REPUBLIC OF MARSHALL ISLANDS MARITIME INVESTMENT PROJECT (MIMIP)

Environmental and Social Management Framework and Environmental and Social Management Plan

Prepared for the Government of RMI Division of International Development Assistance

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## Acronyms and Abbreviations

|  |  |
| --- | --- |
| CEDAW | Convention of the Elimination of All Forms of Discrimination Against Women |
| CERC | Contingent Emergency Response Component |
| CFA | Compact of Free Association |
| CIU | Centralized Implementation Unit |
| DIDA | Division of International Development Assistance |
| EA | Executing Agency |
| EAP | Emergency Action Plan |
| EIA | Environmental Impact Assessment |
| EPA | Environmental Protection Agency |
| EEZ | Exclusive Economic Zone |
| ESIA | Environmental and Social Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| FY | Financial Year |
| GBV | Gender-based Violence |
| GHG | Greenhouse Gas |
| GoRMI | Government of Republic of Marshall Island |
| GRM | Grievance Redress Mechanism |
| HT | Human Trafficking |
| IA | Implementing Agency |
| HT | Human Trafficking |
| IMO | International Maritime Organization |
| IOM | International Organization for Migration |
| IPCC | International Panel on Climate Change |
| ISPS | International Ship and Port Facility Security |
| M&E | Monitoring and Evaluation |
| MEC | Majuro Energy Corporation |
| MIMIP | Marshall Islands Maritime Investment Project |
| MoF | Ministry of Finance |
| MoTC | Ministry of Transport and Communications |
| MOHHS | Ministry of Health and Human Services |
| NDC | Nationally Determined Contribution |
| NDMO | National Disaster Management Office |
| NGMP | National Gender Mainstreaming Policy |
| NGO | Non-Governmental Organization |
| NSP | National Strategic Plan |
| NTHT | National Taskforce against Human Trafficking |
| OHS | Occupational Health and Safety |
| OM | Operations Manual |
| PM | Project Manager |
| POM | Project Operations Manual |
| PPA | Project Preparation Advance |
| RMI | Republic of Marshall Islands |
| RMI EPA | Republic of Marshall Islands Environmental Protection Agency |
| RMIPA | Republic of Marshall Islands Port Authority |
| SAR | Search and Rescue |
| SDG | Sustainable Development Goal |
| SEP | Stakeholder Engagement Plan |
| SOP | Standard Operating Procedure |
| SPREP | Secretariat of the Pacific Regional Environment Program |
| STDs | Sexually Transmitted Diseases |
| TA | Technical Assistance |
| TEUs | Twenty-foot equivalent units |
| UNFCC | United Nations Framework on Climate Change |
| WB | World Bank |
| WUTMI | Women United Together Marshall Islands |

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How to Use this Document

This Environment and Social Management Framework (ESMF) is for the Marshall Island Maritime Investment Project (MIMIP) in the Republic of Marshall Islands (RMI). It was prepared by the ESIA Consult Pty Ltd, Division of International Development Assistance (DIDA) and RMI Ports Authority (RMIPA).

It is developed as part of the preparatory documentation for the MIMIP, to provide guidance for the RMI Implementing Agency (RMIPA) and Centralized Implementation Unit (CIU) on environmental and social safeguard aspects of the Project.

The ESMF sets out how the safeguards aspects of the MIMIP will be applied during the identification and where necessary, screening of all sub-project activities, and in their subsequent design and implementation.

The ESMF will also inform the development of the Project Operations Manuals (POM) and the preparation of the required safeguard tools and instruments for selected priority sub-projects to be funded under the MIMIP.

Overall, the ESMF applies to the entire project.

# Executive Summary

The Government of the Republic of Marshall Islands (RMI) is applying to the World Bank for grant financing to undertake the “*Marshall Islands Maritime Investment Project*” (MIMIP). The MIMIP will improve the safety, efficiency and climate resilience of maritime infrastructure and operations in the RMI in compliance with the International Ship and Port Facility Security (ISPS) Code to ensure safety and security arounds its port.

As part of the requirements of the submission to the World Bank, the Government of RMI is required to prepare environmental and social safeguards documentation as part of the Project Preparation Advance stage. The MIMIP has been categorized as a Category B (Moderate Risk) project consistent with World Bank Environmental and Social Safeguard protocols. To fulfil the requirements of the World Bank, the Government of RMI has prepared this Environmental and Social Management Framework (ESMF) and Environmental and Social Management Plan (ESMP) in support of the MIMIP proposal.

This Environmental and Social Management Framework, (ESMF), provides the tools for the integration of environmental and social stewardship into the project as required by the RMI’s relevant laws and regulations and the Environmental and Social Safeguards Policies of the World Bank (WB). The ESMF is a necessary instrument for the RMI’s preparation for the MIMIP under World Bank Policy OP/BP 4.01 Environmental Assessment because the specific subprojects/activities for implementation are not yet known.

**Project Objectives and Components**

The MIMIP will improve the safety, efficiency and climate resilience of maritime infrastructure and operations in the RMI in compliance with the International Ship and Port Facility Security (ISPS) Code to ensure safety and security arounds its port.

The project has three main components, these being:

* Component One (1) related to marine infrastructure. This component will enhance the resilience of maritime structures to natural disasters and climate change impacts through better design and quality of infrastructure, as well as safer and more efficient operation of port facilities;
* Component Two (2) which will improve maritime safety and security, which will strengthen connectivity between the islands of RMI States, and facilitate access to food, water, fuel and emergency response services. This component will also address an urgent need of waste management in ports. The component will include the provision of Search and Rescue equipment and safety devices; as well as review and assess options and measures to counter trafficking of persons and will propose steps RMI could take to comply with the minimum standards under the U.S. TVPA; and
* Component Three (3) will support technical assistance to strengthen oversight and management of port facilities, improve the coordination of emergency response systems, elevate awareness of SAR awareness and ISPS requirements, and implement project activities

The activities will be undertaken over a five-year timeframe.

**RMI Legislation**

The MIMIP Project is consistent with the RMI legislation relating to ports, including the National Environmental Protection Act 1984 and EIA Regulation 1994, Solid Waste Regulations 1989, Coastal Conservation Act 1988 and the Endangered Species Act 1975. RMI has no occupational health and safety (OH&S) legislation and in such an absence, OH&S aspects under the MIMIP will be regulated through the World Bank Group’s Environmental, Health, and Safety Guidelines.

Earthworks associated with any construction activities undertaken in relation to the MIMIP project would likely be deemed to be minor but would need an Earthmoving Permit and associated Environment and Social Management Plan (ESMP). All workers engaged on the MIMIP Project will need to be covered under the terms of the WB EHS Guidelines, which means development of comprehensive job safety analyses (JSAs) for each role, including potential contractors involved in building works. This process will involve development of Safety Management Plans for each position.

**World Bank Safeguard Policies**

Initial screening indicates that Environmental Assessment (OP/BP 4.01) World Bank Safeguard Policy will be triggered as a result of the Project, requiring the Borrower to prepare the safeguards instruments to guide detailed planning once sub-projects are identified firmly at a later stage of Project planning. This ESMF is an integral part of compliance with this policy, as well as the other WB policies that are triggered (OP/BP 4.04 Natural Habitats and OP/BP 4.10 Indigenous People). Screening of known activities and those likely to be undertaken has indicated an assessment of Category B for the project. The screening found that the impacts are less significant and that a range of potential measures for mitigation can be readily designed. For unknown activities, further screening, as outlined in this ESMF, will be required to ensure that only Category B or C sub-projects are undertaken as part of the project.

This ESMF follows the protocols set out in OP/BP 4.01.

**Significant and Potential Environmental and Social Impacts and Mitigation Measures**

The following table summarizes potentially adverse social and environmental impacts identified as a consequence of the MIMIP, along with associated mitigation measures that are able to be implemented within the scope of the project.

|  |  |  |
| --- | --- | --- |
| **Component / Sub-component** | **Negative Impacts** | |
| **Negative** | **Mitigation** |
| **Component 1: Maritime Infrastructure Investments** | | |
| Repairs to existing berths and facilities at Delap, Uliga and on the outer islands of Jaluit, Wotje and Arno | Hazardous substances and waste management  Source of aggregates for construction (sand and gravel).  Construction impacts (noise and dust, and disruption) to port users and nearby communities  Occupational injuries or loss of life. | Development of waste management plans  Removal and export of all solid and hazardous waste to permitted landfills.  Import aggregate material. If imported from Part 1 countries, no further due diligence required; If from Part 2 countries[[1]](#footnote-1) , conduct due diligence on sources to ensure compliance with source government laws and regulations.  Constrain working hours and provide adequate warning of works to affected people. |
| Acquire cargo handling equipment for Delap and Uliga Docks e.g. terminal-tractor units, reach stackers and lift trucks | Requirement of ongoing maintenance. | Develop an O&M plan |
| Repair quay wall structures and replace quay furniture (fenders, bollards, ladders) at Delap, Uliga and Ebeye Docks | Waste management  Occupational injuries or loss of life  Potential to impact marine environment during construction | Contractors are required to prepare and implement Contractors ESMP, which includes an OHS/JSA manual.  All staff must be adequately trained and resourced for the job.  Provide barriers to exclude the public from work sites.  Implement ESMP to mitigate risks |
| Upgrade/provide fencing, gates and terminal lighting to ensure compliance with ISPS requirements at Delap, Uliga and Ebeye Docks | Waste production  Construction impacts (noise, dust, erosion)  Increased power use through lighting | Develop waste management plans  Implement ESMP to manage construction impacts  Select power efficient lighting, design to optimise efficiency |
| **Component 2: Maritime Security and Safety Equipment** | | |
| Replace/upgrade Aids to Navigation (AtoNs) at Majuro, Jaluit and Wotje (excluding Ebeye) | Potential for environmental impacts during installation  Occupational injuries or loss of life | Utilize existing markers / foundations if possible.  Ecological survey of marker locations to identify presence of any sensitive habitats.  Contractors are required to prepare and implement Contractors ESMP, which includes an OHS/JSA manual.  All staff must be adequately trained and resourced for the job. |
| Oil spill equipment | Ongoing storage, maintenance and training in use of equipment required. | Develop O&M plans. Training programs (including train the trainers)  Used spill material is contaminated – waste management plan required |
| Provide Search and Rescue (SAR) equipment and safety devices | Need for O&M and ongoing training | Develop O&M plan  Develop training program and undertake SAR drills. |
| Assess the benefits of a scanner for Delap Dock | Perceived privacy issues | Raise community awareness |
| Gender-based Violence and Trafficking Prevention | Cultural resistance to discussing GBV and HT | Design gender sensitive, popular, and culturally appropriate IEC materials  Hold workshops to raise awareness  Adopt culturally appropriate communication and teaching methods |
| **Component 3: Technical Assistance and Project Management** | | |
| Supervise maritime infrastructure works | Lack of skilled resources  Lack of safeguards experience | Recruit and include mentoring component in role.  Safeguards Specialist to provide support and capacity building |
| Review institutional and governance arrangements |  |  |
| Review port operations at Delap and Uliga Docks | Existing poor practices | Identify poor practices, provide training and rectify |
| Maritime sector planning | Lack of local experience in Port Master Planning | Recruit consultant and include capacity building role  Involve local agencies in process  Ensure local ‘ownership’ in process and outcomes |
| Capacity building initiatives | RMIPA has limited safeguards capacity | Strengthen capacity of RMIPA personnel to undertake safeguard activities.  Safeguards Specialist to provide support and act as mentor |
| Encourage employment opportunities for women | Potential for exploitation  Existing gender bias | Ensure compliance with RMI labour and OHS laws  Raise community awareness |
| Project management | Added demands on low capacity offices and ministries involved in the implementation of the project | Strengthen capacity of designated ministry and/or local government personnel to undertake project activities. |
| Emerging priority issues | Issues currently unknown  Some priorities may have significant impacts | Identify as early as possible  Screen potential sub-projects as per ESMF |
| **Component 4: Contingent Emergency Response** | Emergencies unknown  By nature, emergencies severe  Potential for environmental and social impacts associated with responses | Review needs based on PDNA  Liaise with NDMO  Comply with ESMF, in particular screening of projects and reference to CERC negative list |

**Environmental and Social Management Process**

The ESMF sets out a process for screening sub-projects during project implementation, based on each sub-project being evaluated according to a predetermined screening process to determine the potential risk of environmental and social impacts, and associated mitigation options.

**Consultation**

Consultation is mandated by OP/BP 4.01; Environment Assessment. Consultation required is a two-way process in which beneficiaries provide advice and input on the design of proposed projects that affect their lives and environment.

The ESMF sets out protocols for stakeholder engagement and grievance redress.

**Institutional Arrangements for Safeguards Implementation**

DIDA will be responsible for the ESMF and integrating the requirements into the Program. RMIPA will have responsibility for the day-to-day implementation of all safeguard requirements.

For MOF/DIDA, a Safeguards Advisor attached to the Centralized Implementation Unit (CIU) will ensure the effective implementation of the Project ESMF and ESMP.

**ESMF Capacity Building and Budget**

The RMI Government has carried out stakeholder and community consultations during preparation and has prepared this ESMF to manage the residual social and environmental impacts from the project. The implementing agencies involved do not have safeguard policy experience, however the Centralized Implementation Unit (CIU) of the Division of International Development Assistance (DIDA) includes a Safeguards Specialist with the capacity and capability to provide support and capacity building to implement the mitigation measures from the ESMF.

The ESMF provides an indicative budget for implementing the elements of this ESMF, based on best estimates with assumptions of the kind of activities likely to be undertaken in the MIMIP.

Budgeting for environmental interventions and the application of mitigation measures to enhance positive impacts for RMI is an investment in the future as it will reduce the environmental and social liability at local, and national levels. Overall, the MIMIP will provide significant environmental and social benefits to the ports and communities.

# Introduction

1. The Government of the Republic of Marshall Islands (RMI) is applying to the World Bank for grant financing to undertake the “*Marshall Islands Maritime Investment Project*” (MIMIP). The MIMIP will improve the safety, efficiency and climate resilience of maritime infrastructure and operations in the RMI in compliance with the International Ship and Port Facility Security (ISPS) Code to ensure safety and security around its port.
2. The submission to the World Bank by the Government of RMI is required to incorporate environmental and social safeguards documentation as part of the Project Preparation Advance (PPA) stage. The MIMIP has been categorized as a Category B (Moderate Risk) project consistent with the World Bank Environmental and Social Safeguards protocols. To fulfil World Bank requirements, the Government of RMI has prepared this Environmental and Social Management Framework (ESMF) and Environmental and Social Management Plan (ESMP) in support of the MIMIP proposal.

## Purpose and Scope of ESMF

1. The World Bank is supporting the RMI to deliver the MIMIP. This ESMF provides for the integration of environmental and social stewardship into the project as required by the Environmental and Social Safeguards Policies of the World Bank. World Bank Policy OP/BP 4.01 Environmental Assessment states that: “*For projects involving the preparation and implementation of annual investment plans or subprojects, identified and developed over the course of the project period during the preparation of each proposed subproject, the project coordinating entity or implementing institution carries out appropriate EA according to country requirements and the requirements of OB/BP4.01*”.
2. The ESMF is necessary under World Bank Policy OP/BP 4.01 Environmental Assessment because the specific sub-projects/activities for implementation are not yet known. The primary purpose of the ESMF is to provide a screening process for activities that are identified during project implementation that were not identified during project preparation.

### Environmental and Social Management Framework

1. An ESMF is an instrument that examines the issues and impacts associated when a project consists of a program and/or series of sub-projects, and the impacts cannot be determined until the program or sub-project details have been identified.
2. The ESMF sets out the principles, rules, guidelines and procedures to assess the environmental and social impacts. It contains measures and plans to reduce, mitigate and/or offset adverse impacts and enhance positive impacts, provisions for estimating and budgeting the costs of such measures, and information on the agency or agencies responsible for addressing project impacts.
3. The ESMF provides the overarching framework that is to be applied to the MIMIP. As MIMIP activities become defined then environmental and social management plans (ESMPs) specific to those activities can be developed, using the ESMF as a basis for risk assessment and mitigation strategies. In this way, the ESMP/s sit beneath the ESMF. A benefit of this approach is:

* multiple ESMPs can be produced within a common framework
* ESMPs can be produced for activities of different sizes (from task size to sub-project size)
* preparation of ESMPs is simplified – there is not the need to repeat all the baseline/background material.

### Environmental and Social Management Plan

1. An ESMP is a management tool used to assist in minimizing the impact to the environment and socially; and establish a set of environmental and social objectives for specific known activities. To ensure the environmental and social objectives of the MIMIP are met, the ESMP will be used by the project implementers to structure and control the environmental and social management safeguards that are required to avoid or mitigate adverse effects on the environment and communities.
2. The ESMP will be updated from time to time by RMIPA and the contractors in consultation with the Safeguards Advisor to incorporate changes in the detailed design phase of the MIMIP.

# Background and Rationale

## Country Context

1. The Republic of the Marshall Islands (RMI), which is located approximately midway between Hawaii and the Philippines, consists of 29 atolls, 5 islands and numerous small islets. The country covers an area of 1.9 million km2, but has just 181 km2 of land area (Figure 1). The overall population is about 55,000, with about 75% living in the capital Majuro and in Ebeye.
2. As with other small island developing states in the region, RMI faces significant challenges related to its small size, remoteness, geographical dispersion, environmental fragility and exposure to external shocks. Frequent natural disasters and climate change impose high costs and may even threaten the physical viability of some areas of both the main islands and more remote outer islands. Such events can and do cause severe damage to infrastructure and other economic assets and have adverse impacts on livelihoods.
3. RMI is highly dependent on their maritime services for both international and domestic trade. In addition, maritime services support inclusive economic growth and social development by providing communities with reliable access to economic opportunities, services and information. As such, the provision of safe, efficient, reliable and affordable sea transport services is considered essential for both countries basic economic and social functions, and to achieving national development plans.
4. To enhance the safety and efficiency of maritime operations, RMI is developing a project that will focus on improving maritime infrastructure and services; the MIMIP. The Governments of RMI has received a Project Preparation Advance (PPA) to assist in the preparation of MIMIP. The PPA is being used to fund the preparation of the necessary technical, economic, environmental and design studies for the projects, as well as establishing the operational framework within which the projects will be implemented. An essential part of project preparation is the consultative process with stakeholders and development of safeguards instruments. This ESMF/ESMP and its associated annexures have been developed, in accordance with World Bank safeguards policies and RMI environmental and social laws and regulations, to satisfy the safeguard requirements to support project appraisal for the MIMIP.

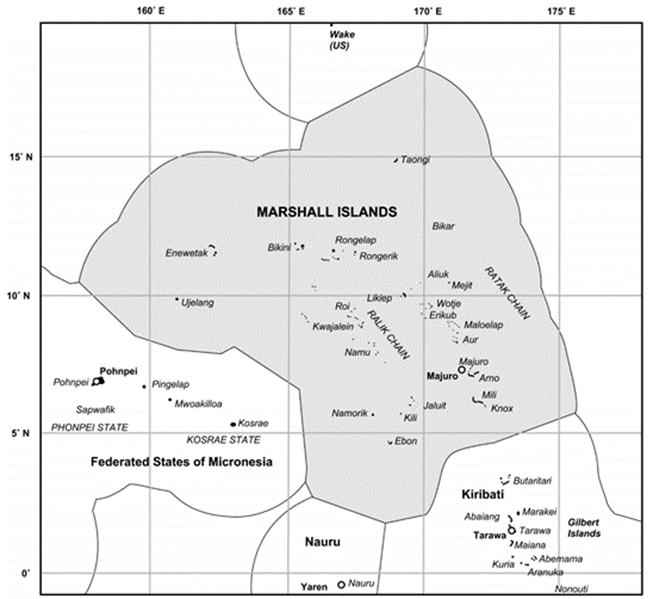


Figure 1 Map of RMI and Exclusive Economic Zone[[2]](#footnote-2)

## Sectoral and Institutional Context

### Sectoral Context.

1. Given RMI’s geographic characteristics and distant outer islands, the provision of efficient, reliable and affordable sea transport services is considered essential for the country’s basic economic and social functions, and to achieving RMI’s national development plans. A fundamental requirement for providing intra-island shipping services is safe, well-functioning maritime transport infrastructure and assets, including wharfs, docks and jetties. Combined, maritime services and assets underpin inclusive economic growth and social development by providing RMI’s communities with reliable access to economic opportunities, services and information.
2. Majuro is regularly served by international cargo services from the U.S, Asia and Australia. Majuro is the largest regional tuna transshipment port and transshipped 600,000 metric tons of tuna in 2016. Fishing vessels make-up as much as 75 percent of vessel traffic calling at Majuro. Typically, refrigerated “mother vessels” harvest tuna and, when full, transship fish to larger carrier ships that are anchored in the Majuro lagoon. Most have an average stay of ten days.
3. There are two principal docks (ports) at Majuro:

* Delap Dock for international cargo
* Uliga Dock for domestic passengers and cargo.

1. Delap Dock is the hub of RMI’s cash economy and serves as the gateway for imports and exports that support the livelihoods of RMI residents, private business, and government agencies. It is accessed through a deep-water channel and well-protected lagoon. The dock predominantly serves international cargo vessels that deliver a wide variety of imported food and household items, construction equipment and materials, and diesel fuel. International cargo vessels call at Delap Dock an average of once per week, while tankers deliver fuel about once per month. Intra-island cargo vessels periodically offload copra to the dock, where it is delivered to a coconut processing operation located on the northeast side of Delap Dock. A limited number of other international vessels use Delap Dock to load locally produced coconut oil. International fishing vessels also make occasional use of Delap Dock for purse seine[[3]](#footnote-3) net repairs, fuel resupplies, and vessel maintenance. The international wharf is not equipped with shore or mobile cranes, necessitating vessels calling at the dock to have their own equipment.
2. Delap Dock has been designated as compliant with the International Ship and Port Facility Security (ISPS) Code, which is a set of measures to enhance the security of ships and port facilities. However, formal regulations governing activities at the port are lacking, and the dock has been operating under informal regulations for a considerable time.

### Institutional Context.

1. At the national level, the Ministry of Transport and Communications (MoTC) is responsible for policymaking and some regulatory oversight, as well as the management and development of the maritime sector in RMI. However, there is no up-to-date maritime transport sector policy and MoTC does not have a harbor master with a mandate to oversee RMI’s ports. MoTC also manages intra-island shipping services by contracting them out to private ship operators to make voyages into the designated shipping region.
2. The Republic of the Marshall Islands Ports Authority (RMIPA) is a state-owned entity, which is responsible for operating RMI’s publicly-owned ports at Majuro and Jaluit, as well as all facilities and structures situated within public port and airport areas. In addition to operational responsibilities, RMIPA carries out regulatory and enforcement functions related to port use and vessel activities.
3. RMI is a member of the International Maritime Organization (IMO) and is party to most IMO conventions and other maritime-related international conventions. RMI’s delegate to IMO is an officer from The Trust Company of the Marshall Islands (TCMI), which through a joint venture agreement with the RMI Government, is authorized by legislation to administer the maritime and corporate programs for RMI. TCMI acts as registrar and registered agent for RMI’s non-resident companies. MoTC and TCMI essentially share maritime responsibilities. TCMI generally acts as maritime administrator for international shipping related matters, whereas MoTC acts as maritime administrator for domestic shipping.

## Relevance to Higher Level Objectives

1. The Marshall Islands Maritime Investment Project (MIMIP) is closely aligned with the World Bank’s twin goals of ending extreme poverty and boosting shared prosperity given the evidence of the strong negative relationship between extreme poverty and accessibility/mobility as an auxiliary support to trade and competitiveness.
2. MIMIP is consistent with the Regional Partnership Framework (RPF) for FY17 to FY21, which was approved in February 2017, and covers nine small Pacific island countries (PIC9), including RMI. The RPF identifies four areas of focus for PIC9 as:

* fully exploiting the available economic opportunities
* enhancing access to economic opportunities
* protecting incomes and livelihoods
* strengthening the enablers of growth and opportunities (macro-economic management, infrastructure and addressing knowledge gaps).

1. MIMIP generally supports all four focus areas. Improved port and maritime services enhance opportunities to increase transshipment services, which in turn enhances access to economic opportunities. Without a well-functioning maritime sector, livelihoods could also be compromised, particularly as RMI imports almost 100% of food, pharmaceuticals and fuel. The RPF also highlights the key role that maritime shipping and internal connectivity play in trade of basic goods in the nine PICs.
2. As defined in RMI’s National Strategic Plan 2015-2017 (NSP), the scope and objective of MIMIP are in line with key Government development objectives. The NSP recognizes the critical importance of a strong maritime sector in terms of the quality, frequency, and cost-effectiveness of inter-island transport services, as well as the fostering of international charter and tourist vessels. Given the country’s geographical characteristics, the provision of efficient and reliable shipping services is considered essential for health care and education.
3. This project seeks to enhance the resilience of RMI’s maritime transport sector to the impacts of natural hazards and climate change by strengthening port facilities against the incursion of high tides, storm surges and sea level rise, such as through the provision of floating pontoons for passenger access to ferries. In addition, strengthening the safety of navigation and the efficiency of port services will also enhance connectivity and access to goods and services for these remote islands. This is aligned with RMI’s National Climate Change Policy Framework, which identifies the protection of infrastructure from sea-level rise, sea surges, and typhoons as priority area for urgent response. As stated in RMI’s National Communication to the United Nations Framework Convention on Climate Change (UNFCCC), RMI is already experiencing climate change in the form of increased intensity and frequency of extreme events and droughts. Improving the efficiency and safety of maritime transport will help address vulnerabilities associated with water, food and fuel security and strengthen the capacity for communication, transportation and emergency response to the outer islands where some of the most vulnerable communities live.
4. Improved efficiency of maritime transport also contributes to RMI’s objective of reducing greenhouse gas (GHG) emissions. RMI is the founder of the High Ambition Coalition, a group of progressive countries advocating for and pursuing aggressive climate action. RMI is the first developing country to present an economy-wide absolute GHG emission reduction target. In its Nationally Determined Contribution (NDC), land transport and shipping are identified as priority sectors. The target for emissions reductions in the transport sector is 16% by 2025 and 27% by 2030.

# Project Setting

## Project Area / Geographic extent

1. The project is focused on existing maritime facilities at six existing ports in RMI: Majuro (Delap and Uliga), Ebeye, Jaluit, Wotje and Arno. The works are limited to the port boundaries, ie land currently occupied by the ports and immediate waters (existing channels and berth pockets). Some existing channel markers, which are more remote from the ports, are also included in the project.
2. The port areas are expected to have sufficient space to provide temporary laydown areas, fabrication yards and temporary waste storage areas.

## Existing Ports and Markers

1. The following is a brief summary of each of the ports. Detailed descriptions of the existing port facilities are provided in Annexure A.

### Majuro

#### Delap

1. Delap Port is on the leeward, southern lagoon shore of the large Island on the eastern corner of Majuro atoll. Delap is the main port for marine cargo in RMI. Delap Port has five berths, with a wharf length of 308 m and an apron width of 30 m. The berth pocket is dredged to between 17 m. The container yard is 30,000 m2 of crushed coral base.
2. Port is fenced and there is a security gatehouse adjacent to the RMIPA offices, which are located away from the dock on the road.
3. Surrounding land use is industrial in nature: the Majuro Energy Corporation (MEC) power station and the Toboalar Copra Corporation lie to the east of the port, across the road from the port MEC has its fuel farm, there is warehousing, businesses and then residences to the east. The PII dock is approximately 1.3 km to the east.
4. The benthic habitat is predominately macro-abiotic at the main operational area (the northern facing dock), consisting mostly of coarse sand, bare rubble and litter/refuse, with sparse visible epiflora or fauna. This area rapidly changes to deep lagoon habitat to the north via a sandy slope. The area immediately to the east of the port dock is also an operationally busy area with a shallow lagoon benthic habitat: abundant macroalgae (≈30% cover) sparse individual hard coral colonies, and coarse sand. To the west of the port the benthic habitat transitions from a deeper lagoon environment to a fringing reef flat environment, although mostly consisting of algal turf covered hard substrate with sparse hard coral cover.

#### Uliga

1. Uliga port is situated on the leeward eastern lagoon shore of the large Island on the eastern corner of Majuro atoll. Uliga is the main port for local vessels in Majuro. Uliga Port has four berths, with a wharf length of 120 m and has an apron width of 15 m, which is the width of the whole dock. The berth pocket is dredged to between 9 m. The main wharf which is L shaped serves local vessels, tenders for fishing vessels while the inside of the L serves as a marina for private and smaller commercial domestic vessels. The port is fenced with a security checkpoint at the main gate. There is potential access via the boat ramp.
2. The area around the port is heavily urbanised. Immediately behind (NW) of the port is the MIMRA Outer Islands Fish Market Center, adjacent to this is the Uliga Inn and which could potentially be used by fishers etc. A new multi-story commercial building is being built adjacent to Uliga port. Approximately 150 m to the north west of the port is the Cost Price Supermarket and across the main Majuro road is the Adele Museum and Public Library (approximately 220 m NW of the wharf).
3. The benthic habitat around the north and west of the dock is predominately a mix of macroalgae beds on coarse sands with large sandy spaces and sparse visible epiflora or fauna, transitioning via a steep slope to deep lagoon habitat to the west. To the east of the dock, in-between the dock and land, the benthic environment consists of a small reef among coarse sand. To the south of the dock, the habitat transitions from deep lagoon to shallow lagoon abutting fringing reef slope and flat to the island shore. The shallow lagoon here is predominately biotic habitat consisting mostly of macroalgae and algal turf on hard substrate, with some in between coarse sand and sparse individual hard coral colonies. The reef slope to the south-east has relatively high coral cover in a small area (≈35% cover) and abundant algal turf on hard substrate.

#### Channel Markers

1. Majuro Atoll is the major location for international shipping to RMI and the anchorage most utilized by the commercial fishing fleet including carriers, purse seine and long line vessels. As the lagoon is within the atoll, navigational aids are vital to ensure the safe movement of vessels.
2. Majuro has eleven channel navigation aids (refer Annexure A for map). Of these, No 7 marker is missing, while channel navigation aids 1, 4, 8, 9, 10 and 11 do not have lights. The project includes repair/upgrades to some of these existing channel markers.
3. Marine surveys of the markers were not undertaken, however given their locations in areas that generally have good tidal exchange and are distant from industry and urban development, it is likely that there will be healthy coral formations in the area (as markers are usually located on coral bommies or reefs rather than in the deep channels).

### Ebeye

1. The dock at Ebeye is on the leeward, lagoon shore of Ebeye Island on the southern corner of Kwajalein atoll. Ebeye is the main port for marine cargo on Kwajalein atoll. Ebeye Port has three berths, with a wharf length of 120 m and has an apron width of 20 m. The container yard is 5,000 m2 of crushed coral base. The main cargo wharf serves international cargo vessels and tankers, while a smaller wharf north of the port that is used by domestic vessels and the ferry from Kwajalein. The berth pocket is dredged to between 9 m.
2. The depth around the main operational port area (the western side of the dock) is around 12-17m, which falls away rapidly to the west to deep lagoon, sandy bottom habitat. The existing benthic habitat at the main operational area and to the north of Ebeye port predominately consists of both macroalgae (*Halimdea* sp. meadows) and macro-abiotic substrate (mostly coarse sand, bare rubble and litter/refuse) with sparse visible epifauna. The area immediate south and SSE of the port is a shallow lagoon area abutting the western shore of Ebeye Island. The shallow lagoon area is where the substrate transitions to higher algal turf cover and there is also sparse hard coral cover of ≈<5%.
3. Ebeye is highly urbanised and the area around the port is no exception. Some of the nearest buildings to the port are the Payless Triple J supermarket, the Hotel Ebeye and the Little Mermaid Chinese restaurant. All three business are approximately 150m from the front face of the wharf. It is less than 400 m from the dock face to the lagoon side of the island and that distance is heavily urbanised.

### Jaluit

1. The port at Jaluit is situated on the leeward, lagoon shore on the southern corner of Jaluit atoll. The port has one single berth for a ship and a roll on roll off facility on the northern side, the structure is approximately 33 m long by 10 m wide. There are dolphins off the northern and southern ends of the wharf, otherwise there are limited facilities associated with the wharf. A single lane road provides access from the wharf to the nearby village. The nearest urban development is approximately 75 m from the front face of the wharf.
2. There are two non-operational navigational aids. One is located at the entrance to the lagoon and the second is located within the lagoon itself on a reef.
3. Excepting the fringing reef around 80m to the NNW of the port, its benthic habitat is predominately macro-abiotic, consisting mostly of coarse sand with sparse visible epiflora or fauna. The area immediately to the west of the port dock has < 10% biotic substrate cover and recedes westward into deeper lagoon habitat. The benthic habitat immediately north of the port consists of small sandy channel which meets a shallow fringing reef habitat abutting the western shoreline of Jaluit. The shallow lagoon to the south and east of the port dock consists mostly of coarse sand, however sparse hard coral colonies are present (≈10% cover).

### Wotje

1. Wotje’s dock facilities consist of a concrete, earth filled finger wharf. The dock extends approximately 200 m into the lagoon. There is a small boat landing area on the southern side of the dock. Large vessels are unable to directly use the dock. The dock was extensively damaged by bombing in WWII – debris is scattered in the water around the outer end of the dock.
2. Approximately 500 m to the north is a concrete ramp on which MEC has an oil transfer connection (refer Annexure E). Both the dock and the ramp were built by the Japanese prior to WWII.
3. The sandy beaches alongside both wharves shelve out gently, so water depths at the end of the wharves is not significant. There is rubble alongside and at the ends of the wharves, but otherwise the immediate habitat consists of mostly sandy substrate. The shorelines in the area consist of sandy beaches, fringed by coconut palms. Urban development is mostly set back behind the trees.
4. There are limited facilities associated with the landing; each facility has one solar powered light, there are no steps or fences on the structures. Single land roads lead from the landing to the village of Wotje a short distance away. The airstrip is less than 400 m inland.
5. Oil spills arising from the MEC oil transfer on the northern ramp structure have been reported as common (Annexure E).
6. Any works on the dock/ramp will fall under the provisions of the Historic Preservation Act 1991, and the Historic Protection Office (HPO).

### Arno

1. Arno was a late addition to the project, so no sub-project activities details have been provided, nor has the island been visited. The following is based on Google imagery and available information.
2. Arno has a dock on the south-western end of the island of Arno. The dock is approximately 75 m long. It has a concrete top and stairs on the eastern side providing access to water level. At the landward end of the dock there is a building approximately 12 m x 15 m. Vessels utilize the eastern side of the wharf where the water is deepest. On the western side there appears to be sand and coral substrate.
3. The presence of an extremely rare species of coral (an archetypal elkhorn) has been reported within swimming distance of the dock[[4]](#footnote-4). The Paciﬁc elkhorn population consists of < 100 mature colonies at 3–6 m depth along a 2-km stretch of exposed reef front. While the exact population size remains to be quantiﬁed, this growth form is so far unique to this locale; no additional colonies were found during recent extensive surveys of nine other Marshall Island atolls, and there are no recent records from elsewhere in the Paciﬁc Ocean.

# Project Description

## Project Development Objectives and Results

1. The proposed project development objective (PDO) is to improve the safety, efficiency and climate resilience of maritime infrastructure and operations in the Republic of the Marshall Islands, and in the event of an Eligible Crisis or Emergency, to provide an immediate response to the Eligible Crisis or Emergency.
2. The achievement of the PDO will be measured through the following PDO-level results indicators:

* Reduction in cargo vessel turnaround times at Delap Dock (minutes);
* Container yard productivity (moves/hour);
* Project docks fully compliant with ISPS requirements (number);
* Project docks rehabilitated with at least one climate resilience measure (number);
* Ports with sectoral and contingency planning tools that address natural disasters and climate change (number);
* Referrals of trafficking survivors to NGOs (number).

## Project Components

1. The MIMIP has four (4) components:

* **Component 1: Maritime Infrastructure Investments.** Component 1 will enhance the resilience of maritime structures to natural disasters and climate change impacts through the integration of planning, design, construction, rehabilitation and operation of facilities. Examples are repairs to existing berth and apron facilities including the underwater quay structure, improvement in drainage systems to avoid pooling of water in cargo handling area and container yards, and the provision of floating pontoons for passenger transport. The following sub-components are envisaged:
  + Hardening and ensuring adequate drainage at container and cargo yards at Delap Dock;
  + Repairs to the existing superstructure and buildings at Delap and Uliga Docks, including the rehabilitation of utilities related to water and power supply, if required;
  + Construct simple port control tower at Uliga Dock;
  + Repairs to existing facilities on the outer islands of Arno, Jaluit and Wotje; and
  + Acquisition of cargo handling equipment for Delap and Uliga Docks.
* **Component 2: Maritime Security and Safety Equipment.** Component 2 will enhance the climate resilience of communities by strengthening security and safety of maritime transport and thereby improving connectivity between Majuro and outer islands for access to food, water, fuel, and emergency response services.
  + Improve existing berths and facilities at Delap, Uliga and Ebeye Docks through repairs/upgrades of quay wall structures, and replacing quay furniture (bollards, fenders, ladders), as required.
  + Replace/upgrade Aids to Navigation (AtoNs) at Majuro, and Outer Islands, but excluding Ebeye.
  + Upgrade/provide fencing, gates, terminal lighting, backup generators, CCTV systems to comply with ISPS requirements.
  + Provide spill kits for Delap, Uliga, Ebeye, Arno, Jaluit and Wotje Docks, and 150m boom containment systems for Delap and Ebeye Docks.
  + Support to elevate awareness of, and help prevent, human-trafficking, in coordination with existing Government and IOM programs.
  + Provide Search and Rescue (SAR) equipment and safety devices.
  + Assess the benefits of a scanner for Delap Dock.
* **Component 3: Technical Assistance and Project Management.** Component 3 will enhance the climate resilience of maritime transport and local communities through Technical Assistance designed to strengthen the planning and management of port facilities, improve coordination of emergency response systems, elevate awareness of SAR and ISPS requirements, and implement MIMIP activities.
  + Prepare strategic development plans, review port operations, including development of security, site safety, efficiency, waste management, and compliance requirements, and maintenance regimes for Delap, Uliga, and Ebeye Docks with particular attention around key areas of concern including safety, security, and climate resilience.
  + Prepare designs that consider climate resilient measures and supervise works on maritime infrastructure.
  + Review institutional and governance arrangements for port/dock management.
  + Capacity building initiatives to better operate and regulate the project docks (SAR awareness, ISPS training, use of spill kits & booms, etc.).
  + Encourage employment opportunities for women.
  + Support to implement MIMIP, including to the Central Implementation Unit (CIU).
  + Incremental operating costs for Project-related travel and communications.
* **Component 4: Contingent Emergency Response.** Component 4 is designed to provide swift response in the event of an Eligible Crisis or Emergency by allowing a portion of undisbursed project funds to be reallocated to respond to natural disasters and/or other crises and emergencies. The CERC may be used following natural disasters or other crises and emergencies, allowing funds to be reallocated from other components of the MIMIP.

1. Consumables such as aggregate, cement, steel and other infrastructure fittings will need to be transported to the sites – these materials will need to be imported (the project does not include the mining of aggregate). Majuro and Ebeye have reticulated water systems, the outer islands do not. However, as RMI is already experiencing severe droughts, water sources and availability will need to be assessed before commencement of works.
2. Accommodation is relatively limited on the islands, however, the current program of works is unlikely to require significant numbers of off-island workers, so the existing accommodation options (hotels, hostels and guesthouses) should be sufficient and is unlikely to represent an increase in impacts over and above those that already exist.

# Policies, Legal and Administrative Framework

1. The following section provides an overview of the institutional and legal framework under which the MIMIP will be undertaken.

## RMI Legislation and Regulations

1. The government of the Marshall Islands operates under a mixed parliamentary-presidential system as set forth in its Constitution. Elections are held every four years, with each of the twenty-four constituencies electing one or more representatives (senators) to the lower house of RMI's uni-cameral legislature, the Nitijela. The President, who is head of state as well as head of government, is elected by the 33 senators of the Nitijela.
2. Legislative power lies with the Nitijela. The upper house of Parliament, called the Council of Iroij, is an advisory body comprising twelve tribal chiefs. The executive branch consists of the President and the Presidential Cabinet, which consists of ten ministers appointed by the President with the approval of the Nitijela. The twenty-four electoral districts into which the country is divided correspond to the inhabited islands and atolls
3. The following GoRMI legislation is relevant to the MIMIP:

* **RMI Constitution -** The Preamble to the Constitution of the Republic of the Marshall Islands states: “All we have and are today as a people, we have received as a sacred heritage which we pledge ourselves to safeguard and maintain, valuing nothing more dearly than our rightful home on the islands within the traditional boundaries of this archipelago.” This means that the government of the RMI has a responsibility to safeguard and maintain heritage and ensure that the islands can continue to provide a home to the people of the Marshall Islands for generations to come.
* ***Animal and Plant Inspection Act*** - In order to protect the agricultural and general well-being of the people of the Republic, quarantine regulations are promulgated as a means of preventing the introduction and further dissemination of injurious insects, pests, and diseases into and within the Republic. All aircraft and vessels or their cargoes, including baggage, ship's stores and ballast, entering or moving within the Republic, are subject to inspection by agricultural quarantine inspectors for the purpose of enforcing the controls, quarantines and regulations established pursuant to this Part, provided, that such inspections of U.S. military aircraft and vessels shall be subject to existent military security regulations.
* ***Coastal Conservation Act (CCA) 1988*** - An Act to make provision for a survey of the coastal zone and the preparation of a coastal zone management plan; to regulate and control development activities within the coastal zone; to make provisions for the formulation and execution of schemes for coast conservation. Notwithstanding the provisions of any other law, no person shall engage in any development activity other than a prescribed development activity within the Coastal Zone except under the authority of a permit issued in that behalf by the Director. Upon receipt of an application for a permit to engage in a development activity within the Coastal Zone, the Director may require the applicant to furnish an environmental impact assessment relating to such development activity and it shall be the duty of the applicant to comply with such requirement.
* ***Disaster Assistance Act*** - An Act to reduce vulnerability of people and communities of the Republic to damage, injury, and loss of life and property resulting from natural or manmade catastrophes; to clarify the role of the Cabinet and local governments in the prevention of, preparation for, response to, and recovery from disaster; to authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery between agencies. Every person shall conduct himself and keep and manage his affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the Government of the Marshall Islands and the public to successfully meet disasters.
* ***Endangered Species Act 1975*** - An Act to provide for the protection of endangered species of fish, shellfish and game in the Republic. The indigenous plants and animals of the Republic are of esthetic, ecological, historical, recreational, scientific, and economic value and it is the policy of the Government of the Marshall Islands to foster the well-being of these plants and animals by whatever means necessary to prevent the extinction of any species or subspecies from the islands of the Republic or the water surrounding them.
* ***Ethics in Government Act 1993*** - recognizes the right of the people to a responsible and an ethical government and the obligation of the government to take every step reasonable and necessary to conduct government in accord with a comprehensive code of ethics.
* ***Historic Preservation Act 1991*** - An Act to promote the preservation of the historic and cultural heritage of the Republic of the Marshall Islands.
* ***International Organizations Immunity Act 1974*** - An Act to provide immigration immunities to international organizations and their staff. This act has implications for tax, property, privacy etc. The Protection of Resident Workers Act shall not apply to international organizations.
* ***Jaluit Atoll Economic Development Authority Act 2000*** - An Act to establish the Jaluit Atoll Economic Development Authority and to provide all the powers necessary to plan for the development and implementation of all programs and projects for the social, economic and educational betterment of the people of Jaluit Atoll, with responsible and appropriate review by the Government of the Republic of the Marshall Islands to ensure fiscal responsibility and consistency with the development policies of the Government of the Republic.
* ***Land Acquisition Act 1986*** -An Act to make provision for the acquisition of lands and servitudes for public use for payment of just compensation.
* ***Local Government Act 1980*** – an Act providing for the manner of operation of the system of local government. Each atoll has its own local Council.
* ***National Environmental Protection Act 1984*** (NEPA) - An Act to provide for the establishment of a National Environmental Protection Authority for the protection and management of the environment. Marshall Islands EIA legislation is found largely in Part IV of the *National Environmental Protection Act 1984* (NEPA). The NEPA Act 1984 is supported and further elaborated in a set of 8 regulations for protection of surface and marine waters, and air quality, and managing of potential impacts from earth works, sanitation systems, waste and new infrastructure development. The Act, and these regulations along with the Coast Conservation Act 2008, provides the framework for the protection of resources and environmentally sustainable development in RMI. The 1994 Environmental Impact Assessment Regulations (Regulations) promulgated by the Republic of the Marshall Islands Environmental Protection Authority provide MIMIP proponents specific details for the EIA process for both NEPA and CCA. Relevant regulations include:
* **Earthmoving regulations 1988 (with amendments in 1994 and 1998)** – all earthmoving activities shall be planned in such a manner so as to prevent accelerated erosion, sedimentation and disturbance of cultural resources. This regulation is to be replaced by the Sustainable Development Regulation.
* **Solid Waste Regulations 1989** – Establishment of minimum standards governing the design, construction, installation, operation and maintenance of solid waste storage, collection and disposal systems to:
  + Prevent pollution of the drinking and recreational waters of the RMI;
  + Prevent air and land pollution;
  + Prevent the spread of disease and the creation of nuisances
  + Protect the public health and safety
  + Conserve natural resources; and
  + Preserve and enhance the beauty and quality of the environment
* **Toilet Facilities and Sewage Disposal Regulation 1990** – The purpose of this regulation is to establish minimum standards for toilet facilities and sewage disposal to minimize environmental pollution, health hazards, and public nuisance.
* Part II, Section five - It is required that all public buildings or any buildings which may be used for dwellings shall have toilet and sewage facilities.
* Part IX, Section 37 – Prohibition of disposal of treated, semi-treated, or untreated sewage or excreta into any pond, well, reservoir, body of water, or onto the ground, whether public or private, unless such activity is of economic or social value or research purposes that poses no public health hazard.
* **Marine Water Quality Regulation 1992** – Identify the uses for which the marine waters of the RMI shall be maintained and protected, specify the water quality standards required to maintain the designated uses and to prescribe regulations necessary for implementing, achieving and maintaining the specified marine water quality.
* **Public Water Supply Regulation 1994** - The purpose of the regulation is to establish certain minimum standards and requirements to be necessary for the public health and safety and to ensure that public water supply systems are protected against contamination a pollution and do not constitute a health hazard. The regulations state that no person shall cause or allow the construction of or change to any public water supply without approval of final drawings and specifications. All work performed on a public water supply shall be in accordance with accepted engineering practices. Any pipe, solder flux or fitting in a public water system or any building connected to a public water system shall be lead-free. The Authority shall review a notice of intent to construct or modify a public water supply system for completeness within 60 calendar days from receipt.
* **Environmental Impact Assessment Regulation 1994** – Implementation of the NEPA 1984 and Coast Conservation Act 1988 for proposed development activities that may affect the quality of the environment of the RMI.
* Part III, Section 9a - Proposed development activities that have the potential for significant effect to the environment shall conduct an Environmental Impact Assessment and submit to the EPA.
* Part III, Section 11 - A scoping process identifying the significant issues related to the proposal shall be initiated by the EPA.
* Part III, Section 13 - Formulation of an EIA must take into considerations any guidelines, directions, policies or plans issued by the EPA regarding the protection, conservation and management of the environment.
* ***Planning and Zoning Act 1987*** - An Act to provide for: (a) planning in land water use; (b) the promotion of the health, safety and general welfare of the people; (c) the creation of zones in municipal areas in order to lessen the congestion and to secure safety from fire and other hazards; (d) the regulation and control of the construction of buildings and the prevention of overcrowding of land. Section 208 Planning Local Areas includes (d) “the necessity to establish and maintain catchment areas and water reserves for the collection and supply of water” as one of the aspects that local government Section 209 Restrictions on Buildings includes (b) “specifying the requirement of rain water catchment for every future construction of a house or for every building or industry where water is being used”
* ***Wotje Development Authority Act 2002***- An Act to establish the Wotje Atoll Development Authority and to provide all the powers necessary to plan for the development and implementation of all programs and projects for the social, economic and educational betterment of the people of Wotje Atoll, with responsible and appropriate review by the Government of the Republic of the Marshall Islands to ensure fiscal responsibility and consistency with the development policies of the Government of the Republic
* **The Historic Preservation Legislation of 1992** - has codified Cultural Resource Management into law. The process associated with the production of resource management plans is an eight-step process that is heavily reliant on community consultation to develop community-based management plans.

## Environmental Impact Assessment in the Marshall Islands

1. The Marshall Islands has a comprehensive set of EIA regulations, and includes subsequent monitoring, mitigation reporting, auditing, and penalties and enforcement in case of non‐compliance following approval of a final EIA. Marshall Islands EIA legislation is found largely in Part IV of the *National Environmental Protection Act 1984* (NEPA), which requires governmental decisions regarding any proposed actions “in all matters in which there is or may be an environmental impact” to include assessment of potential environmental and cultural impacts.
2. The *1994 Environmental Impact Assessment Regulations* (Regulations) promulgated by the Republic of the Marshall Islands Environmental Protection Authority provide project proponents specific details for the EIA process for both NEPA and CCA.

### EIA process

1. Under the 1994 Regulations, the EIA process screens out activities with insignificant impacts from review in an initial “Preliminary Proposal.” Such a proposal is required by proponents of “each and every proposed development activity,” and must contain information on the activity and any potential environmental impacts as well as alternatives to mitigate the impacts. Following a review of the proposal, the reviewing agency (i.e. NEPA or CCA, hereafter “the reviewer”) makes a written determination of his or her decision to the proponent. In case the reviewer determines the project will have a significant effect on the environment, a full or partial EIA is required from the proponent. Otherwise, the proponent may continue with the activity as planned, although still subject to regulatory and permitting requirements under any relevant law.
2. The EIA may be performed via separate phases of the activity, and a scoping process open to relevant members of the public identifies issues significant enough to be addressed in the EIA. Following completion of the scoping process, the proponent completes and submits a Draft EIA, which must include a list of alternatives to the proposed actions, a description of the affected environment and a scientific and economic analysis of potential consequences of the action. After receiving the Draft EIA, the reviewer provides for public notice and comment, including a public hearing. The reviewer then responds to the proponent, requiring either further revisions or a Final EIA, the latter of which must include the final chosen alternative, any mitigation measures and monitoring plans. The reviewer has discretion to approve or reject the Final EIA. If approved, the reviewer monitors activities and can perform audits and enforce the EIA regulations by means of fines, cease and desist orders, or entry without notice.
3. The CCA requires an EIA to be conducted in accordance with the 1994 EIA regulations described above for any proposed development activity on the coastal zone. For the purpose of the CCA, 'development activity' means any activity likely to alter the physical nature of the coastal zone.
4. The ESMF integrates the requirements of RMI EIA regulations.

## Multilateral Agreements and Biodiversity Protocols

1. RMI is a signatory to a number of international and regional agreements and conventions, which are related to the environment. They include:

* 1993 Agreement Establishing the South Pacific Regional Environment Programme (SPREP);
* 2000 Cartagena Protocol on Biosafety on the Convention on Biological Diversity;
* 1945 Constitution of the United Nations Educational, Scientific and Cultural Organization;
* 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage;
* 1923 Convention and Statute on the International Regime of Maritime Ports;
* 1986 Convention for the Protection of the Natural Resources and Environment of the South Pacific Region;
* 1992 Convention on Biological Diversity;
* 1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat;
* 1980 Convention on the Physical Protection of Nuclear Material;
* 1989 Convention on the Rights of the Child;
* 1995 Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, Waigani, Papua New Guinea;
* 1990 International Convention on Oil Preparedness and Co-operation;
* 2001 International Treaty on Plant Genetic Resources for Food and Agriculture;
* 1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change;
* 1986 Protocol concerning co-operation in Combating Pollution Emergencies in the South Pacific Region;
* 1988 Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea of 1 November 1974;
* 2001 Stockholm Convention on Persistent Organic Pollutants;
* 1998 Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations;
* 1987 The Montreal Protocol on Substances that deplete the Ozone Layer;
* 1992 United Nations Framework Convention on Climate Change;
* 2009 Statute of the International Renewable Energy Agency;
* 1982 United Nations Convention on the Law of the Sea;
* 1994 United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification particularly in Africa; and
* 1985 Vienna Convention for the Protection of the Ozone Layer.

## World Bank Safeguard Policies

1. Initial screening indicates that the World Bank Safeguard Policies Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04) and Indigenous Peoples (OP/BP 4.10) will be triggered as a result of the Project, requiring the Borrower to prepare the safeguards instruments to guide detailed planning once sub-projects are identified firmly at a later stage of Project planning.
2. Screening based on field investigations, stakeholder consultations and a review of potential options for implementation confirms an assessment of Category B for the MIMIP. The Screening finds that potential impacts are less significant, site specific, mostly reversible and that a range of potential measures for mitigation can be readily designed in the majority of cases.

### OP/BP 4.01 Environmental Assessment

1. The purpose of Environmental Assessment is to help ensure the environmental and social soundness and sustainability of investment projects, and to support the integration of environmental and social aspects of MIMIP into the decision-making process. The policy defines procedures to screen and assess potential impacts and mitigation, prepare safeguard instruments, ensure public consultation and transparency and that there are implementation and supervision of commitments relating to findings and recommendations of the environmental assessment.
2. OP/BP 4.01 was triggered at Concept Stage and an Environmental and Social Management Plan (ESMP) and an Environmental and Social Management Framework (ESMF) prepared for the project. Consultations were held during the environmental assessment and on the draft instruments. The project has been screened as Category B as the impacts are considered moderate and readily prevented and mitigated. The ESMP has been prepared for the activities identified during project preparation and mostly relate to the physical works to upgrade the various ports. The ESMF has been prepared to provide a screening and risk management process for sub-projects that are identified following the strategic management planning processes and to inform the safeguards approaches to technical advisory activities.
3. In alignment with RMI’s National Climate Change Policy Framework, this project seeks to enhance the resilience of RMI’s maritime transport sector to the impacts of natural hazards and climate change by strengthening port facilities against the incursion of high tides, storm surges and sea level rise, such as through the provision of floating pontoons for passenger access to ferries. Improving the efficiency and safety of maritime transport will help address vulnerabilities associated with water, food and fuel security and strengthen the capacity for communication, transportation and emergency response to the outer islands where some of the most vulnerable communities live.
4. This ESMF is an integral part of compliance with this policy. All activities proposed for funding and implementation under the MIMIP are subject to the provisions and stipulations within this document. This includes the physical investments and associated facilities, the advice provided under Technical Assistance, the management of environmental and social risks relating to port facilities, and in the design of the future port related projects.

### OP/BP 4.04 Natural Habitats

1. The conservation of natural habitats is essential for long-term sustainable development. The Bank therefore supports the protection, maintenance, and rehabilitation of natural habitats and their functions. The Bank does not support projects involving the significant conversion of natural habitats unless there are no feasible alternatives for the project and its siting, and comprehensive analysis demonstrates that overall benefits from the project substantially outweigh the environmental costs.
2. The policy is triggered because of the proximity of natural habitats to the ports e.g. corals, sandy beaches and/or mangroves. However, most components/sub-projects will not affect any natural habitats as they will be undertaken on already disturbed areas e.g. the existing port landside areas. Furthermore, the assessment concludes that the maritime habitat near the Delap, Uliga, Ebeye and Jaluit ports is highly modified and degraded due to pollution, waste and sedimentation. Further impacts on these immediate environments will be negligible.
3. Jaluit atoll is a RAMSAR site (Jaluit Atoll Conservation Area) with significant mangrove communities and habitats for critically endangered and vulnerable marine species. It is therefore a critical habitat. However, the proposed physical works in Jaluit are small scale and will not result in significant degradation or conversion of natural habitat.
4. Remnant coral habitats in all lagoons beyond the immediate port area may be affected in the short term from contaminated storm water from earthworks and construction activities if not adequately managed, and in the long term from contaminated storm water drainage from the ports or spill events. Mitigation measures in the ESMP address the design and operation of drainage and storm water treatment devices, erosion and sediment control measures, removal of waste, improved oil and fuel management procedures, and improved spill response skills and equipment, and ongoing monitoring, and are considered satisfactory for reducing short and long term risk to these habitats.
5. The policy is also relevant for the preparation of future projects.

### OP/BP 4.10 Indigenous Peoples

1. The Bank recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend.
2. This policy contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples, the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples.
3. This policy is triggered as almost the entire population of Majuro is indigenous Marshallese. To ensure that the principles of the policy are addressed, the Stakeholder Engagement and Consultation Plan has been prepared in compliance with the policy and consistent with an Indigenous Peoples Policy Framework, reflecting a Free, Prior and Informed consultation approach that addresses the needs of vulnerable people and women.

### OP/BP 4.11 Physical Cultural Resources

1. The baseline surveys carried out as part of the ESIA process did not identify the presence of any physical cultural resources within the project’s area of influence. All physical works will be within the dock boundaries or on Government leased land, which are heavily modified environments. Hence, the policy is **not** triggered.

### OP/BP 4.12 Involuntary Resettlement

1. The project will involve physical investments on Government-leased land. Involuntary land acquisition or resettlement will not be required; therefore, this policy is **not** triggered. Any supporting infrastructure or facilities such as laydown areas will be located on Government-leased land. Any compensation in relation to the project, but not related to land acquisition, will be managed under the ESMP.
2. No adverse livelihood impacts have been identified in the social assessment.

### World Bank General Environmental, Health and Safety Guidelines

1. The World Bank Group’s General Environmental, Health, and Safety Guidelines (EHS Guidelines) (World Bank Group, 2007) represent good international practice for managing occupational health and safety (OH&S) risks. The EHS Guidelines contain the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable costs.
2. The fundamental premise for OH&S under the EHS Guidelines is that “*Employers and supervisors are obliged to implement all reasonable precautions to protect the health and safety of workers*” and that “*Companies should hire contractors that have the technical capability to manage the occupational health and safety issues of their employees*…”.
3. The overall OH&S philosophy embodied in the EHS Guidelines is that preventive and protective measures should be introduced according to the following order of priority:

* Eliminating the hazard by removing the activity from the work process. Examples include substitution with less hazardous chemicals, using different manufacturing processes, etc.;
* Controlling the hazard at its source through use of engineering controls. Examples include local exhaust ventilation, isolation rooms, machine guarding, acoustic insulating, etc.;
* Minimizing the hazard through design of safe work systems and administrative or institutional control measures. Examples include job rotation, training safe work procedures, lock-out and tag-out, workplace monitoring, limiting exposure or work duration, etc.
* Providing appropriate personal protective equipment (PPE) in conjunction with training, use, and maintenance of the PPE.

1. The EHS Guidelines also require that prevention and control measures to minimise occupational hazards should be based on comprehensive job safety analyses (JSA). The EHS guidelines apply to the design, construction and operation of facilities that are part of the MIMIP.
2. All workers engaged on the MIMIP will need to be covered under the terms of the EHS Guidelines.

### Gap Analysis of RMI laws and regulations and WB Safeguards Policies

1. The following table identifies requirements of the triggered WB Safeguard Polices (OP/BP 4.01, OP/BP 4.04 and OP/BP 4.10) alongside relevant RMI legislation and confirms compliance.

|  |  |  |
| --- | --- | --- |
| **Bank Safeguards Policy Requirement** | **RMI Equivalent** | **Equivalence** |
| **OP/BP 4.01 Environmental Assessment** | | |
| Environmental Screening. Projects categorised as A, B or C. | The EIA Regulations address a number of these matters (screening, mitigation, monitoring, and consultations) in regard to earthworks and infrastructure activities. If these activities are undertaken as part of the project, they will be subject to the EIA regulations.  Otherwise, the legislation is silent in regard to activities contemplated for the MIMIP. | The ESMF follows OP/BP 4.01. All sub-projects will be managed as per the ESMF, which integrates the requirements of RMI EIA regulations. |
| Category B projects require a ‘limited’ environmental assessment (which includes a social assessment) and requires a safeguards instrument (ESIA, ESMP etc.) depending on the nature and scale of impacts. |
| An ESMP that includes mitigation measures, allocation of responsibilities, costs and reporting requirements. |
| Monitoring is required that includes a monitoring framework that allocates location, frequency, costs and responsibilities. |
| Public consultation required for Category A and B projects |
| Disclosure is required |
| Institutional capacity and training requirements are assessed. |
| **OP/BP 4.04 Natural Habitats** | | |
| Application of precautionary principle to natural resources to ensure environmentally sustainable development | The NEPA, Endangered Species Act, Animal and Plant Inspection Act, Planning and Zoning Act, and Coastal Conservation Act contain elements that address aspects of natural resource management and protection.  Activities that have the potential to impact natural habitats will be subject to RMI legislation above. | The ESMF follows OP4.04. All sub-projects will be managed as per the ESMF, which integrates the requirements of RMI EIA regulations. |
| Identification of natural habitat issues and special needs for natural habitat conservation |
| Measures for protecting natural areas in the context of country development strategies |
| Mitigation measures |
| **OP/BP 4.10 Indigenous Peoples** | | |
| Screening to identify whether Indigenous Peoples are present | RMI Constitution recognises the heritage, traditional boundaries and cultural ties to the islands. The Historic Preservation Act 1991 provides protection for cultural heritage.  Otherwise, the legislation is silent in regard to activities contemplated for the MIMIP | As the overwhelming majority of beneficiaries are indigenous, the elements of the policy are ‘integrated into design’ and no separate Indigenous People Plan is required.  The ESMF fulfils the intent of OP/BP 4.01. All sub-projects will be managed as per the ESMF, including recognition of cultural norms, land tenure, continuing consultation and participation and disclosure. |
| Social assessment to assess potential adverse impacts |
| Consultation and participation |
| Indigenous Peoples Plan (if required) |
| Disclosure is required |

# Procedures to Address Environmental and Social Impacts and Risks

1. This ESMF was developed to ensure due diligence, to avoid causing harm or exacerbating risks or impacts. This section describes the procedures in place to determine: (i) the categorization of the project activity based on potential adverse environmental and social impacts of project activities, and (ii) how potential impacts will be addressed through the selection of appropriate mitigation and management plans.
2. The Project involves development of sub-projects or provision of Technical Assistance (“TA”), which are all collectively termed “sub-projects and associated elements” in this ESMF.
3. There are certain physical investments that are known, and the rest will be identified during project implementation. The activities (sub-projects) that are known are covered by the ESMP (Annexure C). The sub-projects that will be identified during project implementation need to go through the screening process, described below, to identify the nature and scale of potential impacts, the OPO4.01 categorization and the safeguard instrument that will be required. The safeguard instrument will either be:

* the existing ESMP;
* a new ESMP;
* a new ESIA and ESMP;
* something else like a guideline, standard operating procedure, etc.; or
* no instrument required.

1. Contractors must prepare a Construction Environmental Management Plan (CEMP) – and ESMP specifically focused on construction related issues. The Contractor can use the resources included in the ESMF/ESMP (ie Annexures with plan outlines) to prepare the CEMP. The CEMP must be cleared by the IA and WB prior to works starting.

## Applicable Safeguard Instruments

1. Table 1 outlines the various safeguard instruments.

Table 1 Safeguard instruments

|  |  |  |
| --- | --- | --- |
| **Safeguard Policy** | **Type of sub-project** | **Applicable Instrument** |
| OP/BP 4.01 Environmental Assessment | All sub-projects or activities | An ESMF has been prepared as the project comprises a series of activities, and the impacts of some activities cannot be determined until the details have been identified during implementation. All subprojects require completion of the Safeguard Screening Form (Annex D). |
| Category A - Broad, diverse, potentially irreversible impacts; major resettlement; conversion of natural habitats; hazardous materials | Any sub-projects screened as Category A will be ineligible for financing. As most sub-projects will involve rehabilitation of existing infrastructure, Cat A sub-projects are unlikely. Exceptions could include sub-projects that require dredging or removal of areas of coral, or activities that have the potential (perhaps as a secondary impact) to result in significant contaminant production e.g. as produced during careening.  Cat A projects will require new ESIAs and ESMPs. Cat A projects are not financeable under the MIMIP. |
| Category B – Geographically -limited, readily identified impacts that can be mitigated | An EIA is undertaken for Category B sub-projects to provide sub-project-specific data/information and further analysis including site assessment, and analysis of alternatives / environmental and technical constraints to determine the full extent of environmental and social impacts. It may also involve an environmental audit, hazard assessment, etc. An ESMP will be prepared to manage potential environmental and social risks.  Cat B sub-projects are permissible under the MIMIP. |
| Category C - Negligible or minimal potential impacts that are easily mitigated | Category C projects do not require any safeguard instrument beyond screening.  Cat C sub-projects are permissible under the MIMIP. |
| Natural Habitats OP/BP 4.04 | Marine works | Safeguard Screening Form. EIA/ESMP requirements as for OP/BP 4.01.  Cat B and C sub-projects are permissible under MIMIP. |
| Indigenous Peoples OP/BP 4.10 |  | Almost the entire population of the country are indigenous Marshallese and their rights are represented through administrative system of the country. Municipal Council is the key administrative body for representation at the local level and therefore consultations with the Council members should be included at each sub-project development step.  A Stakeholder Engagement Plan has been developed and must be applied.  No Indigenous Peoples Plan is required for the MIMIP |

## Environmental Safeguard Procedures

1. This section sets out a process for screening sub-projects and associated elements during project implementation. Any sub-project and associated elements developed during the Project should be evaluated according to the screening process described below to determine the potential risk of associated environmental and social impacts, and associated mitigation options. The process consists of the following steps:

* Step1: at the time of preparing Terms of Reference for each sub-project or associated element (TA or services delivery component), each sub-project or associated element shall be screened and categorized, with a decision made to proceed or modify the proposal to ensure it remains within Category B or C, and identify relevant safeguards instruments.
* Step 2: Preparation of required safeguards instruments (ESMP) including stakeholder consultations as necessary
* Step 3: Review of prepared safeguards instruments as per RMI and WB safeguards policies; additional stakeholder consultations as deemed necessary. (DIDA and WB)
* Step 4: Submit prepared safeguards instruments to WB for no objection. Disclosure of approved instruments locally and on WB’s website. (CIU)
* Step 5: Implementation – monitoring, reporting and remedial measures as per approved ESMP etc. Ongoing consultations and community engagement. (IA)

### Step 1: Screening Review and Determination of Safeguard Instruments

1. Activities associated with each sub-project and associated elements will be screened by the Safeguards Specialist to assess whether the sub-project will create any of the environmental and social risks identified in the Screening Form (Annexure D).
2. This screening shall be undertaken at the point at which ToR are being prepared for the sub-project or associated element. This will ensure all relevant matters can be taken into account when ToR are finalized.
3. Each sub-project or associated element is screened for Categorization (A, B, C), since the detailed nature and scale of subprojects are not known at the time of project preparation. If screening indicates Category A then that element will not be eligible for funding, since the risks are higher than what was appraised at project preparation. The ToR for that element will need to be modified to ensure compliance with Category B and C which are eligible for funding.
4. Reference should be made in each case to the mitigation measures identified in Section 8 – Environmental and Social Impact Mitigation Strategies. Any new impacts shall be noted, and associated mitigation measures shall be developed. Any new mitigation measures should also be added to the ESMF as part of the review/update process.
5. There is the possibility that the project could diverge away from what has been screened in this ESMF. The ESMF recognizes a need for such flexibility, but “sub-project and associated element categorization” ensures that all projects/programs etc. under the project will meet WB safeguards requirements, including preparation of an ESMP as necessary or inclusion of standard environmental/social clauses in contracts/ToR. For TA, the minimum requirement will be that compliance with WB policies and the project ESMF is included in the ToR.

### Step 2: Preparation of safeguards instruments

1. After each element is assessed in Step 1 relevant safeguard instruments are prepared as appropriate.
2. For sub-projects involving physical works, potential risks should be assessed against those presented in Section 8 and appropriate mitigation strategies selected. An ESMP will then be developed using the template EMSP is provided in Annex E.
3. For TA: a clause should be inserted in the ToR requiring (as a minimum) compliance with ESMF and policies. Specific clauses may be required to ensure mitigation measures from Table 2 are included in the outputs / recommendations or approaches.
4. The CIU will be responsible for preparing relevant safeguards documentation and undertaking stakeholder consultations as necessary.

### Step 3: Review of prepared safeguards instruments as per WB Safeguards Policies

1. The WB Safeguards Team will review all prepared safeguards instruments to determine their adequacy vis-à-vis the Bank’s safeguards policies. The review will ensure that the ESMP is consistent with WB’s requirements. Apply for RMI Environmental Permit at this time if relevant.

### Step 4: Disclosure of safeguards instruments.

1. The CIU will proceed with disclosing the instruments locally. Disclosure is intended to support the decision making by RMI and the WB by allowing the public access to information on the environment and social aspects of projects.
2. The WB will also disclose the same safeguards instruments on its website.

### Step 5: Implementation and Monitoring

1. Projects are implemented according to ESMP (if required), including ensuring Contractor’s bid documents include the ESMP, Standard Environmental and Social Contract Clauses (Annexure F), roles and responsibilities are clearly explained, and suitable budgets are allocated. DIDA will provide support for development and implementation of the ESMP as relevant.
2. During project implementation, CIU monitors progress and reports on

* compliance with measures agreed with the WB on the basis of the findings and results of the EA, including implementation of any ESMP, as set out in the project documents;
* the status of mitigation measures; and
* the findings of monitoring programs.

## Contingent Emergency Response Component

1. A Contingent Emergency Response Component (CERC) is also included within to enable MIMIP funds to quickly be reallocated to respond to emergency events. Component 4 is designed to provide swift response in the event of an Eligible Crisis or Emergency[[5]](#footnote-5) by allowing a portion of undisbursed project funds to be reallocated to respond to natural disasters and/or other crises and emergencies. The CERC may be used following natural disasters or other crises and emergencies, allowing funds to be reallocated from other components of the project.
2. Activities under Component 4 will be governed by the World Bank Directive *Contingent Emergency Response Components (CERC)* (October 2017). Disbursement of emergency financing under the CERC will be contingent upon: a) the recipient establishing a nexus between the disaster event and the need to access funds to support recovery and reconstruction activities (an “eligible event”); and b) submission to and no objection granted by the World Bank of an Emergency Action Plan (EAP). The EAP will include a list of activities, procurement methodology and safeguards procedures.
3. The EAP will require consideration of safeguard implications for any proposed emergency supplies procurement or reconstruction activities. The World Bank, through the no objection process, will closely examine the nature of the proposed activities, particularly those involving civil works, to ensure (i) that they are not prohibited under the negative list and (ii) that the recipient is aware of the required safeguard compliance documentation before initiating the process by which the proposed works will be prepared and implemented.
4. Emergency activities financed under the CERC will involve financing provision of critical goods or emergency recovery and reconstruction works and it is likely these will fall into Category B or C. Activities that fall under Category C could involve procurement of emergency supplies such as medicine and water and do not require the application of safeguard instruments, post-screening or assessment. Other emergency supplies, such as fuel products, will require safeguard instruments (such as Environmental Codes of Practice or EMPs) to ensure procurement, storage and dispensing procedures are adequate.
5. Preparation of the EAP will have regard to this ESMF and safeguard instruments will require World Bank approval prior to commencement of activities. Importantly, the EAP will need to include procedures for:

* Consultation and disclosure;
* Integration of mitigation measures and performance standards into contracts; and
* Supervision/monitoring and reporting measures to ensure compliance.

1. In order to ensure that CERC subproject activities comply with the requirements of the Bank’s Safeguard Policies, a positive and negative list has been developed to provide guidance on critical imports and/or for emergency works, goods or services which may be eligible for financing. The negative list and screening process will be retained, but will need to allow for a degree of flexibility and efficiency in processing potential sub-projects. Further guidance will be detailed in the Finance Agreement (FA) and CERC Operations Manual.

### CERC Positive List

1. The purpose of the positive list is to indicate the types of critical imports and emergency works following a loss and needs assessment that would be acceptable to the Bank to be financed under Component 4 (CERC). Project funds allocated to the CERC Disbursement Category may be used to finance any expenditure of the Recipient that is consistent with the FA provisions.
2. The following subproject or activities will be deemed eligible under the CERC:

* Critical Imports: Eligible expenditures on critical imports required by the public/private sectors (imported or locally manufactured) under the CERC include:
* Construction materials, equipment and industrial machinery
* Water, air, land transport equipment, including spare parts
* Purchase of petroleum and other fuel products;
* Any other item agreed to between the World Bank and the Recipient (as documented in an Aide-Memoire or other appropriate Project document)
* Emergency Sub-projects: Eligible expenditures for emergency sub-projects initiated following the Declaration of a National Emergency/Disaster in response to damage, losses and needs caused by an event are as follows:
* Repair of reconstruct streets, roads, bridges, transportation and other infrastructure damaged by the event;
* Reestablish telecommunications infrastructure damaged by the event;
* Reestablish drainage systems damaged by the event;
* Remove and dispose of debris associated with any eligible activity;
* Stabilize heavy erosion along waterfronts.

### CERC Negative List

1. Sub-projects with the following potential impacts will not be eligible for financing under the CERC component or the parent project:

* involve the significant conversion, clearance or degradation of critical natural habitats, forests, environmentally sensitive areas, significant biodiversity and/or protected conservation zones;
* will cause, or have the potential to result in, permanent and/or significantly damage to nonreplicable cultural property, irreplaceable cultural relics, historical buildings and/or archaeological sites;
* will negatively affect rare or endangered species;
* will result in involuntary land acquisition or physical displacement of affected communities, or relocation of Indigenous Peoples that would restrict or cease their access to traditional lands or resources;
* do not meet minimum design standards with poor design or construction quality, particularly if located in vulnerable areas;
* Require or involve:
* purchase, application or storage of pesticides or hazardous materials (e.g. asbestos);
* building structures that will alter coastal process or disrupt breeding sites such as retaining walls or seawalls;
* sand/aggregate mining or land reclamation;
* land that has disputed ownership, tenure or user rights;
* land that is considered dangerous due to presence of UXO
* political campaign materials or donations in any form
* weapons
* any activity that supports drug crop production, processing or distribution;
* a higher proportion of funding than is available

# Significant Potential Environmental and Social Impacts

## Baseline Conditions

1. General national environmental and social baseline information is provided in Annexure J.
2. The MIMIP is proposed to be undertaken in existing ports in Majuro, Ebeye, Jaluit, Wotje and Arno. Site specific baseline information about these ports is provided in Annexures A, B, C, D and E.

## Components/Activities

### Component 1 Maritime Infrastructure Investments

1. Component 1 will enhance the resilience of maritime structures to natural disasters and climate change impacts through the integration of planning, design, construction, rehabilitation and operation of facilities. Examples are repairs to existing berth and apron facilities including the underwater quay structure, improvement in drainage systems to avoid pooling of water in cargo handling area and container yards, and the provision of floating pontoons for passenger transport.
2. There are a number of potential impacts associated with the works including but not limited to the potential erosion and sediment movement during rainfall events and as a result of dust, all of which could have impacts on water quality, noise impacts from the use of trucks and excavators, the potential leakage of chemicals and oils, and other potential impacts. There is also the potential for the construction activities to generate sediment that may increase silt load through overland flow to other environments. The likelihood of these impacts is moderate, and the impacts are considered to also be moderate.
3. There are limited, if any, local options for the sustainable sourcing of large volumes of aggregate needed for concreting of large areas of hardstand (container yards). The option of reef mining is problematic given the potential adverse impacts on the health of the inshore area, marine biodiversity and the long term structural integrity of the reef plate itself. As there is limited published scientific studies and evidence for and or against the environmental impacts of reef quarrying there remains a degree of uncertainty exists for which more scientific information is needed. It is likely that reef quarrying, and similarly dredging represents a Category A project and is therefore not acceptable under the MIMIP. To avoid adverse local impacts, aggregate should be imported from approved quarries off-island.
4. The construction works involve in the building of the levelling, subbase, drainage and payment works will result in the movement of sediment to install the pipe and channel works. It is anticipated that some of the material to be used for the construction of the channel works will where possible, be pre-fabricated and purchased in RMI although that will be very dependent on specific activities. The proper handling of this material, and where possible, recycling and reuse of any local materials should be considered. The likelihood of these impacts is moderate, and the impacts are considered to also be moderate.
5. The construction activities could also result in changes to people’s ability and particularly port user’s ability to use the port. The likelihood of these impacts is moderate and the impacts are considered to also be moderate and particular care should be undertaken to ensure operations can continue uninterrupted.
6. All construction and operation activities have the potential to cause noise nuisance. Vibration disturbance to nearby residents and sensitive habitats is likely to be caused through the use of vibrating equipment, machinery and the like particularly when undertaken container yard works. Blasting is not required to be undertaken as part of the MIMIP.
7. Heavy machinery and haul trucks can generate high noise levels within and along the MIMIP area and route. All machinery and vehicles used will be restricted to 7am to 5pm. The likelihood of these impacts is moderate and the impacts are considered to also be moderate.
8. Air quality is unlikely to be affected due to the limited exhaust emissions from construction vehicles and machinery such as plant for excavating foundations, concrete mixers, water tankers, small cranes, dumpers, forklift for the block work and fugitive emissions from aggregates, dust from exposed soils and stock piles. The likelihood of these impacts is slight and the impacts are considered to also be negligible.
9. The MIMIP is unlikely to result in significant waste, notwithstanding that waste is already a significant issue for the five ports. There may be the potential for sediment waste during substrate levelling etc. activities. Where possible, any extra sediment will be used on site, or in the alternative, provided to local users. The likelihood of these impacts is moderate and the impacts are considered to also be minor.
10. There is unlikely to be any significant impacts on both terrestrial and marine ecology. Terrestrially, the sites are all highly disturbed. As such, the likelihood of any impacts is considered to slight with negligible impact. The MIMIP is also unlikely to have a significant impact on marine environments. The MIMIP will not construct any new structures that will reduce fish movement and/or alter existing benthic environments and moreover, will not undertake in water activities, unless there is the need to change existing superstructure for the aids for navigation. The likelihood of these impacts is moderate and the impacts are considered to also be moderate.
11. Access to port facilities are critical for the loading and re-provisioning of both the domestic and international purse-seine and longline fisheries. The use of the port by these vessels makes an economic contribution to the local and regional economies. During the construction phase, there may delays and disruptions to port activities, however from available information it is not possible to determine the duration and extent of any such delays or disruptions. If all operational efforts are made to reduce disruptions and delays, the potential impacts overall should be moderate (moderately likely impacts of minor magnitude). It should be recognized that this is a precautionary categorization only.
12. The works proposed are unlikely to result in a significant influx of workers due to their limited scale, none the less, some off-island workers may be required. Materials will be required to be imported and waste exported. The additional shipping movements, although not significant in number, still represent potential for illegal movement of people e.g. human trafficking and/or the contribution to prostitution, harassment and violence.

### Component 2 Maritime Security and Safety Equipment

1. Component 2 will enhance the climate resilience of communities by strengthening security and safety of maritime transport and thereby improving connectivity between Majuro and outer islands for access to food, water, fuel, and emergency response services.
2. Replacement of quay furniture, fences, navigation aids etc. could result in waste creation through the need to dispose of the old infrastructure, along with packaging for new materials. The waste materials are expected to be mostly benign.
3. Some port users may object to increased security and more restricted access. This is likely to be temporary until users get used to the new arrangements and stakeholders better understand the benefits that improved security and safety bring.
4. RMI’s population age structure is heavily skewed to people 14 years and younger. The more populated islands of Majuro and Ebeye have issues with overcrowding and the existence of conditions that will expose vulnerable young people to underage sex, HIV, drugs, violence and human trafficking. Ports can provide sources of some of these vices, so increase security should help in reducing the likelihood, particularly of GBV, human trafficking and importation of drugs.
5. Through improved port facilities, particularly at Jaluit and Wotje, the risk to vulnerable groups such as women, the elderly and especially school children (who attend boarding school on these islands) is expected to be reduced.
6. The project will increase awareness of the issues and provide services for nearby communities to access. The increased community awareness and capacity building with respect to human trafficking and prostitution will also have positive impacts outside the maritime sector.
7. Provision of spill kits and search and rescue equipment will certainly have positive environmental and social impacts, although training and ongoing maintenance of the equipment will be needed. Also, disposal of any used spill kits will require handling of contaminated material. A Waste Management Plan will need to be developed in conjunction to the provision of the spill kits.

### Component 3 Technical Assistance and Project Management

1. Component 3 will enhance the climate resilience of maritime transport and local communities through Technical Assistance designed to strengthen the planning and management of port facilities, improve coordination of emergency response systems, elevate awareness of SAR and ISPS requirements, and implement MIMIP activities.
2. Port Master Plans will have positive impacts in terms of facilitating logical and orderly development of ports in a way that best responds to predicted current and future needs. Port Master Plans will require updating, say approximately every 10 years.
3. MIMIP has the potential to assist in the empowerment of women through the promotion of female employment in the maritime sector.
4. World Bank safeguards policies also apply to technical assistance delivered under the project. Several key pieces of work funded by the project are under Component 3:

* Prepare strategic development plans (Port Master Plans)
* Prepare designs that consider climate resilient measures and supervise works
* Review institutional and governance arrangements for port/dock management
* Capacity building initiatives.

1. Each Terms of Reference will include relevant scope of work to ensure that environmental and social safeguards are integrated into the methodology and outputs of each technical assistance contract. The Terms of Reference will indicate the specific safeguards expertise required in the team and the level of effort required by the specialist(s). Standard clauses are provided below.
2. The Terms of Reference for any Technical Advisory projects should contain the following clauses as a minimum:

* Analysis should include the environmental and social aspects and impacts, consistent with the safeguard policies of the World Bank and the Environmental and Social Management Framework, and RMI’s National Infrastructure Plan and Coastal Management Framework.
* Reviews, plans and designs should take into consideration IPCC predicted climate change impacts.
* Outcomes and outputs (including, but not limited to, ESIA, ESMPs, concept designs and detailed designs) should be consistent with the safeguard policies of the Environmental and Social Management Framework.

### Component 4Contingent Emergency Response

1. Component 4 is designed to provide swift response in the event of an Eligible Crisis or Emergency by allowing a portion of undisbursed project funds to be reallocated to respond to natural disasters and/or other crises and emergencies. The CERC may be used following natural disasters or other crises and emergencies, allowing funds to be reallocated from other components of the MIMIP.

## Assessment of Environmental and Social Impacts

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Component / Sub-component** | **Positive Impacts** | | **Negative Impacts** | |
| **Positive** | **Enhancement** | **Negative** | **Mitigation** |
| **Component 1: Maritime Infrastructure Investments** | | | | |
| Repairs to existing berths and facilities at Delap, Uliga and on the outer islands of Jaluit, Wotje and Arno | Improved maritime infrastructure, leading to enhanced port operations and efficiency and increased safety.  Improved drainage and interception of pollutants  Improved user safety  Enhanced connectivity through improved climate resilience of maritime infrastructure  Improved climate resilience of maritime infrastructure | Inclusion of gross pollutant traps and oil separators into drainage system. Consider ease of maintenance in design.  Mapping of utility infrastructure and marking of same on-ground (improved safety and maintainability)  Stakeholder engagement to ensure that user needs are considered / met | Hazardous substances and waste management  Source of aggregates for construction (sand and gravel).  Construction impacts (noise and dust, and disruption) to port users and nearby communities  Occupational injuries or loss of life. | Development of waste management plans  Removal and export of all solid and hazardous waste to permitted landfills.  Import aggregate material. If imported from Part 1 countries, no further due diligence required; If from Part 2 countries[[6]](#footnote-6) , conduct due diligence on sources to ensure compliance with source government laws and regulations.  Constrain working hours and provide adequate warning of works to affected people. |
| Acquire cargo handling equipment for Delap and Uliga Docks e.g. terminal-tractor units, reach stackers and lift trucks | Enhanced port operations and efficiency.  Improved safety | Develop SOPs and training/certification programs | Requirement of ongoing maintenance. | Develop an O&M plan |
| Repair quay wall structures and replace quay furniture (fenders, bollards, ladders) at Delap, Uliga and Ebeye Docks | Enhanced port operations and efficiency.  Improved safety | Consider sustainability in selection of materials and design/installation. | Waste management  Occupational injuries or loss of life  Potential to impact marine environment during construction | Contractors are required to prepare and implement Contractors ESMP, which includes an OHS/JSA manual.  All staff must be adequately trained and resourced for the job.  Provide barriers to exclude the public from work sites.  Implement ESMP to mitigate risks |
| Upgrade/provide fencing, gates and terminal lighting to ensure compliance with ISPS requirements at Delap, Uliga and Ebeye Docks | Increase port security.  Increase in number of ports fully compliant with ISPS requirements  Reduced opportunities for human trafficking.  Increase safety for port workers and visitors. | Design to minimise light spill to reduce impacts to receptors (humans and fauna) | Waste production  Construction impacts (noise, dust, erosion)  Increased power use through lighting | Develop waste management plans  Implement ESMP to manage construction impacts  Select power efficient lighting, design to optimise efficiency |
| **Component 2: Maritime Security and Safety Equipment** | | | | |
| Replace/upgrade Aids to Navigation (AtoNs) at Majuro, Jaluit and Wotje (excluding Ebeye) | Navigation safety improved | Reinforce community awareness of importance and value of navigation aids to minimise vandalism / theft | Potential for environmental impacts during installation  Occupational injuries or loss of life | Utilize existing markers / foundations if possible.  Ecological survey of marker locations to identify presence of any sensitive habitats.  Contractors are required to prepare and implement Contractors ESMP, which includes an OHS/JSA manual.  All staff must be adequately trained and resourced for the job. |
| Oil spill equipment | Oil spill kits available (currently none)  Minimise and reduce the nature and scale of oil spills and associated impacts on ecosystems and wildlife. | Provide training and develop program for scenario drills  Develop Spill Contingency Plans that include communication and cooperation protocols (including non-RMIPA entities e.g. Marshall Air, Police to assist in rapid and effective deployment)  Increase awareness of port users of potential for spills, how to avoid them and what to do in the event of a spill.  Signage for port users to assist in detection and response to spills | Ongoing storage, maintenance and training in use of equipment required. | Develop O&M plans. Training programs (including train the trainers)  Used spill material is contaminated – waste management plan required |
| Provide Search and Rescue (SAR) equipment and safety devices | SAR recommendations implemented (equipment available)  Improved maritime safety | Community awareness program – safety at sea | Need for O&M and ongoing training | Develop O&M plan  Develop training program and undertake SAR drills. |
| Assess the benefits of a scanner for Delap Dock | Improved oversight and safety of port operations | Raise community awareness of benefits | Perceived privacy issues | Raise community awareness |
| Gender-based Violence and Trafficking Prevention | Enhanced GBV, VAC and trafficking prevention training and support in the maritime sector  Increase likelihood of GBV/HT survivors seeking assistance | Social services accessible to project-adjoining communities  Increase in proportion of community who are aware of available GBV and HT trafficking services  Raise the awareness of mariners and build capacity of vessel owners on issues related to human trafficking.  Set up processes and train potential enumerators for on-going Human Trafficking Assessment | Cultural resistance to discussing GBV and HT | Design gender sensitive, popular, and culturally appropriate IEC materials  Hold workshops to raise awareness  Adopt culturally appropriate communication and teaching methods |
| **Component 3: Technical Assistance and Project Management** | | | | |
| Supervise maritime infrastructure works | Improved delivery of program | Nominate deputy or assistant PM to provide both support and redundancy (in event of sickness or accident) as well as a capacity building opportunity | Lack of skilled resources  Lack of safeguards experience | Recruit and include mentoring component in role.  Safeguards Specialist to provide support and capacity building |
| Review institutional and governance arrangements | Improved understanding of roles and responsibilities | Seek opportunities to involve CBOs and NGOs |  |  |
| Review port operations at Delap and Uliga Docks | Opportunities to optimize port operations identified | Involve vessel operators and dockside workers in review | Existing poor practices | Identify poor practices, provide training and rectify |
| Maritime sector planning | Planning documents (e.g. design reports, strategic plans) completed | Involve wide range of port users | Lack of local experience in Port Master Planning  Enables future developments that may require land reclamation, dredging, coral destruction, land acquisition and other activities that could affect marine ecosystems and social wellbeing. | Recruit consultant and include capacity building role  Involve local agencies in process  Ensure local ‘ownership’ in process and outcomes |
| Capacity building initiatives | Consultants hired and training delivered to fill capacity gaps  Improved capacity for oversight, planning and management of the maritime sector and operations,  Reduced risk of environmental incidents, pollution discharges and the associated impacts on marine ecosystems and human health and safety. | Oopportunity to partner with non-government organizations (NGO) and civil society organizations (CSOs) to be involved in the entire project cycle | RMIPA has limited safeguards capacity | Strengthen capacity of RMIPA personnel to undertake safeguard activities.  Safeguards Specialist to provide support and act as mentor |
| Encourage employment opportunities for women | Strengthened capacity across government to deliver gender-responsive programs and services  Enabling environment for equitable participation in, and benefit from, economic development | Increase numbers of women in decision making positions within the maritime sector and related government agencies  Set targets for women at different technical and management levels | Potential for exploitation  Existing gender bias | Ensure compliance with RMI labour and OHS laws  Raise community awareness |
| Project management | Introduction of project management rigor  Schedule and budget management improved | Recruitment of capable PM.  PM to mentor one or more agency staff to improve PM skills  Establish mechanism of coordination such as an inter-agency coordination committee with clear roles and responsibilities of each member, plan of action, and milestones | Added demands on low capacity offices and ministries involved in the implementation of the project | Strengthen capacity of designated ministry and/or local government personnel to undertake project activities. |
| Emerging priority issues | Flexibility to deal with new / emerging issues | Seek to complete a comprehensive Port Master Plan early to assist in identifying priority issues | Issues currently unknown  Some priorities may have significant impacts | Identify as early as possible  Screen potential sub-projects as per ESMF |
| **Component 4: Contingent Emergency Response** | Improved emergency response.  Reduced nature and scale of risk to social wellbeing and environmental impact. | Coordinate with NDMO | Emergencies unknown  By nature, emergencies severe  Potential for environmental and social impacts associated with responses | Review needs based on PDNA  Liaise with NDMO  Comply with ESMF, in particular screening of projects and reference to CERC negative list |

# Environmental and Social Impact Mitigation Strategies

1. This section of the ESMF identifies the key environmental and social indicators identified for the MIMIP and outlines respective management objectives, potential impacts, control activities and the environmental and social performance criteria against which these indicators will be evaluated (e.g. audited).
2. This section also addresses monitoring and reporting of environmental and social performance with the aim of communicating the success and failures of control procedures, distinguishing issues that require rectification and identifying measures that will allow continuous improvement in the processes by which the projects are managed.
3. The strategies below will help identify the likely issues and mitigation measures for inclusion in sub-project ESMPs and CEMPs.
4. As previously indicated, Contractors must prepare a Construction Environmental Management Plan (CEMP) specifically focused on construction related issues. The Contractor can use the resources included in the ESMF/ESMP (ie Annexures with plan outlines) to prepare the CEMP. The CEMP must be cleared by the IA and WB prior to works starting.

## Sediment and Erosion Control

1. Soil erosion depends on several parameters such as type of soil, slope, vegetation, the nature of topography and rainfall intensity. The loss of soil stability and soil erosion can take place due to the removal of vegetation cover, and numerous construction activities. It can cause the loss of soil fertility and induce slope instability. Land preparation for the MIMIP could result in blockage or alteration of natural flow paths causing changes in the drainage patterns in the area. Effective and efficient mitigation measures can not only reduce but could improve the conditions over the existing conditions.
2. Activities that have the potential to cause erosion should only be undertaken after consideration of likely weather conditions.

### Performance Criteria

1. The following performance criteria are set for the projects:

* no build-up of sediment in the aquatic environments and/or surface and/or groundwater as a result of construction and operation activities;
* no degradation of water quality on or off site of all projects;
* all water exiting the MIMIP sites and/or into groundwater systems is to have passed through best practice erosion, drainage and sediment controls; and
* effective implementation of site-specific EDSCP.

1. By following the management measures set out in the ESMP, construction and operation activities of the projects will not have a significant impact as a result of sedimentation across the broader area.

### Monitoring

1. A standardized sediment control monitoring program has been developed for the projects (Table 2). The program is subject to review and update at least every two months from the date of issue. The Contractor will be required to:

* conduct site inspections on a weekly basis or after rainfall events exceeding 20 mm in a 24-hour period;
* develop a site-specific checklist to document non-conformances to this ESMP or any applicable EDSCPs; and
* communicate the results of inspections and/or water quality testing and ensure that any issues associated with control failures are rapidly rectified and processes are put in place to ensure that similar failures are not repeated.

### Reporting

1. All sediment and erosion control monitoring results and/or incidents will be tabulated and reported as outlined in the ESMP. The CIU and RMIPA must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to erosion and sediment control is exceeded.

Table 2 Erosion, Drainage and Sediment Control Measures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| E0: Undertaking earthworks | E0.1: Apply to RMI EPA to obtain earthworks permit. | Pre-construction | RMIPA | Maintain records |
| E1: Loss of soil material and sedimentation to the surface and/or groundwater systems from site due to earthwork activities | E1.1: Develop and implement an EDSCP for any surface works, embankments and excavation work, water crossings and stormwater pathways. Matters to be addressed in the EDSCP are set out in Annexure K. | Construction phase | Contractor | Maintain records |
| E1.2: Ensure that erosion and sediment control devices are installed, inspected and maintained as required. | Construction phase | Construction Site Supervisor | Maintain records |
| E1.3: Schedule/stage works to minimize cleared areas and exposed soils at all times. | Pre and during construction | Construction Site Supervisor | Maintain records |
| E1.4: Incorporate the design and location of temporary and permanent EDSC measures for all exposed areas and drainage lines. These shall be implemented prior to pre-construction activities and shall remain onsite during work | Pre and during construction | Construction Site Supervisor | Maintain records |
| E1.5: Schedule/stage proposed works to ensure that vegetation disturbance and earthworks are carried out during periods of lower rainfall and wind speeds. | Pre and during construction | Construction Site Supervisor | Maintain records |
| E1.6: Schedule/stage works to minimize the duration of stockpiling topsoil material. Vegetate stockpiles if storage required for long periods. | During construction | All Personnel | Maintain records |
| E1.7: Locate stockpile areas away from drainage pathways, waterways and sensitive locations. | Pre and during construction | Contractor | Maintain records |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| E1: Loss of soil material and sedimentation to the surface and/or groundwater systems from site due to earthwork activities | E1.9: Design stormwater management measures to reduce flow velocities and avoid concentrating runoff. | Pre and during construction | Contractor | Maintain records |
| E1.10: Include check dams in drainage lines where necessary to reduce flow velocities and provide some filtration of sediment. Regularly inspect and maintain check dams. | Pre and during construction | Contractor | Maintain records |
| E1.11: Mulching shall be used as a form of erosion and sediment control and where used on any slopes (dependent on-site selection), include extra sediment fencing during high rainfall. | During construction | All Personnel | Maintain records |
| E1.12: Bunding shall be used either within watercourses or around sensitive/dangerous goods as necessary. | During construction | All Personnel | Maintain records |
| E1.13: Grassed buffer strips shall be incorporated where necessary during construction to reduce water velocity. | During construction | Construction Site Supervisor | Maintain records |
| E1.14: Silt fences or similar structures to be installed to protect from increased sediment loads. | During construction | Construction Site Supervisors | Maintain records |
| E1.15: Excess sediment in all erosion and sediment control structures (for example sediment basins, check dams) shall be removed when necessary to allow for adequate holding capacity. | During construction | Construction Site Supervisors | Maintain records |
| E2: Soil Contamination | E2.1: If contamination is uncovered or suspected (outside of the MIMIP footprints), undertake a Stage 1 preliminary site contamination investigation. The contractor should cease work if previously unidentified contamination is encountered and activate management procedures and obtain advice/permits/approval (as required). | Construction phase | All Personnel | Daily and maintain records |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| E2: Soil Contamination | E2.3: Drainage control measures to ensure runoff does not contact contaminated areas (including contaminated material within the MIMIP footprints) and is directed/diverted to stable areas for release. | Construction phase | All Personnel | Daily and maintain records |
| E2.4: Avoid importing fill that may result in site contamination and lacks accompanying certification/documentation. Where fill is not available through on-site cut, it must be tested in accordance with geotechnical specifications. | Construction phase | All Personnel | Maintain records |
| E2.5: Remediate areas of contamination under the guidance of an appropriately qualified and experienced professional. | Construction phase | Construction Site Supervisor / RMIPA | Maintain records |
| E3. Poor maintenance of ESCs | E3.1: Regularly check and clear debris from trash racks/drain grates | Construction and Operation phase | Construction Site Supervisor / Operator | Maintain records |
| E3.2: Regularly inspect all pits and oil/sediment traps for sediment accumulation and remove as necessary. | Operation | RMIPA | Monthly |

## Unexploded Ordinance

### Background

1. RMI is known to have UXO as a result of actions in WWII. While much UXO has been cleared, some UXO remains undiscovered.
2. Due to the materials used at the time of manufacture and the passage of time, most UXO is now corroding and in an unstable state.
3. UXO is extremely dangerous and should be treated as such.

### Performance Criteria

1. The following performance criteria are set for the construction of the projects:

* No workers or public are exposed to UXO hazards
* Chance UXO finds are disposed of without any injuries.

### Monitoring

1. Job safety hazard analyses are to be undertaken prior to the commencement of any works. This is particularly important for any works involving earthworks. Permits are to be obtained prior to the commencement of any earthworks.
2. An excavation observer should be present throughout earthworks operations to watch for UXO as well as provide general safety support to machinery operators.

### Reporting

1. Any UXO finds are to be reported to the Port Authority and Police immediately.

Table 3 Unexploded Ordinance

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| UXO.1 Chance discovery of UXO | UXO1.1: Undertake risk assessment prior to any works that could result in unearthing UXO. If risk considered high, then ensure a survey is done by qualified professionals | Pre and during construction | All Personnel | Daily and maintain records |
| UXO1.2: Ensure workers are aware of potential for UXO and of procedures to deal with it. Stop work immediately if possible UXO identified. | Pre and during construction | Construction Site Supervisor | Daily and maintain records |
| UXO1.3 Notify authorities immediately and evacuate immediate area and surrounds as appropriate. | During construction | Construction Site Supervisor | Daily and maintain records |

## Air Quality

### Background

1. All construction activities have the potential to cause air quality nuisance.
2. Existing air quality reflects urban areas, with dust being the main air quality nuisance.
3. Workers involved in construction and operation activities should be familiar with methods minimizing the impacts of deleterious air quality and alternative construction procedures as contained in RMI legislation or good international industry practice.

### Performance Criteria

1. The following performance criteria are set for the construction of the MIMIP:

* release of dust/particle matter must not cause an environmental nuisance;
* undertake measures at all times to assist in minimizing the air quality impacts associated with construction and operation activities; and
* corrective action to respond to complaints and/or grievances is to occur within 48 hours.

### Monitoring

1. A standardized air monitoring program has been developed for the projects (Table 4). The program is subject to review and update at least every two months from the date of issue. Importantly:

* the requirement for dust suppression will be visually observed by site personnel daily and by RMIPA and CIU staff when undertaking routine site inspections; and
* Vehicles and machinery emissions – visual monitoring and measured when deemed excessive.

### Reporting

1. All air quality monitoring results and/or incidents will be tabulated and reported as outlined in the ESMP. The CIU and RMIPA must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to air quality is exceeded.

Table 4 Air Quality Management Measures

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Issue** | | **Control activity (and source)** | | **Action timing** | | **Responsibility** | | **Monitoring & reporting** | |
| A.1 Increase in dust levels at sensitive receptors | | A1.1: Implement effective dust management measures in all areas during design, construction and operation. | | Pre and during construction | | All Personnel | | Daily and maintain records | |
| A1.2: Restrict speeds on roads and access tracks. | | During construction | | Construction Site Supervisor | | Daily and maintain records | |
| A1.3: Manage dust/particulate matter generating activities to ensure that emissions do not cause an environmental nuisance at any sensitive locations | | During construction | | Construction Site Supervisor | | Daily and maintain records | |
| A1.4: Construction activities should minimize risks associated with climatic events (check forecasts). | | During construction | | Construction Site Supervisor | | Daily and maintain records | |
| A1.5: Implement scheduling/staging of proposed works to ensure major vegetation disturbance and earthworks are minimized. | | Entire construction | | Construction Site Supervisor | | Daily and maintain records | |
| A1.6: Locate material stockpile areas as far as practicable from sensitive receptors. Cover if appropriate. | | During construction | | Construction Site Supervisor | | Daily and maintain records | |
| A1.7: Source sufficient water of a suitable quality for dust suppression activities complying with any water restrictions. | | During construction | | Construction Site Supervisor | | Daily and maintain records | |
| A1.8: Schedule revegetation activities to ensure optimum survival of vegetation species. | | During construction | | Construction Site Supervisor | | Maintain records | |
| A1.9: Rubbish receptacles should be covered and located as far as practicable from sensitive locations | | During construction | | Construction Site Supervisor | | Maintain records | |
| **Issue** | **Control activity (and source)** | | **Action timing** | | **Responsibility** | | **Monitoring & reporting** | |
| A2. Increase in vehicle / machinery emissions | A2.1 Ensure vehicles/machines are switched off when not in use. | | During construction and Operation | | Construction Site Supervisor / RMIPA | | Daily and maintain records | |
| A2.2 Ensure only vehicles required to undertake works are operated onsite. | | During construction | | Construction Site Supervisor | | Daily and maintain records | |
| A2.3 Ensure all construction vehicles, plant and machinery are maintained and operated in accordance with design standards and specifications. | | During construction and Operation | | Construction Site Supervisor / RMIPA | | maintain records | |
| A2.4 Develop and implement an induction program for all site personnel, which includes as a minimum an outline of the minimum requirements for environmental management relating to the site. | | Pre and during construction | | Construction Site Supervisor | | Maintain records | |
| A2.5 Locate construction vehicle/plant/equipment storage areas as far as practicable from sensitive locations. | | During construction | | Construction Site Supervisor | | Daily and maintain records | |
| A2.6 Direct exhaust emissions of mobile plant away from the ground. | | During construction | | Construction Site Supervisor | | Daily and maintain records | |
| A2.7: Mount protective canvasses on all trucks which transport material that could generate dust | | During construction | | Contractor | | Daily and maintain records | |
|  | A2.8: Site exhaust emitting equipment, such as generators, so that emissions do not cause nuisance to nearby receptors | | Operation | | RMIPA | | Maintain records | |
| A3: Odor | A3.1: Ensure waste and other potential odor sources do not cause nuisance to port users or nearby receptors | | Operation | | RMIPA | | Maintain records | |

## Noise and Vibration

### Background

1. All construction and operation activities have the potential to cause noise nuisance. Vibration disturbance to nearby residents and sensitive habitats is likely to be caused through the use of vibrating equipment. Blasting is not required to be undertaken as part of the MIMIP.
2. The use of machinery or introduction of noise generating facilities could have an adverse effect on the environment and residents if not appropriately managed.
3. Contractors involved in construction activities should be familiar with methods of controlling noisy machines and alternative construction procedures as contained within specific RMI legislation or in its absence, good international industry practice may be used if the legislation has not been enacted.
4. Potential noise sources during construction may include:

* heavy construction machinery;
* power tools and compressors;
* delivery vehicles and vessels.

### Performance Criteria

1. The following performance criteria are set for the construction of the projects:

* noise from construction and operational activities must not cause an environmental nuisance at any noise sensitive place;
* undertake measures at all times to assist in minimizing the noise associated with construction activities;
* no damage to off-site property caused by vibration from construction and operation activities; and
* corrective action to respond to complaints and/or grievances is to occur within 48 hours.

### Monitoring

1. A standardized noise monitoring program has been developed for the projects (Table 5). The program is subject to review and update at least every two months from the date of issue. Importantly, the site supervisor will:

* ensure equipment and machinery is regularly maintained and appropriately operated; and
* carry out potentially noisy construction activities during ‘daytime’ hours only.

### Reporting

1. All noise monitoring results and/or incidents will be tabulated and reported as outlined in the ESMP. The CIU and RMIPA must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to noise is exceeded

Table 5 Noise and Vibration Management Measures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| N1: Increased noise levels | N1.1: Select plant and equipment and specific design work practices to ensure that noise emissions are minimized during construction and operation including all pumping equipment. | All phases | Construction Site Supervisor / RMIPA | Maintain records |
| N1.2: Specific noise reduction devices such as silencers and mufflers shall be installed as appropriate to site plant and equipment. | Pre and during construction | Construction Site Supervisor | Maintain records |
| N1.3 Minimize the need for and limit the emissions as far as practicable if noise generating construction works are to be carried out outside of the hours: 7am-5.30pm | Construction phase | All Personnel | Daily and maintain records |
| N1.4: Consultation with nearby residents in advance of construction activities particularly if noise generating construction activities are to be carried out outside of ‘daytime’ hours: 7am-5.30pm. | Construction phase | All Personnel | Daily and maintain records |
| N1.5 The use of substitution control strategies shall be implemented, whereby excessive noise generating equipment items onsite are replaced with other alternatives. | Construction phase | All Personnel | Daily and maintain records |
| N1.6 Provide temporary construction noise barriers in the form of solid hoardings where there may be an impact on specific residents. | Construction phase | Construction Site Supervisor | Daily and maintain records |
| N1.7 All incidents complaints and non-compliances related to noise shall be reported in accordance with the site incident reporting procedures and summarized in the register. | Construction phase | Construction Site Supervisor | Maintain records |
| N1.8 The contractor should conduct employee and operator training to improve awareness of the need to minimize excessive noise in work practices through implementation of measures. | Pre and during construction | Construction Site Supervisor | Maintain records |
|  | N1.9: Permanent noise producing equipment should be either sited or fitted with acoustic shielding such that it does not cause noise nuisance to nearby receptors | Operation | RMIPA | Maintain records |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| N2. Vibration due to construction | N2.1: Identify properties, structures and habitat locations that will be sensitive to vibration impacts resulting from construction and operation of the MIMIP. | Pre and during construction | Construction Site Supervisor | Maintain records |
| N2.2: Design to give due regard to temporary and permanent mitigation measures for noise and vibration from construction and operational vibration impacts. | Pre-construction | Construction Site Supervisor | Maintain records |
| N2.3: All incidents, complaints and non-compliances related to vibration shall be reported in accordance with the site incident reporting procedures and summarized in the register. | Construction phase | Construction Site Supervisor | Maintain records |
| N2.4: During construction, standard measure shall be taken to locate and protect underground services from construction and operational vibration impacts. | Construction phase | Construction Site Supervisor | Maintain records |

## 

## Surface Water

### Background

1. Water is a valuable resource, particularly in RMI where water is often limited. There are no natural watercourses on the RMI port sites, however concentrated flows from buildings and hardstands can result in the movement of sediments and other contaminants. Construction activities have the potential to divert or contaminate surface and marine waters. Similarly, many of the operational activities carried out within ports have the potential to release contaminants that can impact waterways.
2. Having water of a quality that is fit for purpose is important. Poor water quality can be detrimental to both terrestrial and marine flora and fauna.

### Performance Criteria

1. The following performance criteria are set for the construction of the projects:

* no significant decrease in water quality as a result of construction and operational activities;
* water quality shall conform to any approval conditions stipulated by WB, EPA and/or other government departments, or in the absence of such conditions follow a ‘no worsening’ methodology; and
* effective implementation of site-specific EDSCPs.

### Monitoring

1. Drains and sediment/oil control structures should be regularly monitored to ensure performance remains satisfactory.
2. Table 6 outlines the monitoring required.

### Reporting

1. All water quality monitoring results and/or incidents will be tabulated and reported as outlined in the ESMP. The CIU and the RMIPA must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to water quality is exceeded.

Table 6 Water Quality Management Measures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| W1: Elevated suspended solids and other contaminants in surface water systems. | W1.1: Develop and implement a site-specific Erosion, Drainage and Sediment Control Plan (EDSCP) to address drainage control, sediment and erosion control and stockpiling of materials including soil during construction of all components of the projects. EDSC measures to be inspected regularly to ensure all devices are functioning effectively. | Pre-Earthworks / construction works | Construction Site Supervisor | Initial set up and then as required with reporting to CIU and RMIPA |
| W1.2: Designated areas for storage of fuels, oils, chemicals or other hazardous liquids should have compacted impermeable bases and be surrounded by a bund to contain any spillage. Refueling to be undertaken in areas away from water systems. | Entire construction and operation phase | All Personnel | Weekly with reporting to RMIPA |
| W1.3: Conduct marine quality monitoring in locations where discharges could occur | Entire construction and operation phase | RMIPA | As required with reporting to RMIPA |
| W1.4: Schedule works in stages to ensure that disturbed areas are stabilized and/or revegetated progressively and as soon as practicable after completion of works. | Avoid undertaking bulk earthworks during wet season | Construction Site Supervisor and RMIPA | Maintain records |
| W1.5: Construction materials will not be stockpiled in proximity to aquatic environment that may allow for release into the environment. Construction equipment will be removed from in proximity to the aquatic environment at the end of each working day or if heavy rainfall is predicted | Entire construction and operation phase | Construction Site Supervisor | Maintain records |
| W2. Marine spills | W2.1 Develop an Oil Spill Contingency Plan. Contractor to comply with port OSCP if one exists, otherwise separate plan for proposed works to be developed (refer Annexure H). | All phases | RMIPA | Maintain records |
| W2. Marine spills | W2.2 Ensure that appropriate spill kits/clean up equipment is available. Kit should be appropriate for the scale of spill likely from works. | Construction / Operation | RMIPA / Construction Site Supervisor | Monthly. Maintain records |
| W2.3 All personnel to be aware of spill plan and spill response requirements. All spills to be reported. | All phases | All personnel | Maintain records |

## Groundwater

### Background

1. Groundwater conditions vary across each island. There are no significant usable groundwater reserves in the port areas due to their proximity to the ocean and the porosity of substrate. However, activities carried out at ports (e.g. fuel and other hazardous goods handling, workshops and earthworks) have the potential to contaminant groundwater supplies if not appropriately managed.

### 5.3.1 Performance Criteria

1. The following performance criteria are set for the MIMIP:

* no significant decrease in the quality and quantity of groundwater as a result of construction and operational activities in proximity to the projects;
* effective implementation of site-specific EDSCPs and other measures to protect groundwater.

1. By following the management measures set out in the ESMF, the MIMIP will not have a significant impact on water quality across the broader area.

### Monitoring

1. Refer to Table 7 for the monitoring requirements for groundwater.
2. Monitoring of any nearby well should be done both before, during and after works.

### Reporting

1. All water quality monitoring results and/or incidents will be tabulated and reported as outlined in the ESMF. The Safeguards Specialist must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to water quality is exceeded.

Table 7 Groundwater management measures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| GW 1: Increase of gross pollutants, hydrocarbons, metals and other chemical pollutants into the groundwater and/or surface water environment. | GW1.1: Prevent contaminated surface water from entering aquifers via surface substrate and wells - protect from runoff and flooding and keep surrounds clean. | All phases | All Personnel | Weekly |
| GW1.2: Designated areas for storage of fuels, oils, chemicals or other hazardous liquids should have compacted impermeable bases and be surrounded by a bund to contain any spillage. Refueling to be undertaken in areas away from water systems. | Construction and operation | All Personnel | Weekly with reporting to CIU and RMIPA |
| GW1.3: Check all vehicles, equipment and material storage areas daily for possible fuel, oil and chemical leaks. Undertake refueling at designated places away from water systems. | All phases | All Personnel | Daily and maintain records |
| GW 1.4: Minimize the use of herbicides, pesticides and other chemicals and use only biodegradable herbicides that have minimal impact on water quality and fauna. Use only as per directions | All phases | Contractor Site Supervisor / RMIPA | Monthly reporting to CIU and RMIPA |

## Terrestrial and Aquatic Flora and Fauna

### Background

1. The port areas are heavily disturbed and modified and therefore represent limited habitat for terrestrial flora and fauna.

### Performance Criteria

1. The following performance criteria are set for the construction of the projects:

* no clearance of vegetation outside of the designated clearing boundaries;
* no deleterious impacts on aquatic environments and terrestrial habitats;
* no introduction of new weed species as a result of construction activities; and
* no increase in existing weed proliferation within or outside of any MIMIP footprint as a result of construction activities.

### Monitoring

1. A flora and fauna monitoring program will be implemented (Table 8).
2. Weed monitoring will be undertaken and appropriate action taken in the event of alien or noxious species being identified.
3. The delivery organization will, when undertaking works, compile a weekly report to RMIPA outlining:

* any non-conformances to this ESMP;
* the areas that have been rehabilitated during the preceding week; and
* details of the corrective action undertaken.

### Reporting

1. All flora and fauna monitoring results and/or incidents will be tabulated and reported as outlined in the ESMF. The Safeguards Specialist must be notified in the event of any suspected instances of death to native fauna and where vegetation if detrimentally impacted.

Table 8 Flora and Fauna Management Measures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control Activity (and Source)** | **Action Timing** | **Responsibility** | **Monitoring and Reporting** |
| FF1. Habitat loss and disturbance of fauna | FF1.2: Minimize noise levels and lighting intrusion throughout construction and operation in the vicinity of any sensitive locations, such as sandy beaches that turtles and birds might use. | During construction | Construction Site Supervisor | Daily and maintain records |
| FF1.3: Ensure that all site personnel are made aware of sensitive fauna/habitat areas, such as areas of coral (Annexure C), the area around Arno dock and Jaluit Ramsar wetland (international agreement) and the requirements for the protection of these areas. | During construction | Construction Site Supervisor | Daily and maintain records |
| FF1.4 Minimize disturbance to on-site fauna and recover and rescue any injured or orphaned fauna during construction and operation. | During construction | Construction Site Supervisor | Daily and maintain records, report |
| FF2. Introduced flora and weed species | FF2.1: Implement an ESCP to reduce the spread of weeds through erosion and sediment entering any waterways and therefore spreading. | Pre and during construction | Construction Site Supervisor | Maintain records |
| FF2.2: Revegetate disturbed areas using native and locally endemic species that have high habitat value. | During construction | Construction Site Supervisor | As required and maintain records |
| FF2.3: Environmental weeds and noxious weeds within the MIMIP footprints shall be controlled. | During and post construction | Construction Site Supervisor / RMIPA | Maintain records |

## Marine Flora and Fauna

### Background

1. The marine environment of RMI is high in biodiversity and is of critical importance in terms of economy. Ports by their nature have a direct impact on the marine environment, therefore vigilance in terms of minimizing impacts to the marine environment are critical.

### Performance Criteria

1. The following performance criteria are set for the construction of the projects:

* no deleterious impacts on aquatic environments and terrestrial habitats;
* no introduction of new species as a result of construction activities;

### Monitoring

1. A flora and fauna monitoring program will be implemented (Table 9).
2. The delivery organization will when undertaking works, compile a weekly report to CIU and RMIPA outlining:

* any non-conformances to this ESMF;
* the areas that have been rehabilitated during the preceding week; and
* details of the corrective action undertaken.

### Reporting

All marine flora and fauna monitoring results and/or incidents will be tabulated and reported as outlined in the ESMF. The CIU and RMIPA must be notified in the event of any suspected instances of death to native fauna and where vegetation if detrimentally impacted

Table 9 Flora and Fauna Management Measures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control Activity (and Source)** | **Action Timing** | **Responsibility** | **Monitoring and Reporting** |
| FF1. Habitat loss and disturbance of fauna | FF1.1 Sensitive marine habitat is to be protected from construction/operational impacts. Such areas include where coral has been recorded (Annexure C), the area around Arno wharf where a rare coral has been reported, and the Jaluit Ramsar wetland (as per international agreement). | Construction and operation | Construction Site Supervisor / RMIPA | Maintain records |
| FF1.2: Minimize noise levels and lighting intrusion throughout construction and operation in the vicinity of sandy beaches that seabirds and turtles could use (outer islands only). | During construction | Construction Site Supervisor | Daily and maintain records |
| FF1.3: Ensure that all site personnel are made aware of sensitive fauna/habitat areas (coral areas and sandy beaches) and the requirements for the protection of these areas. | During construction | Construction Site Supervisor | Daily and maintain records |
| FF1.4 Minimize disturbance to on-site fauna and recover and rescue any injured or orphaned fauna during construction and operation.  FF1.5 In relation to navigation aids-related works on the seabed, consider the temporary relocation of coral heads/benthos for replacement when work is completed, propagation of corals that may be damaged for return to the environment; propagation of corals for later return and hardening of the impacted area to allow proper recolonization | During construction  During construction | Construction Site Supervisor  Construction Site Supervisor | Daily and maintain records, report  Daily and maintain records, report |
| FF1.6 Ensure that an Oil Spill Contingency Plan is in place. Personnel to be trained in its implementation and equipment to be available. | Construction and operation | Contactor and RMIPA | Maintain Records |

## Social Management and Population

### Background

1. RMI’s economy is highly dependent on marine resources for international, inter-state and inter-island trade. Citizens of outer islands depend on marine resources for travel to main and other outlying islands, and for access to education, markets and health services.
2. Nonetheless, construction activities and operations at ports can have a negative impact on communities if not managed appropriately.
3. In RMI there are many relics from World War II, these should be considered as physical cultural resources. The objective of WB OP/BP 4.11 is to avoid, or mitigate, adverse impacts on cultural resources. Screening indicated that impacts to cultural heritage are unlikely and therefore OP/BP 4.11 (Physical Cultural Resources) is not triggered. Nonetheless, chance finds sometimes occur and need to be dealt with.

### Performance Criteria

1. The following performance criteria are set for the MIMIP:

* the community has been consulted and MIMIP elements have been designed with their informed consultation and participation throughout the MIMIP;
* all stakeholders are appropriately represented;
* avoid adverse impacts to local community during construction and operations and where not possible, minimize, restore or compensate for these impacts;
* cultural heritage is not adversely impacted;
* community health and safety is protected and overall well-being benefits derived from the MIMIP;
* complaint and grievance mechanisms are put in place and proactively managed; and
* long-term social benefits are achieved.

1. Local stakeholders and community members have a key role to play in the implementation and monitoring of the MIMIP.
2. Consultation with stakeholders will continue. This will help ensure that stakeholders continue to be aware of the MIMIP, its progress and any changes in the MIMIP. It will also assist in identifying any issues as they arise.
3. The CIU and RMIPA will be responsible for advisory support and extensions services to local beneficiaries along with being responsible for distributing material inputs and providing technical training and backstopping in the implementation of program activities.

### Reporting

1. Records of all consultations are to be kept and reported on monthly basis.
2. The CIU and RMIPA must be notified in the event of any individual or community complaint or dissatisfaction and ensure the Grievance Redress Mechanism is complied with.

Table 10 Social Management and Population Measures

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Issue** | | **Control activity (and source)** | **Action timing** | | **Responsibility** | | **Monitoring & reporting** | | |
| SM1: Community Consultation | | SM1.1 Implement Stakeholder Engagement Plan | All phases | | RMIPA / DIDA | | Maintain records | | |
| SM1.2 Include indigenous representation – include local governance mechanisms in consultation and decision making processes | All phases | | RMIPA | | Maintain records | | |
| SM1.3: Ensure compliance with the Grievance Redress Mechanism process | All phases | | CIU and RMIPA | | Maintain records | | |
| SM2: Damage or disturbance to physical cultural resources during works | SM2.1: Should any physical cultural resources be discovered during works the WB Chance Finds Procedure is to be applied (Annexure M) | | | Pre and during construction | | Construction Site Supervisor | | During works and immediately notify HPO |
| SM3: Public nuisance caused by construction/operation activities (e.g. noise, dust etc.) | | SM3.1: Carry out community consultation prior to undertaking activities | Pre-construction | | CIU and RMIPA | | Maintain records | | |
| SM3.2: Implement appropriate management plans (refer to Noise, Air, ESCP, and Waste sections of the ESMF and ESMP) | Construction and operation | | CIU and RMIPA | | Daily and maintain records | | |
| SM3.3: Ensure compliance with the Grievance Redress Mechanism process | All phases | | CIU and RMIPA | | Maintain records | | |

## Customary Engagement

1. All stakeholders, including the communities who host or use the docks, are entitled to be fully informed about the project and engaged in design, mitigation and operations of the docks. No person should be resettled from their land as a consequence of this work.

### Performance Criteria

1. The following performance criteria are set for the MIMIP:

* the community has been consulted and MIMIP elements have been designed with their informed consultation and participation throughout the MIMIP;
* all stakeholders are appropriately represented;
* land owners are dealt with openly and fairly
* complaint and grievance mechanisms are put in place and proactively managed; and
* long-term social benefits are achieved.

1. Consultation with stakeholders will continue. This will help ensure that stakeholders continue to be aware of the MIMIP, its progress and any changes in the MIMIP. It will also assist in identifying any issues as they arise.
2. The CIU and RMIPA will be responsible for advisory support and extensions services to local beneficiaries along with being responsible for distributing material inputs and providing technical training and backstopping in the implementation of activities.

### Reporting

1. . Records of all consultations are to be kept and reported on monthly basis. Any land use agreements must be in writing.
2. The CIU and RMIPA must be notified in the event of any individual or community complaint or dissatisfaction and ensure the Grievance Redress Mechanism is complied with.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Table 11 Social Management Measures | | | | |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| LO1: Ensure no impact on Land Ownership | LO1.1: There shall be no displacement or resettlement associated with MIMIP. | Entire construction and operation phase | CIU and RMIPA | Maintain records |
| LO1.2: Ensure all works are carried out within the existing footprint of the ports, navigation aids or other Government-leased land | Pre-construction | CIU and RMIPA | Maintain records |
|  | LO1.3: All activities will be undertaken in full compliance with the RMI laws and World Bank and Standards, with the most stringent requirements being complied with | Entire construction and operation phase | CIU and RMIPA | Maintain records |
| LO1.4: Ensure compliance with the SEP and Grievance Redress Mechanism process | Entire construction and operation phase | CIU and RMIPA | Maintain records |
|  |  |  |  |

## Gender, Gender Based Violence and Human Trafficking

### Background

1. Women in the Marshall Islands face multiple barriers to equal opportunities and a life free from violence and coercion. Gender-based violence (GBV), particularly intimate partner and sexual violence against women is widespread. This brings a range of serious physical, mental, community, and family consequences felt in the home, workplace, and society as a whole, and correlates with a high incidence of human trafficking.
2. RMI is a source of, and a destination for, human trafficking for commercial sexual exploitation linked to the fishing industry. Women and girls represent the greater share of victims of human trafficking for commercial sexual exploitation and are therefore considered a particularly vulnerable group.
3. Many women live under the threat of violence and this restricts their ability to move freely in the community, to use public transport, to access health and education services, and to travel to market or to the workplace. The normalization of violence has specific implications for women’s trafficking risk: with limited sexual agency and high dependency on families, young women are acutely vulnerable to sexual coercion and trafficking.
4. A separate report on Gender, Gender-Based Violence and Human Trafficking has been prepared (refer Annexure N).

### Performance Criteria

1. The following performance criteria are set for the MIMIP:

* Increased opportunities and employment of women in the maritime sector;
* Manage the labour workforce to avoid behavior that could lead to gender based violence or involvement in illegal behavior.
* Reduction in gender-based violence (zero target);
* Increased representation of women and vulnerable groups in decision making processes;
* Immigration/customs/police facilities and/or presence at each port
* Human trafficking is reduced (zero target); and
* long-term social benefits are achieved.

1. The CIU and RMIPA will be responsible for advisory support and extensions services to local beneficiaries along with being responsible for distributing material inputs and providing technical training and backstopping in the implementation of activities.

### Reporting

1. Records of all consultations/reports/incidents are to be kept and reported on monthly basis.
2. The CIU and RMIPA must be notified in the event of any individual or community report

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Table 12 Gender and Human Trafficking Measures | | | | | | | | |
| **Issue** | **Control activity (and source)** | | **Action timing** | | **Responsibility** | | **Monitoring & reporting** | |
| GE1: Gender Equality and Women Empowerment | GE1.1: Incorporate ‘equal employment opportunity’ and in particular ’equal career progression’ statements in sectoral strategies and policies  GE1.2: Rise the profile and visibility of women employed in maritime sector  GE1.3 Increase numbers of women in decision making positions within the maritime sector and related government agencies | | All phases | | CIU and RMIPA | | Maintain records | |
| All phases | | RMIPA | | Maintain records | |
| All phases | | CIU and RMIPA | | Maintain records | |
| GE1.4: Ports to be safe for women – improve lighting, shelters, toilets, security | | All phases (particularly design) | | RMIPA | | Maintain records | |
| GE2: Human Trafficking | GE2.1: Raise the capacity of agencies to deal with the HT issues and to collaborate | | All phases | | CIU and RMI Port Authority | | Maintain records | |
| GE2.2: Ensure there are Immigration/Customs/Police facilities and presence at main Ports and I/C/P can patrol anchorage areas. Provide fencing and adequate lighting at the ports | | All phases | | RMIPA | | Maintain records | |
| GE2.3: Raise the awareness of mariners and build capacity of vessel owners on issues related to human trafficking | | Operation | | CIU and RMI Port Authority | | Maintain records | |
| GE2.4: Raise human trafficking awareness of communities | | All phases | | CIU and RMI Port Authority | | Maintain records | |
| GE2.5: Set up processes and train potential enumerators for the ongoing Human Trafficking Assessment | | Operation | | CIU | | Maintain records | |
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| **Issue** | | **Control activity (and source)** | | **Action timing** | | **Responsibility** | | **Monitoring & reporting** |
| GE3: Gender based violence | | GE3.1: Improve port security e.g. fencing, lighting and identity requirements | | Operation | | CIU and RMI Port Authority | | Maintain records |
|  | |  | |  | |  |
| GE3.2: Raise community awareness | | All phases | | CIU and RMI Port Authority | | Maintain records |
| GE3.3: Improve facilities for women e.g. shelter, security, lighting | | All phases | | CIU and RMI Port Authority | | Maintain records |
| GE3.4: Increase police/security presence. Ensure that police/security have had adequate training | | All phases | | CIU and RMI Port Authority | | Maintain records |
|  | | GE3.5: The Contractor will prepare a specific Code of Conduct to describe the expected behaviours of their project worker in relation to the local communities and their social sensitivities. This is to avoid creating demand for illegal sex work, avoid gender-based violence and violence against children, manage alcohol consumption and avoid the use of illegal substances, and abide by cultural and social norms of the host community.  • The Contractor is to ensure that all overseas project staff undergo a cultural familiarisation session as part of their induction training. The purpose of this induction will be to introduce the project staff to the cultural sensitivities of the local communities and the expected behaviours of the staff in their interactions with these communities. Gender based violence and HIV Aids and communicable disease awareness raising and resources shall be provided to all workers. The client shall provide to the Contractor a list of approved service providers which shall include recognized NGOs and others for conducting this training.  • The Contractor is to stipulate the conditions under which visitors may attend the workers accommodation, including curfews.  • The Contractor shall ensure that basic social/collective rest and recreation spaces and activities within the Workers Accommodation to help minimise the impact that the workers would have on the leisure and recreational facilities of the nearby communities. | | Construction | | Contractor | | Maintain records |

## Employment, Labor and Working Conditions

### Background

1. The MIMIP has been designed with the assistance of stakeholders and aims to provide benefits to the broader community who will be involved in the construction of MIMIP interventions. Notwithstanding, as with any project that involves construction, some dissatisfaction can occur, and conflicts may arise where individuals are unable to be provided employment. It is important that potential areas of tension are recognized early, and appropriate actions taken to avoid or minimize conflict

### Performance Criteria

1. The following performance criteria are set for the MIMIP:

* ensure compliance with RMI labor and occupational health and safety laws, with obligations under international law, and consistency with the principles and standards embodied in the International Labor Organization fundamental conventions, including freedom of association, elimination of discrimination in employment and occupation, elimination of forced or compulsory labor and Good International Industry Practice with respect to labor and occupational health and safety, and
* ensure no forms of child labor
* where possible, local residents will be employed first for all construction activities;
* all employees and contractors will be paid equitably;
* where practicable, preference should be given to women for any employment;
* ensure workers’ health and safety is protected and overall well-being benefits derived from the MIMIP;
* ensure workers are trained in occupational health and safety;
* ensure workers are provided appropriate personal protective equipment suitable for their duties; and
* complaint and grievance mechanisms are put in place and proactively managed

1. Local stakeholders and community members have a key role to play in the implementation and monitoring of the MIMIP and therefore preference should be given to them with respect to employment with respect to the relevant Codes.
2. Consultation with stakeholders will continue. This will help ensure that stakeholders continue to be aware of the MIMIP, its progress and any changes in the MIMIP. It will also assist in identifying any issues as they arise.
3. The RMIPA and CIU will be responsible for advisory support and extensions services to local beneficiaries along with being responsible for distributing material inputs and providing technical training and backstopping in the implementation of activities.

### Reporting

1. Records of all consultations are to be kept and reported on monthly basis.
2. The RMIPA must be notified in the event of any individual or community complaint or dissatisfaction and ensure the Grievance Redress Mechanism is complied with.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Table 13 Social Management Measures | | | | |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| WC1: Poor Employment, Labor and Working Conditions | WC1.1: Ensure compliance with RMI labor and occupational health and safety laws and Good International Industry Practice with respect to labor and occupational health and safety | Entire construction and operation phase | CIU, RMIPA and Construction Site Supervisor | Maintain records |
| WC1.2: Employ local residents and women first where practicable and where consistent with WB procurement protocols | Entire construction and operation phase | CIU, RMIPA and Contractor | Maintain records |
| WC1.3: Ensure workers’ health and safety is protected and overall well-being benefits derived from the MIMIP | Entire construction and operation phase | Contractor / RMIPA | Maintain records |
|  | WC1.4: Ensure workers are trained in occupational health and safety in compliance with RMI laws and Good International Industry Practice. Prepare OHS plans and JSAs as appropriate (refer Annexure O for example) | Entire construction and operation phase | Contractor | Maintain records |
| WC1.5: Ensure workers are provided appropriatepersonal protective equipment suitable for their duties, adequate accommodation and recreational facilities [for overseas / off island workers]. | Entire construction and operation phase | Construction Site Supervisor / RMIPA | Maintain records |

## Waste Management

### Background

1. The preferred waste management hierarchy and principles for achieving good waste management is as follows:

* waste avoidance (avoid using unnecessary material on the projects);
* waste re-use (re-use material and reduce disposing);
* waste recycling (recycle material such as cans, bottles, etc.); and
* solid waste disposal (all putrescible and/or contaminated waste to be exported for disposal at a licensed and engineered landfill).

1. The key waste streams generated during construction are likely to include residual sediment and construction wastes such as:

* the excavation wastes unsuitable for reuse during earthworks;
* wastes from construction equipment maintenance. Liquid hazardous wastes from cleaning, repairing and maintenance of this equipment may be generated. Likewise, leakage or spillage of fuels/oils within the site needs to be managed and disposed of appropriately;
* non-hazardous liquid wastes will be generated through the use of workers’ facilities such as toilets; and
* general wastes including scrap materials and biodegradable wastes.

1. Key waste streams generated during operations are likely to include:

* excavated sediment from drains and oil traps;
* general waste;
* packaging;
* ablution waste; and
* used oil and machinery parts.

1. Workers involved in construction and operational activities should be familiar with methods minimizing the impacts of their activities to minimize the footprint to that essential for the works. By doing these activities, the MIMIP should minimize the impact of waste generated by the MIMIP.

### Performance Criteria

1. The following performance criteria are set for the construction of the projects:

* waste generation is minimized through the implementation of the waste hierarchy (avoidance, reduce, reuse, recycle);
* no litter will be observed within the MIMIP area or surrounds as a result of activities by site personnel;
* no complaints received regarding waste generation and management;
* any waste from on-site portable sanitary facilities will be sent off site for disposal by a waste licensed contractor; and
* waste oils will be collected and shipped for recycling at a licensed facility.

### Monitoring

1. A waste management monitoring program has been developed for the projects (Table 14). The program is subject to review and update at least every two months from the date of issue.

### Reporting

1. The RMIPA as implementing agency must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to waste is exceeded.

Table 14 Waste Management Measures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| WM1: Production of wastes and excessive use of resources | WM1.1: Preference shall be given to materials that can be used to construct the MIMIP that would reduce the direct and indirect waste generated. | Pre and during construction | Construction Site Supervisor | Maintain records |
| WM1.2: Daily waste practices shall be carried out unless these are delegated to the activities of external waste management bodies. | During construction | Construction Site Supervisor | Daily and maintain records |
| WM1.3: The use of construction materials shall be optimized in terms of achieving sustainability and where possible a recycling policy adopted. | During construction | Construction Site Supervisor | Weekly and maintain records |
| WM1.4: Separate waste streams shall be maintained at all times into. “general domestic waste”, “construction waste” and “contaminated waste”. Specific areas on-site shall be designated for the temporary management of the various waste streams. Refer to the Waste Code of Conduct Requirements (Annexure P) | During construction | Construction Site Supervisor | Weekly and maintain records |
| WM.1.5: If sub-projects include ablution facilities (e.g. under CERC), they are to be either connected to the municipal sewerage system /on-site treatment plant / or removed by a licensed contractor. | All phases | RMIPA / Construction Site Supervisor | Maintain records |
| WM1.6: Recyclable waste (including oil and some construction waste) shall be collected separately and disposed of correctly. | During construction | Construction Site Supervisor | Weekly and maintain records |
| WM1.7: “General domestic waste” (particularly food waste) shall be sufficiently covered to ensure that wildlife does not have access. | During construction | Construction Site Supervisor | Daily |
| WT1.8: Fuel and lubricant leakages from vehicles and plant shall be immediately rectified | During construction | Construction Site Supervisor | Daily and maintain records |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| WM2: Management and disposal of waste | WM2.1: Develop and implement a Waste Management Plan (refer Annexure P) | Pre-construction | Construction Site Supervisor | Maintain records |
| WM2.2: Provide bins for use by both staff and visitors | All phases | RMIPA | Weekly |
| WM2.3: All solid waste is transported off-island for recycling or disposal at a licensed and engineered landfill, with appropriate permits and approvals under international treaties such as Waigani. | During construction | Contractor | Weekly and maintain records |
| WM2.4: Any hazardous or contaminated waste shall be disposed of at an approved facility at a licensed and engineered landfill, with appropriate permits and approvals under international treaties such as Waigani. | All phases | Construction Site Supervisor / RMIPA | Weekly and maintain records |
| WT2.5: Fuel and lubricant leakages from vehicles and plant shall be immediately rectified. | All phases | Construction Site Supervisor / RMIPA | Daily and maintain records |
| WM3: Asbestos | WM3.1: Where there is a risk of asbestos being present (e.g. lagging on pipes, building materials, insulation etc.), an assessment should be carried out by a qualified professional. All work in areas where there may be an asbestos risk is to stop until an assessment has been carried out. | Pre-construction | RMIPA / Contractor | Maintain records |
| WM3.2: Asbestos management plan is to be prepared by a qualified person. Removal and disposal is to be undertaken as per plan, by suitably trained personnel. | Pre-construction | RMIPA / Contractor | Maintain records |
| WM3.3: Asbestos material is to be contained and disposed of off-island (WM3.2 is to identify approved disposal location) | Construction | Construction Site Supervisor | Maintain records |
| WM4: Contaminated Waste | WM4.1 Develop a Contaminated Waste Management Plan | Pre-construction | RMIPA / Contractor | Maintain records |
|  |  |  |  |  |

## Emergency Management Measures

### Background

1. In the event of actions occurring, which may result in serious health, safety and environmental (catastrophic) damage, emergency response or contingency actions will be implemented as soon as possible to limit the extent of environmental damage.
2. The CIU will need to incorporate emergency responses into the MIMIP complying with the requirements under the Occupational, Health and Safety Policy of the delivery organization and the relevant RMI legislation.

### Performance Criteria

1. The following performance criteria are set for the construction of the projects:

* no incident of fire outbreak;
* no failure of water retaining structures;
* no major chemical or fuel spills;
* no preventable industrial or work-related accidents;
* provide an immediate and effective response to incidents that represent a risk to public health, safety or the environment; and
* minimize environmental harm due to unforeseen incidents.

### Monitoring

1. An emergency response monitoring program has been developed for the projects (Table 15). The program is subject to review and update at least every two months from the date of issue. Importantly, visual inspections will be conducted by Contractor daily with reporting to RMIPA and DIDA staff on a weekly basis (minimum) noting any non-conformances to this ESMP.

### Reporting

1. The RMIPA and DIDA must be notified immediately in the event of any emergency, including fire or health related matter including those that have resulted in serious environmental harm.

Table 15 Emergency Management Measures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Control activity (and source)** | **Action timing** | **Responsibility** | **Monitoring & reporting** |
| E1. Fire and Emergency management and prevention strategies implemented | E1.1: Develop an Emergency Response Plan. | Pre-construction / Operation | RMIPA / Construction Site Supervisor | Maintain records |
| E1.2: All personnel to be familiar with and trained in the implementation of the Emergency Response Plan. Emergency Response Plan to include / link to Oil Spill Contingency Plan | All phases | All personnel | Maintain records |
| E1.3 Flammable and combustible liquids bunding/storage areas to be designed in accordance with appropriate international standards | All phases | RMIPA / Construction Site Supervisor | Daily and maintain records |
| E1.4: Fire extinguishers are to be available on site | All phases | RMIPA / Construction Site Supervisor | Daily and maintain records |
| E1.5: No open fires are permitted within the MIMIP area | All phases | All personnel | Daily |
| E1.6: Communication equipment and emergency protocols to be established prior to commencement of construction activities. | Pre-construction | Construction Site Supervisor | Maintain records |
| E1.7: Train all staff in emergency preparedness and response (cover health and safety at the work site). Coordinate with NDMO. | Construction and Operation | RMIPA | Maintain records |
| E1.8: HSE / First Aid officers to be designated and provided with appropriate training. Staff to be advised who they are. | All phases | RMIPA/ Construction Site Supervisor | Maintain records |
| E1.9: Check and replenish First Aid Kits | Construction and Operation | RMIPA/ Construction Site Supervisor | Monthly and maintain records |
| E1.10: Use of Personal Protection Equipment. Staff to be issued with appropriate PPE and trained in use | Construction and Operation | RMIPA/ Construction Site Supervisor | Daily and maintain records |

# Consultation

1. Consultation is mandated by OP/BP 4.01 Environment Assessment. Consultation required for is a two-way process in which beneficiaries provide advice and input on the design of proposed projects that affect their lives and environment.

## Stakeholder Engagement During Project Preparation

1. During Project preparation, discussions were held between the implementing agencies and various stakeholder RMI Government agencies, along with and the World Bank team. Refer Section 9.3.2 below and Annexure Q.

## Stakeholder Engagement During Implementation

1. During Project implementation, monitoring systems will be setup and used to identify successes and issues related to Project activities, and will include the GRM, (refer Section 10) together providing a useful platform for citizen/beneficiary input into adaptation of the Project as it progresses.

## Stakeholder Engagement Plan

### Introduction

1. The MIMIP was discussed with a wide range of stakeholders including relevant government departments, industry groups, NGOs, and individual community members and approved by Government. On-ground consultation has been undertaken during the design of the MIMIP and it is expected that consultation with stakeholders and any affected communities will continue throughout the project.

### Stakeholders

1. Key stakeholders identified in the project so far are:

* Project Partners:
* MTC
* RMIPA
* DIDA
* Department of Immigration
* Ministry of Cultural and Internal Affairs
* Marine Resources Authority
* Environmental Protection Authority
* The World Bank Regional Office
* Project Affected Parties
* Communities:
* Island Councils and Mayor of Jaluit
* Island Councils and Mayor of Wotje
* MIMA Mayors association
* Senators for the relevant islands
* KAL Government
* Traditional resource users and rights holders
* Other natural resources users
* Dock/transport users
* Businesses
* Marshall Islands Shipping Corporation
* Kwajalein Atoll Port Authority
* PII Port
* Chamber of commerce
* Stevedores
* Matson lines (Ebeye)
* Stevedores
* Majuro Stevedore and Terminal Company
* Other Interested Parties
* Chief Secretaries office
* MIMRA
* CMAC s umbrella organization for coastal managements includes EPA
* Representatives of vulnerable and disadvantaged groups:
* Municipal church groups
* Country Manager, International Organization for Migration (IOM)
* Women United Together Marshall Islands (WUTMI)

### Plan Content

1. A Stakeholder Engagement Plan (SEP) has been prepared (Annexure Q). Features of the SEP include:

* A list of stakeholders
* Identification of ways to engage the stakeholders in the key outputs of the project
* A Stakeholder Action Plan
* Identification of roles and responsibilities for stakeholder engagement
* Mechanisms for regular monitoring and evaluation of project issues, outcomes and feedback
* Proposed engagement techniques for meaningful engagement and encouraging participation
* A summary of consultations undertaken during formulation of the ESMF
* Inclusion of the GRM

1. DIDA or its delegate and/or RMIPA will develop and release updates on the MIMIP on a regular basis to provide interested stakeholders with information on MIMIP status. Updates may be via a range of media e.g. print, radio, social media or formal reports. A publicized telephone number will be maintained throughout the MIMIP to serve as a point of contact for enquiries, concern, complaints and/or grievances. All enquiries, concern, complaints and/or grievances will be recorded on a register and the appropriate manager will be informed.

* Where there is a community issue raised, the following information will be recorded:
* time, date and nature of enquiry, concern, complaints and/or grievances;
* type of communication (e.g. telephone, letter, personal contact);
* name, contact address and contact number;
* response and investigation undertaken as a result of the enquiry, concern, complaints and/or grievances; and
* actions taken and name of the person taking action.

1. Some enquiries, concern, complaints and/or grievances may require an extended period to address. The complainant(s) will be kept informed of progress towards rectifying the concern. All enquiries, concerns, complaints and/or grievances will be investigated, and a response given to the complainant in a timely manner. A grievance redress mechanism has been included in the ESMF to address any complaints that may not be able to be resolved quickly.
2. Nominated DIDA (or its delegate) and/or RMIPA and contractor staff will be responsible for undertaking a review of all enquiries, concern, complaints and/or grievances and ensuring progress toward resolution of each matter.

# Grievance Redress Mechanism

## Introduction

1. During the implementation of MIMIP, a person or group of people can be adversely affected, directly or indirectly due to the MIMIP activities. The grievances that may arise can be related to social issues such as disruption of services, temporary or permanent loss of livelihoods and other social and cultural issues. Grievances may also be related to environmental issues such as excessive dust or noise generation, damages to infrastructure due to construction related vibrations or transportation of raw material, noise, traffic congestions, changes to access etc.
2. Should such a situation arise, there must be a mechanism through which affected parties can resolve such issues in a cordial manner with the MIMIP personnel in an efficient, unbiased, transparent, timely and cost-effective manner. To achieve this objective, a grievance redress mechanism has been included in the ESMF for the MIMIP.

## RMI Judiciary Level Grievances

1. The project level process will not impede affected persons access to the RMI legal system. At any time, a complainant may take the matter to the appropriate legal or judicial authority as per the laws of the Republic of the Marshall Islands.

## Grievance Redress Mechanism

### Introduction

1. The MIMIP allows those that have a compliant or that feel aggrieved by the MIMIP to be able to communicate their concerns and/or grievances through an appropriate process. The Grievance Redress Mechanism set out in this ESMF is to be used as part of the MIMIP and will provide an accessible, rapid, fair and effective response to concerned stakeholders, especially any vulnerable group who often lack access to formal legal regimes.
2. While recognizing that many complaints may be resolved immediately, the Grievance Redress Mechanism set out in this ESMF/ESMP encourages mutually acceptable resolution of issues as they arise. The Grievance Redress Mechanism set out in this ESMF/ESMP has been designed to:

* be a legitimate process that allows for trust to be built between stakeholder groups and assures stakeholders that their concerns will be assessed in a fair and transparent manner;
* allow simple and streamlined access to the Complaints Register and Grievance Redress Mechanism for all stakeholders and provide adequate assistance for those that may have faced barriers in the past to be able to raise their concerns;
* provide clear and known procedures for each stage of the Grievance Redress Mechanism process, and provides clarity on the types of outcomes available to individuals and groups;
* ensure equitable treatment to all concerned and aggrieved individuals and groups through a consistent, formal approach that, is fair, informed and respectful to a complaint and/or concern;
* to provide a transparent approach, by keeping any aggrieved individual/group informed of the progress of their complaint, the information that was used when assessing their complaint and information about the mechanisms that will be used to address it; and
* enable continuous learning and improvements to the Grievance Redress Mechanism. Through continued assessment, the learnings may reduce potential complaints and grievances.

1. Eligibility criteria for the Grievance Redress Mechanism include:

* Perceived negative economic, social or environmental impact on an individual and/or group, or concern about the potential to cause an impact;
* clearly specified kind of impact that has occurred or has the potential to occur; and explanation of how the MIMIP caused or may cause such impact; and
* individual and/or group filing of a complaint and/or grievance is impacted, or at risk of being impacted; or the individual and/or group filing a complaint and/or grievance demonstrates that it has authority from an individual and or group that have been or may potentially be impacted on to represent their interest.

1. Local communities and other interested stakeholders may raise a grievance/complaint at all times to the Ombudsman. Affected local communities should be informed about the ESMF/ESMP provisions, including its grievance mechanism and how to make a complaint.

### Grievance Redress Mechanism

1. The Grievance Redress Mechanism has been designed to be problem-solving mechanism with voluntary good-faith efforts. The Grievance Redress Mechanism is not a substitute for the legal process. The Grievance Redress Mechanism will as far as practicable, try to resolve complaints and/or grievances on terms that are mutually acceptable to all parties. When making a complaint and/or grievance, all parties must act at all times, in good faith and should not attempt to delay and or hinder any mutually acceptable resolution.
2. The process for the Grievance Redress Mechanism is shown in Figure 2.

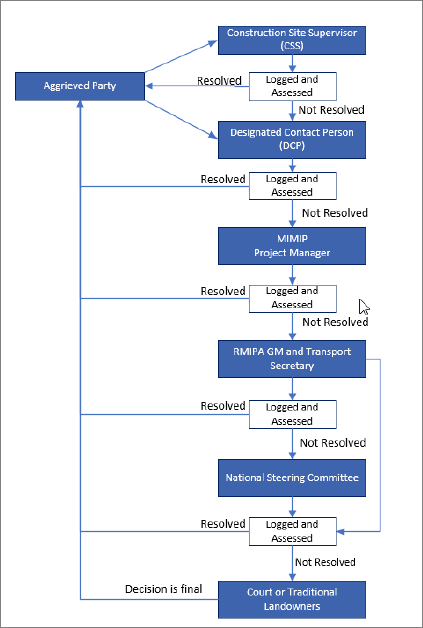


Figure 2 MIMIP Grievance Redress Mechanism

1. The GRM covers the entire duration of the project. It recognizes that complaints can come at any time, including pre-design, design, construction and post-construction. The GRM is provided as a standalone document in Annexure R, while the GRM process is outlined in Table 16.

Table 16 GRM process (source: DIDA)

|  |  |  |
| --- | --- | --- |
| **Stage** | **Process** | **Duration** |
| 1 | |  | | --- | | Aggrieved Party (AP) takes their grievance to either Construction Site Supervisor (CSS) or Designated Contact Person (DCP) – obviously in the pre-construction period there will be no CSS and the DCP is the appropriate person. Once construction commences, the CSS becomes the initial focal point for information.  If the AP contacts any of the Project Representatives set out in Section 3, those Project Representatives will communicate the grievance to the DCP or CSS.  **Pre- and post-construction –** DCP endeavours to resolve it immediately. Where AP is not satisfied, the DCP will refer the AP to the MIMIP Project Manager.  For complaints that were satisfactorily resolved by the DCP, the incident and resultant resolution will be logged and reported to the MIMIP Project Manager.  **Post-construction commencing –** CSS endeavours to resolve issue immediately. Where AP is not satisfied, the CSS will refer the AP to the DCP.  For complaints that were satisfactorily resolved by the CSS, the incident and resultant resolution will be logged and reported to the MIMIP Project Manager.:  Complaints records (letter, email, record of conversation) are stored together, electronically or in hard copy.  Each record is allocated a unique number reflecting year and sequence of received complaint (i.e. 2018-01, 2018-02 etc.). | | Anytime |
| 2 | On receipt of the complaint, the Project DCP endeavors to resolve it immediately.  For complaints that were satisfactorily resolved by the DCP, the incident and resultant resolution will be logged by the DCP and reported to the MIMIP Project Manager.  If unsuccessful, DCP then notifies MIMIP Project Manager | Immediately after logging of grievance. |
| 3 | The MIMIP Project Manager endeavors to address and resolve the complaint and inform the aggrieved party.  For complaints that were satisfactorily resolved by the MIMIP Project Manager, the incident and resultant resolution will be logged by the MIMIP Project Manager.  The MIMIP Project Manager will refer to the RMIPA General Manager and Transport Secretary other unresolved grievances for his/her action/resolution. | 2 weeks |
| If the matter remains unresolved, or complainant is not satisfied with the outcome: | | |
| 4 | The Transport Secretary will then refer to matter to the Project Steering Committee (PSC) for a resolution.  The MIMIP Project Manager will log details of issue and resultant resolution status. | 1 month |
| 5 | If it remains unresolved or the complainant is dissatisfied with the outcome proposed by the PSC, he/she is free to refer the matter to the appropriate legal or judicial authority. A decision of the Court will be final | Anytime |

1. In addition to the project-level and national grievance redress mechanisms, complainants have the option to access the World Bank’s Grievance Redress Service, with both compliance and grievance functions.
2. Communities and individuals may request a Grievance Redress Service process when they have used standard channels for project management and quality assurance and are not satisfied with the response (in this case the project level grievance redress mechanism). For information on how to submit complaints to the World Bank Inspection Panel, visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

### Complaints register

1. A complaints register will be established as part of the MIMIP to record any concerns raised by the community during construction. Any complaint will be advised to the World Bank and DIDA within 24 hours of receiving the complaint. The complaint will be screened. Following the screening, complaints regarding corrupt practices will be referred to the World Bank for commentary and/or advice. 328. Wherever possible, the MIMIP team will seek to resolve the complaint as soon as possible, and thus avoid escalation of issues. However, where a complaint cannot be readily resolved, then it must be escalated. 329. A summary list of complaints received, and their disposition must be published in a report produced every six months by DIDA and RMIPA.

# Institutional Arrangements for Safeguards Implementation

## Project Institutional and Implementation Arrangements

1. Chapter 5 of this ESMF describes the broader legal and policy framework relating to MIMIP. Operational relationships are set out as follows.
2. The Ministry of Finance will be the Executing Agency for the MIMIP, while RMIPA will be the Implementing Agency (IA). There shall be a Project Steering Committee (PSC), whose primary role will be to provide general oversight and policy direction to MIMIP stakeholders during MIMIP implementation, convene key stakeholders in the event of disagreement, and periodically review MIMIP progress. The membership of the PSC will include the Ministry of Finance, the Ministry of Transport and Communications, and RMIPA. The Chair of the PSC will be a senior RMI Government official such as the Secretary of Finance. The PSC will meet at least twice a year, or more often, as needed.
3. DIDA will help streamline MIMIP implementation. DIDA is the single entity for fiduciary functions, including procurement, financial management and safeguards support for projects financed by international donors and will provide an oversight function on MIMIP implementation with support in areas of procurement, finance and safeguards. RMIPA, as the Implementing Agency for the IA will be responsible for all the procurement of all goods, works and services under the project including contract implementation.
4. The RMI team will be supported by a team from the World Bank. The World Bank will be represented by a Task Team Leader and Co-Task Team Leader, who will lead a team of people with different technical specializations.
5. Figure 2 summarizes the MIMIP implementation arrangements.

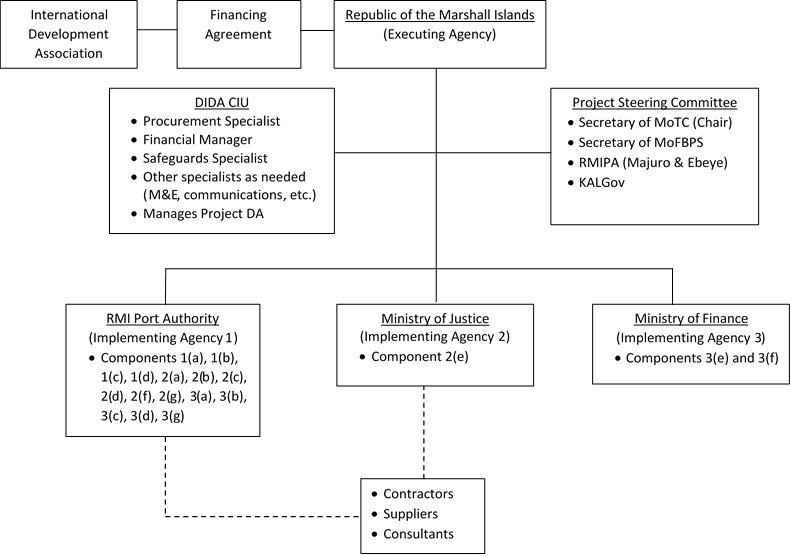


Figure 3 MIMIP Implementation Arrangements[[7]](#footnote-7)

### Administration

1. The ESMF will be assessed for each sub-project by DIDA, with periodic review by WB as necessary, prior to any works being undertaken. The ESMF identifies potential risks to the environment and social matters from the projects and outlines strategies for managing those risks and minimizing undesirable environmental and social impacts. Further, the ESMF provides a Grievance Redress Mechanism for those that may be potentially impacted by the projects that do not consider their views have been heard.
2. The RMIPA will be responsible for the supervision of the ESMP. DIDA, with the endorsement of the WB, will ensure the ESMP is adequate and followed with RMIPA as IA, being responsible for ensuring timely remedial actions are taken by the contractor where necessary.
3. The RMIPA will be responsible for the revision or updates of this document during the course of work. It is the responsibility of the person to whom the document is issued to ensure it is updated.
4. The site supervisor will be responsible for daily environmental inspections of the construction site. DIDA or its delegate will cross check these inspections by undertaking monthly audits.
5. The contractor will maintain and keep all administrative and environmental records which would include a log of complaints together with records of any measures taken to mitigate the cause of the complaints.
6. The contractor will be responsible for the day to day compliance of the ESMP.
7. The RMIPA will be the IA and will be responsible for the implementation and compliance with the ESMP via the collaborating partners and contractors. The ESMP will be part of any tender documentation.
8. The Supervising Engineer/Project Manager will supervise the contractor, while the Safeguards Specialist will be responsible for environment and social issues.

## Safeguards Implementation Arrangements

1. DIDA will be responsible for the ESMF and integrating the requirements into the Program. RMIPA will have responsibility for the day-to-day implementation of all safeguard requirements.
2. For MOF/DIDA, a Safeguards Advisor will be attached to the Centralized Implementation Unit (CIU) and will ensure the effective implementation of the Project ESMF and ESMP. The Safeguard Specialist’s functions include the supervision of RMIPA’s safeguards activities, implementation of the Stakeholder Engagement Plan, and for the overall record keeping and reporting of safeguards for the project.
3. Table 17 outlines the key responsibilities for safeguards implementation.

Table 17 Key Responsibilities for Safeguards Implementation

|  |  |  |
| --- | --- | --- |
|  | **Tasks** | **Responsible Party** |
| Scoping | Review and clearance of ESMF | WB |
| Disclosure of ESMF | RMIPA/DIDA/WB |
| Eliminate all activities that are excluded by Screening Form (Annexure G) or listed on the CERC Negative List (refer Chapter 6) | RMIPA / CIU |
| Confirm consultations are adequate | WB |
| Screening | Screen all proposed activities for adverse environmental and social impacts based on scoping exercise with Safeguard Screening Form (Annexure G) and categorize sub-projects | RMIPA |
| Screening records filed for review | RMIPA / CIU |
| Review screening process | WB |
| Sub-project preparation and design | Undertake field surveys to inform sub-project design and EA and ESMP as required | RMIPA / Consultant |
| Design subproject and activities in accordance with national and international standards and environmental/social practices. | RMIPA / Consultant |
| Prepare documentation or arrange/organize for preparation of documentation (i.e. EAs, ESMPs etc.) for each sub-project, in accordance with ESMF and national legislation and agreements | RMIPA / CIU |
| Support review process and documentation | WB |
| Approve RMI permits | RMI EPA |
| Disclose draft documents in country | RMIPA |
| Undertake consultation with stakeholders and affected peoples as required. | RMIPA / CIU |
| Monitoring | Project monitoring, Construction compliance management, oversight of Contractors, enforcement of Contractor behaviour, incident management etc. | RMIPA / CIU |

# Disclosure

1. As part of the requirements of World Bank policy OP/BP 4.01 (Environmental Assessment), the ESMF is to be publicly disclosed by DIDA. DIDA will ensure the ESMF Executive Summary is translated into Marshallese prior to disclosure in hard copy and online. A newspaper advertisement will alert the public to the disclosure of the instruments Likewise, DIDA and RMIPA will ensure that copies of all prepared safeguard instruments are available locally at the DIDA office and RMIPA office, easily accessible to interested and affected groups and local NGOs.
2. The ESMF is a dynamic document and will be reviewed, updated and approved as necessary throughout the implementation of the MIMIP. For each approved updated version of this ESMF, DIDA will be responsible for disclosure through the above channels.
3. Other project disclosure activities will happen as part of the stakeholder engagement plan.

# ESMF Monitoring, Evaluation and Reporting

1. MOF/DIDA through the DIDA Safeguards Specialist will have coordination responsibility for ESMF monitoring and evaluation of progress by the RMIPA. Regular reports will be prepared by the RMIPA in regard to implementation progress, for review by the Safeguards Specialist. Reporting to the Bank will be undertaken in accordance with Project reporting process.

# ESMF Capacity Building

## Capacity Development

1. RMIPA has no in-house safeguards specialists, therefore the DIDA Safeguards Specialist will fulfill the MIMIP safeguards role on a part time basis for the duration of the MIMIP.
2. As part of the Safeguards Specialist role, under Component 3 they will undertake a safeguards capacity gap assessment, the current terminal operator and the RMI EPA with the goal of supporting the operationalization of safeguards into their standard operating procedures (SOP). This includes, in full consultation with key stakeholders, developing the outline of a Waste Management Code of Practice for the Ports in this ESMP into a functional Code of Practice to be adopted by RMIPA.
3. They will contribute to capacity building of RMIPA through the technical support and advisory role delivered during the preparation and implementation of sub-projects, the review of safeguards instruments, and in ESMP monitoring and reporting.
4. Other short-term consultants may be engaged from time to time to perform specific tasks including, as necessary, the preparation of safeguards instruments for sub-projects, monitoring and evaluation, external monitoring of implementation.

### Training

1. The DIDA Safeguards Specialist shall have the skills and expertise to train and mentor local counter-part staff and others.
2. Areas recommended for DIDA and RMIPA training include the following –

* World Bank’s Safeguards Policies, in particular those triggered and relevant to the MIMIP;
* Roles and responsibilities of different key agencies in safeguards implementation.
* How to effectively review WB safeguards instruments and to integrate the ESMF/ESMPs and SEP into MIMIP management and implementation.

1. Training in the above areas is recommended to be held within three months of MIMIP initiation.
2. On-going support will be provided by the World Bank team for the duration of the MIMIP, including during environmental and social screening of sub-projects and review of prepared safeguards instruments.
3. Delivery organizations have the responsibility for ensuring systems are in place so that relevant employees, contractors and other workers are aware of the environmental and social requirements for construction, including the ESMF/ESMP.
4. All MIMIP personnel will attend an induction that covers health, safety, environment and cultural requirements.
5. All workers engaged in any activity with the potential to cause serious environmental harm (e.g. handling of hazardous materials) will receive task specific environmental training.

# Budget

1. The following is an approximate budget for implementing the EMSP/ESMF. These items are over and above those considered to be covered by normal operations.

Table 18 Indicative budget for ESMP/ESMF implementation

|  |  |
| --- | --- |
| **Item** | **Cost estimate (USD)** |
| ESMP Updating and Auditing | $10,000 |
| General ESMP Expenses | $20,000 |
| Monitoring and evaluation of environmental impact mitigation measures and development and enforcement of SOPs relating to environmental mitigation | $100,000 |
| Oil spill kits (small to large size) | $150,000 |
| Stakeholder Engagement (Catering, venue hire, media, materials, travel and accommodation, translation and interpretation services, etc.) | $50,000 |
| GRM related costs | $20,000 |
| Institutional Training | $50,000 |
| HIV/GBV/Human Trafficking Training (Costs of training by local organizations) | $50,000 |
| Monitoring and reporting (Travel and accommodation costs in Ebeye and Outer Islands; report production costs (non-staff costs) | $40,000 |
| Engagement of DIDA Safeguards Specialist (shared) Fees, operating costs, office support and maintenance, communication etc. | $500,000 |
| Additional services | $50,000 |
| **Total** | **$1,040,00** |

ANNEXURES

Annexure A: Existing Ports

Annexure B: Port Activity Data

Annexure C: Benthic Studies at Ports

Annexure D: Marine Water Quality Data

Annexure E: Wotje Trip Report

Annexure F: MIMIP ESMP

Annexure G: Sub-project Screening Form

Annexure H: ESMP Template

Annexure I: Standard Environmental and Social Contract Clauses

Annexure J: National Baseline Information

Annexure K: ESDC Plan Outline

Annexure L: Oil Spill Contingency Plans

Annexure M: Chance Finds Procedure

Annexure N: Gender and Human Trafficking Assessment

Annexure O: Sample OHS Plan

Annexure P: Waste Code of Conduct Requirements

Annexure Q: Stakeholder Engagement Plan

Annexure R: Grievance Redress Mechanism

1. Part II Countries – Developing Countries including potential source PICs such as Palau, Nauru, Solomon Is., Fiji, Kiribati etc. [↑](#footnote-ref-1)
2. SPC 2011 [↑](#footnote-ref-2)
3. A purse seine is a wall of netting that is released around a school of fish. The seine has floats along the top line with a lead line threaded through rings along the bottom. Once a school of fish is identified, a small boat encircles the school with the net. [↑](#footnote-ref-3)
4. Z.T. Richards, C.C. Wallace and D.J Miller (2010) Research Article: Archetypal ‘elkhorn’ coral discovered in the Pacific Ocean. Systematics and Biodiversity, 8(2): 281-288 [↑](#footnote-ref-4)
5. Defined as “an event that has caused, or is likely to imminently cause, a major adverse economic and/or social impact associated with natural or man-made crises or disasters”, Paragraph 12, Bank Policy: Investment Project Financing, *Projects in Situations of Urgent Need of Assistance or Capacity Constraints.* [↑](#footnote-ref-5)
6. Part II Countries – Developing Countries including potential source PICs such as Palau, Nauru, Solomon Is., Fiji, Kiribati etc. [↑](#footnote-ref-6)
7. MIMIP POM 2019 [↑](#footnote-ref-7)