operational procedures for the GRM may be formulated at this stage.

If the ESIA, ESMP or any necessary action plans are revised, they are publicly re-disclosed in a manner accessible to relevant indigenous communities or groups.

Pre-construction

This stage may involve ongoing consultation and operationalization of the GRM. As is the case with all potentially affected communities, Indigenous Peoples are informed of the commencement of construction activities preferably four weeks prior to initiation of construction. Implementation of some specific actions may be necessary prior to construction. If implementation of any required actions is initiated, the status of implementation should be monitored.

It is important to monitor social aspects of mitigation and monitoring plans (e.g., an ESMP or separate IPP or IPF), arrangements should be in place to manage social issues that may arise in the construction process. These may include, for example, arrangements to promote access to employment or service provision opportunities, and arrangements to promote culturally appropriate behavior among construction workers brought from outside the area. Individual PRIF development partners may have many more specific requirements in these areas.

Construction

Construction activities should be implemented in a manner consistent with the ESMP and implementation monitoring relating to Indigenous Peoples issues should continue until all actions under the ESMP have been completed. Indigenous communities may also be affected by impacts that may occur in the construction phase. These may include social issues associated with an influx of construction workers, constructed-related property damage or prolonged disruption of local access as a result of construction delays. Monitoring (including periodic informal consultation with affected communities) and the GRM process provide means for identifying and addressing such impacts in a timely and constructive manner.

Operation

The nature of community relations measures that should be maintained during the project operation stage depends largely on the project context. For small infrastructure projects, nothing beyond measures to address ongoing physical maintenance requirements or provisions for unanticipated local disruptions caused by project operations may be needed. Where ethnic relations are particularly important, however, it may be appropriate to include arrangements for continued formal or informal community consultations and to maintain functioning of the project GRM, to identify and address issues or concerns that otherwise may result in local controversies or operational impediments.

4. Special Issues for Contractors in the Pacific

Introduction

Given the limited capacity of many governments and implementing agencies in the PICs, contractors often play a much greater role in projects than in other regions. This situation mandates careful consideration of contractor roles and activities, and provision of guidance on key issues.

Preparing the bid and contract documents

The ESMP, which has been updated based on detailed design, along with any other environmental and social management provisions, and consideration of relevant PRIF partner “Special Issues” (Table 1, Section 7), should be included in the bid and contract documents. The ESMP should reflect all environmental and social requirements relevant to the activities the contractor will be engaged to carry out, including requirements contained in project-related documents required under the policies of PRIF development partners (for example, legal agreements).

The bid and contract documents should clearly spell out what is expected of the potential contractors so they can respond to these requirements in their bids. As a minimum, the bid and contract documents should require that:

- The ESMP be implemented as a condition of contract;
- The ESMP be properly costed;
- The ESMP be supported by management systems to enable compliance;
- The organizational arrangements for environmental and social management be put in place; and
- Penalties for non-compliance be included.

The bid and contract documents should also specify the links with the project level GRM(s) in respect of the contractor’s specific responsibilities. The documents should provide that the contractor appoint a focal point responsible for addressing complaints and grievances. The contractor needs to be aware that: (i) it must respond to all complaints and grievances; (ii) complaints and grievances can be made to anyone employed by the contractor who will provide them to the focal point; (iii) it needs to implement a system to satisfactorily resolve the complaint or grievance; and, (iv) it needs to document the process. The bid and contract documents should also clearly identify the penalties for not complying with these provisions and requirements.

These steps will enable the contractor that wins the bid to understand exactly what measures it must implement during the construction phase and its obligations in respect of communications with communities. If the updated ESMP is not properly integrated into the bid and contract documents, the contractor can claim that it does not have to comply with it because it is not a part of the work requirements.

Evaluating the bids

It is important to evaluate bidders' responses to the environmental and social management provisions in the bid document. Evaluating the responses will confirm that bidders have adequately addressed environmental and social design and management requirements as per the ESMP and/or other related documents. The bid should cover, at a minimum, the following:

- **Budget** – the Bill of Quantities should reflect the environmental and social specifications and monitoring requirements as specified in the ESMP and include consideration of relevant PRIF partner "Special Issues" (Table 1, Section 7). There needs to be a clear budget allocation for environmental and social management and monitoring that can be linked to the ESMP. A breakdown of how this budget will be allocated among the various environmental and social requirements (mitigation designs, monitoring and testing, equipment, staff resources, contingencies, etc.) should be provided.
- **Resources** – the bid should identify the required experience and qualifications of the person/people responsible for environmental and social management. Their experience and qualifications should match the environmental and social requirements of the project. The bid needs to show how appropriate resources will be acquired, i.e., whether any specialists are needed. If the ESMP requires specialist environmental monitoring (e.g., water quality, noise, air, ecology), the bid should show how this will be undertaken. If appropriate expertise is not on staff, the bidder needs to identify how such expertise will be obtained; it is often cost-effective for contractors to subcontract specific services, but they need to specify if they will do this.
- **Organizational structure** – the organizational structure, with lines of communication for environmental and social management, should be clearly defined and adequate to enable these issues to be addressed appropriately. The degree of importance of environmental and social management will vary depending on the significance of the environmental and social risks and impacts of the project: (i) significant environmental and social risk and impact - the environmental and social manager should report directly to the project director and have the same level of authority as a construction manager; and (ii) low-to-medium environmental and social risk and impact – the environmental and social manager or coordinator may report to a construction manager. In either case, the project should have a designated environmental and social focal point whose primary responsibility is ensuring proper implementation of the ESMP.

A bidder who specifically addresses environmental and social requirements and provides detailed information on how they will be addressed during the project activities, including the resources that will be provided, is more likely to be an environmentally and socially responsible contractor. Depending on the circumstances and potential risks, the bid evaluation in respect of environmental and social management can include different measures and requirements that reflect good practice, for example:

- The bidder has demonstrated it has the intention and capability of fulfilling the commitments of the ESMP and other relevant documents, and has proven it has the resources necessary to properly implement such commitments.
- The bidder has responded to the environmental requirements of the government and where relevant, those of PRIF development partners, such as: (i) identification of relevant designated environmentally protected areas and protected species, (ii) permitted and/or prohibited construction (or associated) activities (e.g., import of certain materials such as asbestos, prohibitions on hunting or poaching certain fish, birds or wildlife etc.); (iii) need to obtain permits for certain aspects, i.e., waste discharge, water use, quarry permit, etc.

- The bidder has responded to the social requirements of the government and where relevant, those of PRIF development partners, such as: (i) land access; (ii) stakeholder/community engagement and disclosure of information; (iii) worker and community health and safety; and (iv) labor management, including issues from worker influx.
- Whether the bidder has proactively addressed environmental and social issues by demonstrating a commitment to good housekeeping, site tidiness/cleanliness, community relations, health and safety, and waste management (bidders who do this are more likely to deliver on environmental and social obligations).
- Undertaking some background research, reference checking and/or license status of bidders to help understand their “environmental and social reputation” and confirm or otherwise their stated track record.

Pre-construction

The contract to be signed between the project implementing agency and the successful bidder – the contractor – will be based on the bid submitted. An important component of the contract is the notice to the contractor that there will be regular inspections and monitoring of its work and sites to enable the contractor’s compliance with the conditions. Notices will be issued requiring remedial/corrective actions for non-compliances or breaches.

Preparation of the contractor’s environmental and social management plan (CESMP)

Following award of the contract to the successful bidder, the contractor will have a designated period specified in the contract to prepare its CESMP and submit this for review and approval by the project implementing agency, relevant government authorities and PRIF development partners. The contractor must not undertake any physical works until the CESMP has been approved. In some cases, it may be appropriate for the CESMP to be prepared and approved on a “programmatic” basis, with sections or sub-plans of the CESMP being prepared, reviewed and approved according to the construction schedule/program, i.e., a sub-plan for clearing and grubbing followed by a sub-plan for site excavation and earthworks being prepared initially, followed by the remaining elements of the CESMP. In such cases, the CESMP will contain general requirements applicable to all works, such as response to environmental permit/development consent conditions, community consultation and information, GRM, health and safety (worker and community), waste management, and materials sourcing, storage and haulage must also be prepared with more specific requirements being developed reflecting the project schedule and timing of specific activities.

The contractor’s CESMP should have three key components: (i) detailed ESMP requirements (including sub-plans as identified in the updated ESMP); this requires that mitigation measures specified in the project ESMP be properly integrated into the construction methodology and any design specifications be addressed by the contractor; (ii) inspection and control (links with supervision, compliance, responding to corrective action requests, etc.); and (iii) site-specific planning, i.e., plans and drawings showing how the local impacts associated with particular sites and phases of construction are identified and managed. Policies of PRIF development partners may also require measures to address specific risks and impacts related to construction activities, for example, engagement and management of workers, influx associated with the project and interactions with the community.

The government or project implementing agency, and in some cases the PRIF development partner, will clear the CESMP and the contractor will be given notice to mobilize to the site and commence works.

Construction

Implementing the CESMP

The contractor will implement the requirements of the approved CESMP, which will be supervised by the resident engineer or supervision engineer or project director or construction manager and checked by the environmental and social specialist in the project implementing agency and its design and/or supervision consultant.

The CESMP is a living document

During the work, if new risks or impacts are identified, the CESMP should be updated to include the new risks or impacts and the measures to manage or mitigate them.

Inspections, monitoring and reporting

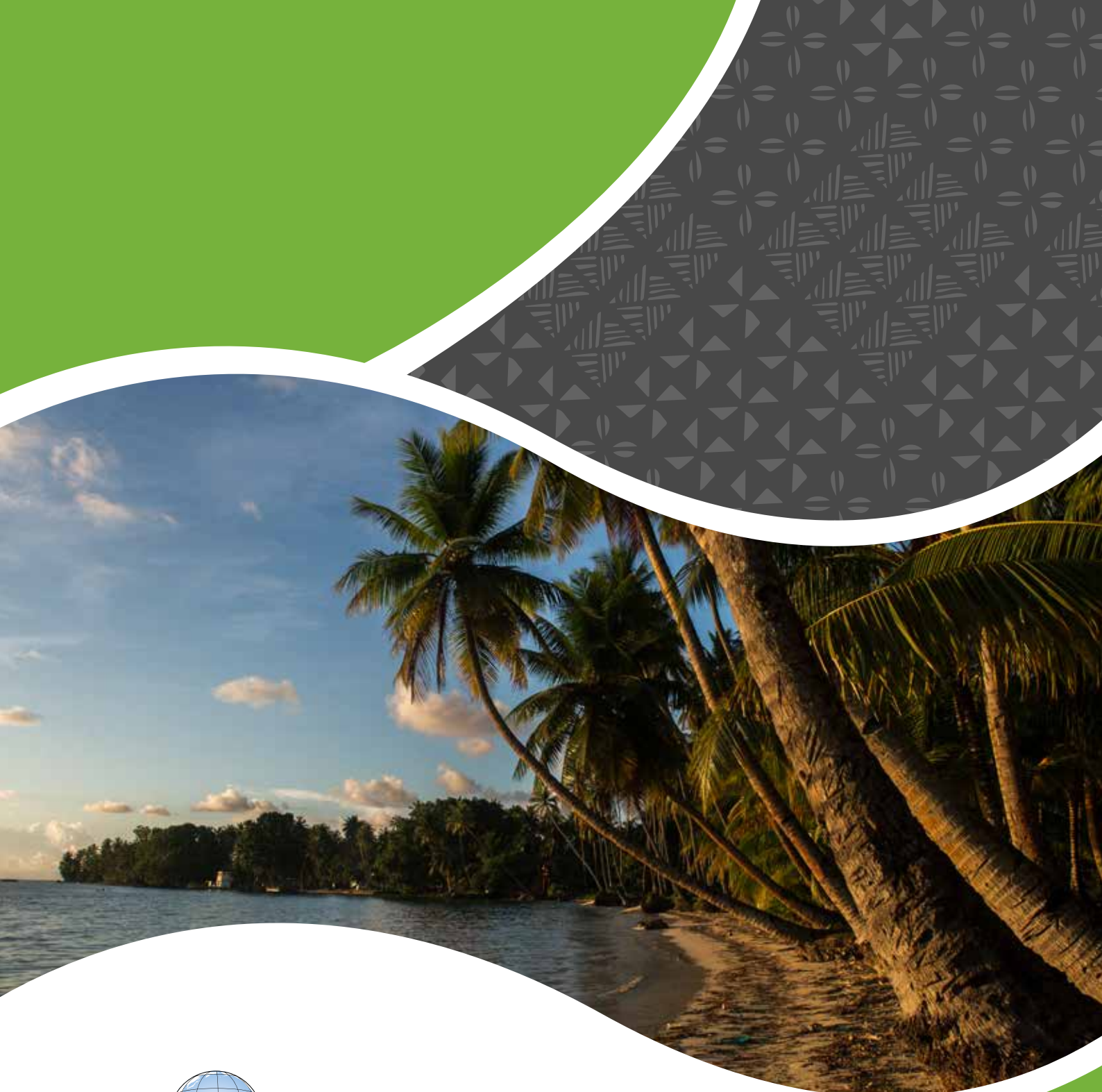
The contractor will submit monthly reports to the project implementing agency (and these may be forwarded to the project executing agency and development partner).

The contractor's monthly reports will include compliance with the approved CESMP and any requests for corrective actions that have been issued and close-out actions undertaken. The key requirements regarding corrective actions include: (i) a noncompliance notice - the notice issued to the contractor when a breach of the CESMP is recorded during an inspection; and (ii) corrective action plan - the contractor's reply, which should always contain a deadline by which the remedial action is to be completed.

The project implementing agency conducts checks on a regular basis, and this information, along with information from the resident/supervision engineer, is included in quarterly progress reports and semi-annual environmental and social monitoring reports. These are normally provided to the project executing agency and development partner.







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