

REPUBLIC OF THE MARSHALL ISLANDS

MARSHALL ISLANDS

URBAN RESILIENCE PROJECT

RESETTLEMENT FRAMEWORK

FINAL
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MARSHALL ISLANDS URBAN RESILIENCE PROJECT

RESETTLEMENT FRAMEWORK

Ministry of Works Infrastructure and Utilities
as Implementing Agency

FINAL

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ABBREVIATIONS

ARAP	Abbreviated Resettlement Action Plan
AOI	Area of Interest
CBO	Community Based Organization
CIU	Central Implementation Unit (MOFBS, DIDA)
DIDA	Division of International Development Assistance
DP	Displaced Persons
MOF	Ministry of Finance, Banking and Postal Services
MWIU	Ministry of Works Infrastructure and Utilities
E&S	Environmental and Social
ESA	Environmental and Social Assessment
ESCP	Environmental and Social Commitment Plan
ESF	World Bank Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	World Bank Environmental and Social Standards
FPIC	Free Prior Informed Consent
RMI	Republic of the Marshall Islands
GoRMI	Government of RMI
GM	Grievance Mechanism
IOL	Inventory of Loss
LADD	Land Access Due Diligence Report
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
OHS	Occupational Health and Safety
PAD	Project Appraisal Document
PAP	Project Affected Person
PIU	MURP Implementation Unit
PMU	MWIU Project Management Unit
POM	Project Operations Manual
MURP	Marshall Islands Urban Resilience Project
MWIU	Ministry of Works Infrastructure and Utilities
PSC	Project Steering Committee
RAP	Resettlement Action Plan
RF	Resettlement Framework
SEP	Stakeholder Engagement Plan
TOR	Terms of Reference
WB	World Bank
WHO	World Health Organization

GLOSSARY

Compensation	Payment in cash or in kind at the replacement cost of the acquired assets for the Project.
Cut-off date	The eligibility cut-off date is the date of completion of the inventory of loss (IOL) for Project works under Component 2 and 3. Assets located within the Component 2 works footprint after this date will not be eligible for entitlements or associated assistance.
Disadvantaged / Vulnerable People	<p>Those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including circumstances where they may be separated from their family, the community or other individuals on which they depend.</p> <p>Specifically, vulnerable groups for MURP, disadvantaged and vulnerable people consist of the following categories of persons: i) those without legal title to the land or other asset/s, ii) households headed by females (where appropriate), iii) the elderly or disabled, and iv) other vulnerable groups, such as people living in extreme poverty or hardship.</p>
Displaced Persons	Refers to all of the people who as a direct result of land acquisition or restricted land use for the project would have their (1) standard of living adversely affected; or (2) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed temporarily or permanently; (3) access to productive assets adversely affected, temporarily or permanently; or (4) business, occupation, work or place of residence or habitat adversely affected; and "displaced person" means any of the displaced persons.
Economic Displacement	Loss of income sources or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Eligible Land Holders	Refers to affected persons who (a) hold title to land; or (b) do not hold title but whose possession of land can be legalized with a title pursuant to the Land Law of RMI including those with recognizable rights.
Entitlement	Range of measures comprising compensation, income restoration support, transfer assistance, income substitution, and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base. The entitlements adopted for the MURP were guided by the applicable national laws and regulations and WB ESF. The entitlements may be further revised based on actual impacts, if applicable, in resettlement plans.
Gender Mainstreaming	The process of ensuring that gender concerns and women's needs and perspectives are explicitly considered in projects and programs, and that women participate in the decision-making processes associated with development-based activities.
Income Restoration	Means re-establishing income sources and livelihoods of project-affected households to a minimum of the pre-project level.
Involuntary Resettlement	Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to

	assets, including those that lead to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.
Land Acquisition	All methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.
Livelihood	The full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.
Meaningful Consultation	WB ESF / ESS10: a two-way process that (a) begins early in the a project planning process to gather initial views on the project proposal an inform project design; (b) encourages stakeholder feedback, particularly as a way of informing project design and engagement by stakeholders ion the identification and mitigation of environmental and social risks and impacts; (c) continues on an ongoing basis, as risks and impacts arise; (d) is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultations with stakeholders, in a culturally appropriate format, in relevant local language(s) and in understandable to stakeholders; € considers and responds to feedback; (f) supports active and inclusive engagement with project-affected parties; (g) is free of external manipulation, interference, coercion, discrimination, and intimidation; and (h) is documented and disclosed by the Borrower.
Physical Displacement	This means relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Project Affected Persons	Includes any person, households, entity, organizations, firms or private institutions who, on account of changes that result from the Project will have their (i) standard of living adversely affected, (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, plantations, grazing, and/organizing land), water resources, communal fishing grounds, annual or perennial crops and trees, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, permanently or temporarily, with or without displacement.
Replacement Cost	A method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor

for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

Restrictions on land
Use

Limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones.

Security of Tenure

Resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate. In no event will resettled persons be provided tenure rights that are in effect weaker than the rights they had to the land or assets from which they have been displaced.

Executive Summary

The purpose of the *Marshall Islands Urban Resilience Project* ('MURP' or "the Project") Resettlement Framework (RF) is to set out the requirements, principles and organizational arrangements any concerning project works that could involve physical or economic displacement of project affected persons (PAPs) during implementation.

In compliance with the World Bank (WB) *2017 Environmental and Social Framework* (ESF) Environmental and Social Standard 5 (ESS5) *Land Acquisition, Restrictions on Land Use and Involuntary Resettlement*, a RF is required "*when the likely nature or magnitude of land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown during project preparation*". In this situation, an RF is prepared to set out the key principles and procedures that will be used in developing a Resettlement Action Plan (RAP) or Abbreviated Resettlement Action Plan (ARAP) once project works are defined, and the necessary information becomes available. No physical and/or economic displacement will occur until plans required under ESS5 have been developed and approved by the Government of the Marshall Islands (GoRMI) and the WB.

Scope

The Project includes work in four component areas: (i) Risk Informed Adaptation Planning; (ii) Coastal Resilience Investments (including design and construction of seawalls); (iii) Resilient Public Facilities (including construction of Resilient Government Buildings); and (iv) Project Management and Implementation Support.

This RF relates to work under Components 2 and 3 (see Section 1.3.1), and includes measures to ensure that:

- Project Affected Person/s (PAPs) are informed about their options and rights pertaining to livelihood restoration and compensation; adequate consultation is undertaken, and PAPs are offered choices among compensation alternatives; and PAPs are provided prompt and effective replacement or compensation at full replacement cost for lost assets; and
- Transitional support is provided as necessary to all economically displaced persons based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

To attain these measures, particular attention will be paid to the needs of vulnerable groups among PAPs, especially those with low income, single headed households, people without land, the elderly, people with disabilities and the infirmed, religious and social minorities, or other people experiencing displacement impacts but who may not be protected through national land compensation legislation.

Principles and Practices

The RF sets out the following policy principles for compensation and mitigation of physical and economic displacement impacts for the Project will apply to all physical works activities under Components 2 and 3:

- Compulsory land acquisition will be not used, and where any private or customary land is required, this will be undertaken on a negotiated/voluntary basis, undertaken in a culturally appropriate manner with owners and users.
- Land to be secured for the Project via Voluntary Land Donation (VLD) where suitable and agreeable to affected landowners and occupants. The VLD process is to be properly managed and documented in accordance with ESS5.
- The Project will design and implement measures to avoid involuntary resettlement impacts aimed at restoring, if not improving, standards of living of those affected.
- Works will adopt a 'participatory design approach' with the respective landowners and communities where works are proposed (discussed further in Section 4.1.1).
- Involuntary resettlement impacts will be assessed for all works as part of Environmental and Social screening.

- Consultations and public participation will be carried out as an ongoing process throughout project planning, design, implementation and post-project stages. Affected people and communities in the vicinity of project works will be given advance notice of planned works schedules.
- Eligible PAPs will receive entitlements and livelihood rehabilitation measures sufficient to assist them to improve or at least maintain their pre-Project living standards, income earning capacity and production levels.
- As indicated previously, particular attention will be given to the needs of vulnerable PAPs including those who are socially and economically marginalized. This may include those without legal title to the land or other asset/s, households headed by females (where appropriate¹) the elderly or disabled, and other vulnerable groups such as people living in extreme poverty or hardship².
- Land requirements for Project works will be arranged through either voluntary land donation. Compensation for land, where required, will be at replacement cost.
- For displaced non-land assets, assistance will be provided to relocate and reinstall the property. Where these cannot be viably relocated, the PIU will arrange for like-for-like replacement or compensation at replacement cost. Compensation will be provided for loss of income due to temporary business closure as a result of construction activities, where disruption cannot be avoided.
- The customs, traditions, religious practices and institutions of all PAPs will be respected and protected.
- A complaints and grievance mechanism are to be established for the project (refer Section 7) to solve disputes and complaints from PAPs.
- The impacts of the works, including unforeseen losses and damages that may occur during either construction or operation, will be carefully monitored and remedial steps taken as required (refer Section 10).

Project Beneficiaries

Direct beneficiaries of coastal resilience measures under Component 2 will include the population of Majuro, or approximately 28,000 Marshallese, while direct beneficiaries from resilient public facilities is approximately 1,000 people. Approximately 200 government officials will benefit directly from capacity building and training activities supported by the project. Indirect beneficiaries of risk-informed adaptation planning strategies and policies under Component 1 could benefit the entire country population of RMI. The project will adopt universal access considerations to ensure the voices and needs of people of all ages, abilities and genders are addressed wherever feasible.

Other Relevant Documents

In addition to identifying Project land acquisition, land use and resettlement principles and procedures, this RF also summarizes stakeholder engagement requirements and grievance redress procedures as detailed in the MURP Stakeholder Engagement Plan (SEP). Other social and environmental risks and management strategies are outlined in the Project Environmental and Social Management Framework (ESMF) and the Contractor Environmental and Social Management Plan (CESMP). All Project Environmental and Social (E&S) instruments are linked through common human rights principles and practices including transparency, accountability, consultation, participation, non-discrimination, and social inclusion.

All Project E&S documents are available to all members of the public and can be requested from the Ministry of Finance or the Ministry of Works, Infrastructure and Utilities (MWIU).

¹ Note: Some houses may be headed by a female as they own the land. In these cases, the female head of the household would not be considered a vulnerable person.

² As determined and identified by the relevant community leader.

1. Introduction

1.1 Environmental and Social Assessment Overview

The Government of the Republic of the Marshall Islands (GoRMI) has applied for financing from the World Bank (WB) for the Marshall Islands Urban Resilience project (MURP or the Project) to strengthen the resilience of select human settlements in the Republic of the Marshall Islands.

The Project will include four components in support of: (i) Risk Informed Adaptation Planning; (ii) Coastal Resilience Investments (including design and construction of seawalls); (iii) Resilient Public Facilities and Spaces (including building Resilient Government Buildings) ; and (iv) project Management and Implementation Support.

Direct beneficiaries from the project will include the entire population of Majuro. The project will adopt universal access considerations to ensure the voices and needs of people of all ages, abilities and genders are addressed.

The proposed PDO-level indicators are as follows:

- Number of GoRMI adopted risk-informed strategies and policies for adaptation planning.
- Percentage of urban population with reduced risks to coastal hazards and the effects of climate change.
- Number of people with access to safer, more resilient, and more inclusive public buildings or spaces (disaggregated by gender and age group).

The Project includes the assessment of environmental and social risks including:

- (i) Preparation of environmental and social instruments in accordance with the WB Environmental and Social Framework (ESF)
- (ii) Support for stakeholder consultation activities; and
- (iii) Provision of technical environmental and social advice as required to the GoRMI as part of project preparation.

This RF has been prepared as one of the environmental and social instruments under the ESF.

1.2 Potential E&S Impacts

Key environmental risks can arise from building sea walls which can modify coastal areas and potentially adversely impacting natural habitats, ecosystem services (freshwater lens, natural protection from wave and wind erosion, food gathering areas) and cultural heritage (cemeteries, sacred sites). Seawall construction can create waste and pollution in the form of sediment discharges. However, such impacts will be localized and are predictable and can be readily avoided through effective stakeholder engagement, good design and controls on construction methodologies.

Building construction, coastal protection works and other adaptation strategies which may be piloted require large amounts of sand, gravel and rock. These resources are scarce in atoll environments, and the mining and dredging of coastal rock and sand has caused a legacy of environmental damage in RMI. Local sources of sand dredging will need to comply with the requirements set out in the ESMF to ensure the impacts are localized, with a low probability of serious adverse effects, no net loss of natural habitat (and net gain of critical habitat) and can be readily mitigated.

Solid waste management is required for all physical works activities. Waste management is difficult in Majuro due to the lack of land available for landfills. Large volumes of waste and hazardous waste will be exported. The ESMF provides guidance to ensure the prioritization of resource recycling and reuse, such as reusing crushed concrete and fill, reusing building materials and recycling metal, and require waste management plans for all physical works. The reuse of good quality building materials is common and will be encouraged.

The technical advisory studies such for development controls and adaptation strategies have the potential to prioritize and protect natural habitats and enhance natural biodiversity in developed

areas of atoll islands by encouraging well-linked nature-based solutions and green infrastructure investments. However, there is also the risk that the prioritization of the protection of human life and the built environment has negative long-term impacts on natural habitats.

Key Social risks include the potential for project related Sexual Exploitation, Abuse or Sexual Harassment (SEA/SH) and/or Violence against Children (VAC) associated with an influx of workers from outside the project area. This risk will be mitigated through compulsory SEA/SH awareness training for workers; use of a Code of Conduct; ensuring proper preventative procedures are in place, creating awareness about the risks of SEA/SH and VAC within resident populations and ensuring the project grievance process includes a specific pathway for dealing with SEA/SH concerns, and is well known to all beneficiaries. Further details regarding the “survivor-centered approach” to be adopted by the project when dealing with SEA/SH issues is outlined in the MURP ESMF.

Another key social risk relates to potential lack of meaningful engagement of people who normally do not have strong voice and influence (including women, youth, the elderly, PWD and those without land rights in areas of interest) in identifying the most appropriate resilience measures to meet whole-of-community needs. This situation could result in the design of coastal protection measures and resilient buildings that do not meet the needs of all beneficiary groups. This risk will be mitigated by the development and implementation of activity-specific Stakeholder Engagement Plans that identify relevant participatory and inclusive consultation processes to ensure the views and concerns of vulnerable and marginalized groups of people are fully considered and addressed.

Civil work involving heavy machinery and construction bring increased safety risks, especially for pedestrians and children playing in areas where works are being conducted. This issue will be managed through ensuring contractor terms of reference specify standard standards and require strict management of site safety procedures including conducting community awareness, restricting access to dangerous areas, ensuring proper signage, supervision and enforcement, and making the grievance mechanism well known and highly accessible. Issues related to noise, dust and industrial waste will be address in activity-specific Environment and Social Management Plans (ESMPs).

1.3 Resettlement Framework

1.3.1 Purpose, Scope and Contents of the Resettlement Framework

As outlined in the World Bank Environmental and Social Framework 2017 (ESF), ESS5: *Land Acquisition, Restrictions on Land Use and Involuntary Resettlement*, the **purpose** of a Resettlement Framework (RF) is to clarify resettlement principles, organizational arrangements and design criteria for specific project works that cannot be fully determined until implementation. As indicated previously MURP involves climate resilience work in multiple areas on Mauro, some of which will have associated land or asset loss, or livelihood impacts that will be assessed in conjunction to the detailed design work.

The scope of this RF relates to Project works under Components 1: Coastal Resilience Investments, including design and construction of seawalls; and Component 2: Resilient Public Facilities and Spaces, including construction of Resilient Government Buildings. These investments will be informed by the ongoing “Coastal Vulnerability Assessment” (CVA)³ for Majuro which is being finalized under PREP II-RMI (P160096). Potential physical investments, informed by the CVA, will be selected and prioritized in accordance with an agreed prioritization criterion, adopted in the Project Operations Manual (POM). Investments will be prioritized to protect key government infrastructure, and to ensure disruption to key government infrastructure is minimized during coastal flooding.

Component 2 will support: (i) detailed engineering design, ancillary technical analysis (including but not limited to detailed technical assessments, site investigations, modeling, environmental and social management studies and operations and maintenance plans to support identified priority

³ The CVA is being delivered under the PREP 2 (P160096). The final study will be delivered early during the RMI-URP’s implementation, and will, among other things, provide conceptual designs and preliminary costs estimates for priority coastal protection investments in Majuro.

investment options) and construction supervision; (ii) prioritized coastal works investments⁴ (for example: seawalls, dikes or embankments, minor reclamation, berms, revetments, offshore breakwater, nature based solutions etc.) that meet the project's agreed design standards and protect vulnerable government infrastructure or access to vulnerable government infrastructure; and (iii) capacity building and training on coastal resilience and adaptation solutions.

Under Component 3, the Project will finance investments that can demonstrate resilience, inclusive, and sustainable standards that are expected to be achieved in future public buildings in RMI and will build on and be demonstrative examples from outputs from Component 1. An identified priority under this component is the construction of a resilient government facility in Majuro, which will accommodate critical components of the National Disaster Management Office (NDMO) and the Ministry of Finance, as well as warehouse space for emergency goods and supplies⁵. This facility has been identified by the government as a critical piece of urban infrastructure to ensure continuity of service following a disaster event and to strengthen the Government's preparedness for emergency management. Design support for this piece of infrastructure will be financed under the PREP 2 (P160096). The Resilient Government Facility will meet agreed resilience standards to mitigate against future hydrometeorological and geophysical hazards and serve as an example of good sustainable development practice in accordance with the guidance developed under Component 1. Select pilot investments to demonstrate the benefits of climate and disaster resilient planning for adaptation will also be financed, which will be consistent with the outputs of Component 1. The investments may include demonstration projects in adaptation planning, urban improvements, or retrofitting of existing public buildings.

This component will support: (i) detailed engineering designs, construction supervision services, and operations and maintenance plans for up to three (3) select facilities, including a multi-functional resilient building in Majuro and critical public buildings that meet the project's agreed design standards and enhance Marshallese cultural identity; (ii) land preparation activities and civil works for strengthening, upgrading and construction of public buildings and facilities to reduce disaster vulnerability, increase climate resilience, and improve functionality and service standards (including universal access and climate-informed design); (iii) pilot public space investments in support of climate change adaptation, such as small-scale ecosystem-based approaches or water-sensitive urban design measures (i.e., vegetated buffer zones, rain gardens, bioswales, mangrove restoration, and vegetated bunds), raising dwellings/buildings or land (e.g., building stilts or constructed mounds), or urban improvements (e.g., for signage, lighting, pedestrian amenity, and landscaping).

While infrastructure works under Components 1 and 2 have been broadly defined in the draft PAD (updated 11 Jan. 2022), more detailed plans are required to identify the specific risks and impacts related to land acquisition, restrictions on land use, loss of livelihoods or assets, temporary displacement or resettlement of people, services, livestock and agricultural goods. Once these works are defined and the necessary information becomes available, this RF will be expanded and Resettlement Action Plans (RAPs) or Abbreviated Resettlement Action Plans (ARAPs) proportionate to potential risks and impacts for specific works.

As set out under ESS5, the **content** of this RF covers the following elements:

- (a) a brief description of the project and components for which land acquisition and resettlement are required and an explanation of why a resettlement policy framework rather than a resettlement plan is being prepared
- (b) principles and objectives governing resettlement preparation and implementation
- (c) a description of the process for preparing and approving resettlement plans
- (d) estimated displacement impacts and estimated numbers and categories of displaced persons, to the extent feasible
- (e) eligibility criteria for defining various categories of displaced persons

⁴ Coastal works will be prioritized based on the findings of the ongoing Majuro CVA, in accordance with prioritization criteria which will be adopted in the Project Operations Manual (POM)

⁵ This building has been identified as a priority by Government, as the facility is critical for the Government's emergency response to future disasters and would help ensure continuity of key government services following disaster events. Accordingly, PREP 2 is financing the design of this building, which will meet agreed resilience standards to mitigate against future hydrometeorological and geophysical hazards

- (f) a legal framework reviewing the fit between borrower laws and regulations and WB policy requirements and measures proposed to bridge any gaps between them
- (g) methods of valuing affected assets
- (h) organizational procedures for delivery of compensation and other resettlement assistance
- (i) a description of the implementation process, linking resettlement implementation to civil works
- (j) a description of grievance mechanisms (GM)
- (k) a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements
- (l) a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- (m) arrangements for monitoring by the implementing agency and, if required, by third-party monitors.

The RF includes measures to ensure that:

- Project Affected Person/s (PAPs) are informed about their options and rights pertaining to livelihood restoration and compensation; adequate consultation is undertaken, and PAPs are offered choices among compensation alternatives; and PAPs are provided prompt and effective replacement or compensation at full replacement cost for lost assets; and
- Transitional support is provided as necessary to all economically displaced persons based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

To attain these measures, particular attention must be paid to the needs of vulnerable groups among the PAPs, especially those with low income, the landless, the elderly and infirm or other people experiencing displacement impacts but who may not be protected through national land compensation legislation.

1.3.2 Resettlement Framework Objectives

The over-riding objective of the RF is to ensure that all Project Affected Persons (PAPs) are fairly compensated for their losses and provided with rehabilitation measures to assist them to improve, or at least maintain, their pre-Project living standards, livelihoods, and income earning capacity.

The key objectives of this RF are to:

- Assess and develop livelihood restoration and compensation measures to ensure that every affected household maintains an equivalent or better standard of living as they had prior to economic displacement
- Establish the entitlements of PAPs and/ or communities
- Outline a strategy for preparing detailed cost estimates of all measures required to achieve the successful implementation of the livelihood restoration and compensation program
- Identify strategies to improve local living conditions and generate economic opportunities, with particular focus on providing opportunities for people whose land is directly impacted by the Project
- Identify the institutional arrangements and responsibilities of Ministry of Works Infrastructure and Utilities (MWIU), other RMI Government authorities, communities and other stakeholders required to implement the RF; and
- Provide recommendations to ensure affected households and other stakeholders will be consulted on the RF process and provide meaningful input into the design of the overall compensation strategies.

Guiding Principles

The principles applied in the preparation of this RF include:

- Land to be secured for the Project via Voluntary Land Donation (VLD) where suitable and agreeable to affected landowners and occupants. The VLD process is to be properly managed and documented in accordance with ESS5 (Footnote 10).
- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by:
 - (a) Providing timely compensation for loss of assets at replacement cost, and
 - (b) Assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

1.3.3 Links with Other Documents

This RF is one of several reports and environmental and social instruments developed to support management of the environmental and social aspects of the Project. These documents are linked through common human rights principles and practices including transparency, accountability, consultation, participation, non-discrimination, and social inclusion. As such, all MURP E&S instruments require particular attention to any risks and impacts that could disproportionately affect disadvantaged and vulnerable groups and/or could hinder these groups from accessing development benefits. Further, all project E&S documents share common elements, are cross-referenced and will be fully disclosed to the general public to ensure transparency and accountability.

This Resettlement Framework (RF)⁶ is one of several instruments developed to support management of the E&S aspects of the Project. Other key E&S documents prepared for project appraisal include:

- Environmental and Social Management Plan (ESMF)⁷
- Stakeholder Engagement Plan (SEP)⁸ including the Grievance Redress Mechanism (GRM)⁹, and the

⁶ RF: An instrument to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation

⁷ ESMF: An instrument that examines the risks and impacts when a project consists of a program and/or series of subprojects, and the risks and impacts cannot be determined until the program or subproject details have been identified.

⁸ SEP: An instrument to describe the timing and methods of engagement with stakeholders throughout the life cycle of the project, distinguishing between project-affected parties and other interested parties. The SEP will also describe the range and timing of information to be communicated to project-affected parties and other interested parties, as well as the type of information to be sought from them.

⁹ GRM: A mechanism, process, or procedure to receive and facilitate resolution of concerns and grievances of project-affected parties arising in connection with the project, in particular about environmental and social performance. The grievance mechanism will be proportionate to the risks and impacts of the project.

- Environmental and Social Commitment Plan (ESCP)¹⁰.

Other E&S documents to be prepared during project implementation include:

- Labor Management Procedures (LMP)¹¹, and
- Sub-project ESMP(s)¹².

¹⁰ ESCP: An instrument to set out the material measures and actions required for the project to meet the ESSs over a specified timeframe. The ESCP will form part of the legal agreement.

¹¹ LMP: Procedures to set out the way in which project workers will be managed, in accordance with the requirements of national law and ESS2. The procedures will address the way in which ESS2 will apply to different categories of project workers including direct workers, and the way in which the Borrower will require third parties to manage their workers in accordance ESS2.

¹² ESMP: an instrument that details (a) the measures to be taken during the implementation and operation of a project to eliminate or offset adverse environmental and social impacts, or to reduce them to acceptable levels; and (b) the actions needed to implement these measures.

2. Project Background and Rationale

2.1 Project Components

2.1.1 Component 1: Risk-Informed Adaptation Planning

The objectives of Component 1 are to strengthen the government's institutional and technical capacity on risk-informed adaption planning through enhanced spatial planning, capacity building support for the implementation and compliance of the building code, and development control policies or guidance that consider disaster and climate risks.

This Component will support:

- a. Sustainable Urban Development initiatives, including:
 - i. practical guidance and awareness-raising materials for the new building codes (currently under development outside of this project scope)
 - ii. preparation of development control guidelines and building/urban design standards.
 - iii. climate informed guidelines for new developments (including outreach activities).
- b. Strengthening for Climate and Disaster Resilient Urban planning:
 - i. a risk-informed legislative and regulatory review of urban planning policy and legislation, followed by development of guidance for recommended reforms to support longer term climate and disaster resilient urban planning
 - ii. a climate and hazard informed urban design study and mapping of public spaces to inform prioritization of investments under Component 3 and assist future scaling of investments in resilient urban spaces
 - iii. capacity building and training initiatives for government stakeholders within the MWIU and other agreed stakeholders on climate-informed urban planning, zoning, policymaking, and compliance.

2.1.2 Component 2: Coastal Resilience Investments

This component will finance targeted coastal resilience measures which will protect select government infrastructure in urban areas of Majuro¹³. The targeted investments will be informed by the ongoing Coastal Vulnerability Assessment (CVA)¹⁴ for Majuro which is being finalized under PREP II-RMI (P160096). Potential physical investments, informed by the CVA, will be selected and prioritized in accordance with an agreed prioritization criteria, adopted in the Project Operations Manual (POM). Investments will be prioritized to protect key government infrastructure, and to ensure disruption to key government infrastructure is minimized during coastal flooding.

Component 2 will support:

- (i) detailed engineering design, ancillary technical analysis (including but not limited to detailed technical assessments, site investigations, modeling, environmental and social management studies and operations and maintenance plans to support identified priority investment options) and construction supervision;
- (ii) prioritized coastal works investments¹⁵ (for example: seawalls, dikes or embankments, minor reclamation, berms, revetments, offshore breakwater,

¹³ This project is specifically targeting physical investments in Majuro atoll, home of 52% of RMI's population, and the urban center of RMI. Coastal resilience investments will complement the World Bank's ongoing investments in RMI's secondary urban centre – Ebeye - under the Pacific Resilience Program II (PREPII – P160096).

¹⁴ The CVA is being delivered under the PREP 2 (P160096). The final study will be delivered early during the RMI-URP's implementation, and will, among other things, provide conceptual designs and preliminary costs estimates for priority coastal protection investments in Majuro.

¹⁵ Coastal works will be prioritized based on the findings of the ongoing Majuro CVA, in accordance with prioritization criteria which will be adopted in the Project Operations Manual (POM)

nature based solutions etc.) that meet the project's agreed design standards and protect vulnerable government infrastructure or access to vulnerable government infrastructure; and

- (iii) capacity building and training on coastal resilience and adaptation solutions.

2.1.3 Component 3: Resilient Public Facilities

This component will finance investments that are demonstrative of resilience, inclusive, and sustainable standards that are expected to be achieved in future public buildings in RMI, and will build on and be demonstrative examples from outputs from Component 1.

An identified priority under this component is the construction of a resilient government facility in Majuro, which will accommodate critical components of the National Disaster Management Office (NDMO) and the Ministry of Finance, as well as warehouse space for emergency goods and supplies¹⁶. This facility has been identified by the government as a critical piece of urban infrastructure to ensure continuity of service following a disaster event and to strengthen the Government's preparedness for emergency management. Design support for this piece of infrastructure will be financed under the PREP 2 (P160096). The Resilient Government Facility will meet agreed resilience standards to mitigate against future hydrometeorological and geophysical hazards, and serve as an example of good sustainable development practice in accordance with the guidance developed under Component 1. Select pilot investments to demonstrate the benefits of climate and disaster resilient planning for adaptation will also be financed, which will be consistent with the outputs of Component 1. The investments may include demonstration projects in adaptation planning, urban improvements, or retrofitting of existing public buildings.

Component 3 will support:

- (i) detailed engineering designs and construction supervision services for up to three (3) select facilities, including an office and warehouse building in Majuro and critical public buildings that meet the project's agreed design standards and enhance Marshallese cultural identity
- (ii) land preparation activities and civil works for strengthening, upgrading and construction of public buildings and facilities to reduce disaster vulnerability, increase climate resilience, and improve functionality and service standards (including universal access and environmentally sustainable design)
- (iii) pilot public space investments in support of climate change adaptation, such as small-scale ecosystem-based approaches or water-sensitive urban design measures (i.e., vegetated buffer zones, rain gardens, bioswales, mangrove restoration, and vegetated bunds) or urban improvements (i.e., for signage, lighting, pedestrian amenity, and landscaping).

2.1.4 Component 4: Project Management and Implementation Support

The objective of this component is to help the GoRMI establish and operationalize the proposed project through a dedicated project Implementation Unit (PIU). Component 4 will support the day-to-day coordination, management, and implementation of the project, while building institutional capacity to sustain investments beyond the project's closure such as through technical training and asset management support.

This Component will support:

- (i) Recruitment of consultants to support the implementation of all project activities, such as a Project Manager, Engineer, Contract Manager and technical and administrative support
- (ii) Monitoring, review, and evaluation of the project

¹⁶ This building has been identified as a priority by Government, as the facility is critical for the Government's emergency response to future disasters and would help ensure continuity of key government services following disaster events. Accordingly, PREP 2 is financing the design of this building, which will meet agreed resilience standards to mitigate against future hydrometeorological and geophysical hazards

- (iii) Capacity building and training for operations and maintenance, as well as risk-informed asset management; and
- (iv) Project-related incremental operating costs.

These activities will be implemented through consulting services (individual) and incremental operating costs.

3. Land Tenure in RMI

3.1 Resettlement-related RMI Legislation and Regulations¹⁷

Across RMI, land is seen as the “fundamental basis” of society, deeply rooted in the culture of the Marshall Islands, with 99% of the land being held under customary law and being passed on matrilineally. Ownership of land is fundamental to citizenship according to the Constitution.

In principle, all lands are privately owned by Marshallese landowners with widespread leasehold. Whenever the government wishes to use land publicly, either for public services or for its own use, it leases land from landowners, for which the government has an annual budget.

Land tenure in RMI falls under Article II of the Constitution which states that:

“nothing in Article II [of the RMI Constitution] shall be construed to invalidate the customary law or traditional practice concerning land tenure or any related matter including, where applicable, the rights and obligations of the Iroijlaplap [traditional chief of each island or island group], Iroijedrik [lower chief], Alap [head of commoner/worker clan] and Dri Jerbal [commoner/worker].”

The roles of the traditional/chiefly authorities in Marshallese society are:

- *Iroijlaplap* - also known as Paramount Chief and Supreme Authority over lands and livelihoods on the islands. Atoll-wide decision-making is their sole responsibility. They are also involved in municipal decision-making and traditional governance.
- *Iroijedrik* - also a Chief involved in island-wide decision making and with some municipal hold on land activities and communal engagements.
- *Alap* - sole responsibility is decision-making for (a) specific land parcel(s) and for the management of land and communal engagements.
- *Dri Jerbal* - also responsible for (a) specific land parcel(s) and sole responsibility is to coordinate operations of communal livelihoods.

In Majuro atoll, all land parcels (known as *weto*¹⁸) typically have at least one *Iroijlaplap*, one *Iroijedrik*, one *Alap* and one *Dri Jerbal*. Some land parcels only have one *Alap* and one *Dri Jerbal*. The traditional authority in Majuro follows the Ratak Atolls’ traditional system with four figureheads (*Iroijlaplap*, *Iroijedrik*, *Alap* and *Dri Jerbal*), while atolls in the Ralik Chain follow a traditional system with only *Iroij/Iroijlaplap*, *Alap* and *Dri Jerbal*.

Each *weto* has one landowner (*Alap*). Table 1 shows the number of *wetos* and *Alaps* for some districts in Majuro¹⁹.

Table 1: Number of land parcels (*wetos*) and approximate number of landowners (*Alap*) for selected districts in Majuro.

District	Number of Wetos	Number of Alaps
Ajeltake	64	46
Arak & Jeirok	49	40

¹⁷ Deltares 2021 “Long-term climate adaptation options, costing and financing for the Republic of the Marshall Islands”. World Bank, Project no. 11206171_002 25 June 2021.

¹⁸ *Weto* describes the typical Marshallese landholding and represents a strip of land that extends from the lagoon to the ocean. Its size ranges between one and five acres.

¹⁹ Deltares (2021)

Delap	36	23
Iolap	16	12
Lobat	20	16
Lomar	51	19
Rairok	39	25
Rita	21	18
Uliga	15	7
Woja	25	13
Total (for above districts)	336	219

3.2 Settlement Patterns on Majuro²⁰

Majuro supports the largest number of buildings in RMI with 5810 buildings, with the heaviest building density in the D-U-D area. There is approximately 9.6 acres of unoccupied land on Majuro Atoll²¹.

Majuro contains the critical infrastructure necessary for maintenance of vital socio-economic functions such as safety, health, security and wellbeing, including:

- Water and wastewater treatment facilities (e.g., sanitation, drainage)
- Energy (e.g., generation and distribution)
- Transport (e.g., airports, ports and roads)
- Communication technologies and emergency services
- Education facilities (university, college, elementary and high schools)
- Healthcare systems (e.g., hospitals and emergency services).

4. Resettlement-related Legislative and Regulatory Framework

4.1 RMI Legislation

4.1.1 Legal Overview

This section of the ESMF describes the broad legal and regulatory framework applying to all environmental and social issues concerning the Project.

In overall terms, the RMI is governed under a mixed parliamentary-presidential system as set forth in its Constitution. Elections are held every four years, with each of twenty-four constituencies electing one or more representatives (senators) to the lower house of RMI's unicameral 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.

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

²⁰ Deltares 2021 above

²¹ Ibid.

Figure sets out a schematic overview of the RMI legal E&S policy framework which will apply to the Project. Each element is discussed below.

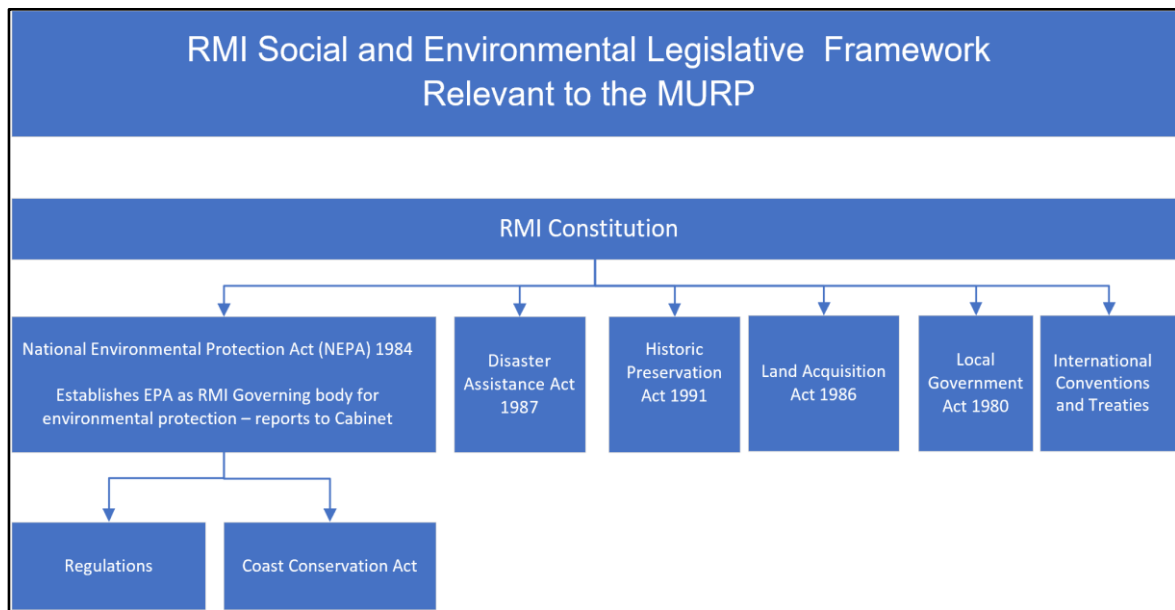


Figure 1: RMI Environmental and Social Legislative Framework

4.1.2 RMI Constitution

The Constitution of RMI, which came into effect in 1979 with amendments in 1995, sets forth the legal framework for the governance of the Republic. The Preamble to the RMI Constitution 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.”

The Marshall Islands has a bicameral legislature consisting of the lower house or Nitijela (legislative power) and the upper house or Council of Iroij (customary power). The legal system comprises legislature, municipal, common and customary laws.

The Judiciary of the RMI

The Constitution states that the judicial power of the RMI

“...shall be independent of the legislative and executive powers and shall be vested in a Supreme Court, a High Court, a Traditional Rights Court, and such District Courts, Community Courts and other subordinate courts as are created by law, each of these courts possessing such jurisdiction and powers and proceeding under such rules as may be prescribed by law consistent with the provisions of this Article.”

Resettlement

With regards to resettlement the Constitution notes that

(3) The jurisdiction of the Traditional Rights Court shall be limited to the determination of questions relating to titles or to land rights or to other legal interests depending wholly or partly on customary law and traditional practice in the Republic of the Marshall Islands.

Traditional Land Tenure Rights

The Constitution preserves the traditional rights of land tenure, as indicated in ‘Article II:

Nothing in Article II shall be construed to invalidate the customary law or any traditional practice concerning land tenure or any related matter in any part of the Republic of the Marshall Islands, including, where applicable, the rights and obligations of the Iroijlaplap, Iroijedrik, Alap and Dri Jerbal.

Without prejudice to the continued application of the customary law pursuant to Section 1 of Article XIII, and subject to the customary law or to any traditional practice in any part of the Republic, it shall not be lawful or competent for any person having any right in any land in the Republic, under the customary law or any traditional practice to make any alienation or disposition of that land, whether by way of sale, mortgage, lease, license or otherwise, without the approval of the Iroijlaplap, Iroijedrik where necessary, Alap and the Senior Dri Jerbal of such land, who shall be deemed to represent all persons having an interest in that land.

4.1.3 Historic Preservation Act 1991

The purpose of this Act is to promote the preservation of the historic and cultural heritage of the RMI.

The Act provides for the Historic Preservation Office (HPO) to be responsible for issuing or denying permits, for use, access, and development of land containing cultural and historic properties, and for the taking of any artifact of cultural or historical significance from the RMI for cultural exchange, scientific identification, or donation to a bona-fide non-profit organization recognized on the basis of its cultural significance to the Republic

A series of regulations pursuant to this Act and were approved by the GoRMI Cabinet in January 1992:

- Regulations Regarding the Conduct of Archaeological and Anthropological Research 1992
- Regulations Governing the Taking and Export of Artefacts 1992
- Regulations Governing Land Modification Activities 1992
- Regulations Governing the Disposition of Archaeologically Recovered Human Remains 1992
- Regulations Governing Access to Prehistoric and Historic Submerged Resources 1992

Of relevance to the Project, the Regulations Governing Land Modification Activities require every developer, private or corporate, to announce to the HPO any construction affecting the soil at least 30 days in advance of construction. Notifiable activities include any kind of earthmoving and land fill as well as land and vegetation clearing using machinery.

HPO staff, or qualified personnel employed to do so by the developer, will then conduct a survey to determine whether archaeological, historical or traditional sites are present or not. If such sites are found, and if the HPO deems the sites significant for preserving the heritage of the RMI, the HPO may recommend that the development be relocated. If this is not feasible, an excavation must be undertaken in order to recover most of the data contained in the site. Thereafter the development can begin.

The costs for application processing, survey, excavation, and data analysis will be borne by the developer. Undue hardship can be claimed if the development is for a private dwelling or a small restaurant. In such cases the HPO will undertake the survey and excavations and will bear the costs.

Provisions against violations allow for a fine of \$10,000 per day and authorize the confiscation of all equipment used if the activity was conducted with the purpose to destroy or impair the site or to evade the provisions of the regulations. If a site is destroyed, or severely impaired to avoid the mitigation process, the Historic Preservation Act further allows for a fine to be imposed equivalent of the cost of a complete data recovery and study exercise.

The Regulations Governing the Disposition of Archaeologically Recovered Human Remains stipulate that burials shall not be disturbed willfully unless permission has been given according to the Historic Preservation Act (1991) and other executing regulations. If human remains are found, then these shall be examined and described, and thereafter be reburied at the earliest possible moment. The intent of the regulations is to ensure that human remains are treated with the dignity and respect they deserve, and that it shall be avoided that human remains are permanently stored on the shelves of museums or other institutions

4.1.4 Land Acquisition Act 1986

The RMI Land Acquisition Act 1986 makes provision for the acquisition of lands and servitudes for public use for payment of just compensation in terms of Article II, Section 5 of the Constitution of the Marshall Islands and to provide for matters connected therewith and incidental thereto.

The Act defines “land” to include “things attached to the earth”. It also defines “persons interested”, with reference to land, to not include a monthly tenant. The act covers the general provisions, preliminary investigation and declaration of intended acquisition, proceedings in court, payment of compensation, possession and disposal, divesting of land and general items pertaining to such land acquisition. The following points summarize the Parts of this Act:

- The **Preliminary Investigation and Declaration of Intended Acquisition** details the process for investigations for selecting land, compensation for any damage done during investigations and issuing notices of intended acquisition.
- Where the Minister decides that particular land or a servitude in any area should be acquired under this Chapter **[Proceedings in Court]**, he shall direct the Attorney-General to file an application in the High Court praying for a declaration by the High Court, that such taking of land for public use is lawful. The Proceedings in Court details the process for determination by the High Court, the procedure before the High Court, the assessment of compensation.
- The **Payment of Compensation** details tender and payment, compensation which cannot be paid, renunciation of right to compensation, interest on compensation, exchange, finality as to payment of compensation and exchange with other landowners.
- **Possession and Disposal** details the vesting order for taking possession of land and acquiring servitudes, effect of vesting order, possession, immediate possession on urgency and immediate possession after proceedings commenced.
- **Divesting of Lands** details the divesting orders.
- **General** details the compulsory acquisitions authorized by any other written law, abandonment of acquisition proceedings, serving of notices, application of constitutional provisions and payment. Of particular note in this Part is that:

Where any other written law authorizes the acquisition of land under this Chapter and the Minister decides that any land is reasonably required under such other written law by any authority, person or body of persons, the purpose for which that land is required shall be deemed to be a public use and the provisions of this Chapter shall apply accordingly to the acquisition of that land for that authority, person or body of persons.

The Act does not cover valuation methodologies.

4.1.5 Local Government Act 1980

In 1980, the *Local Government Act* was enacted in order to implement Article IX of the Constitution by providing for the manner and operation of local governments. There is one local council on Majuro headed by a mayor.

4.1.6 Planning and Zoning Act 1987 [10 MIRC Ch. 2]

The Planning and Zoning Act 1987 is an Act to provide for:

- Planning in land water use (sic)
- Promotion of the health, safety and general welfare of the people
- Creation of zones in municipal areas in order to lessen the congestion and to secure safety from fire and other hazards; and
- Regulation and control of the construction of buildings and the prevention of overcrowding of land.

Key provisions of the Act include the following:

- Section 221 - The Act only applies to the local government Councils of Majuro Atoll and Kwajalein Atoll.

- Sections 204-205 - Requires every local government Council to establish a Planning Commission. A Commission is designed to function as an advisory body to the local government Council in all matters relating to planning and zoning.
- Section 206 - Requires every local government Council to establish a subsidiary Planning Office. The Planning Office functions under the Council for the administration of the day-to-day affairs of the Commission. All local government councils must have a planning office with a Director of Planning who has a duty “to carry out and execute all matters relating to planning and zoning” and “to grant, renew or revoke licenses for the construction of any buildings, houses or other structures in accordance with the law or ordinances”.
- Sections 210-211 - Majuro Atoll may be divided into zones prepared by the local Council in consultation with the Government Chief Planner. The objectives of these zones include:
 - promotion of a harmonious interrelationship of land use
 - the preservation of the natural landscape and environment; and
 - facilitation of appropriate locations for recreational areas and parks.
- Section 209 - Local government councils have authority to make ordinances around restrictions on buildings.
- Section 213 - Building permits are also required.
- Part V - Provides for the adoption of a Marshall Islands Building Code by the Minister of Public Works.

In practice the Planning and Zoning Act 1987 remains largely unimplemented, although preparation of the Marshall Islands Building Code is being carried out under the provisions of this Act (See Section **Error! Reference source not found.** of this ESMF).

4.1.7 National Environmental Protection Act 1984 (NEPA)

The National Environmental Protection Act 1984 (NEPA) provides for the establishment of a National Environmental Protection Authority (RMIEPA) for the protection and management of the environment.

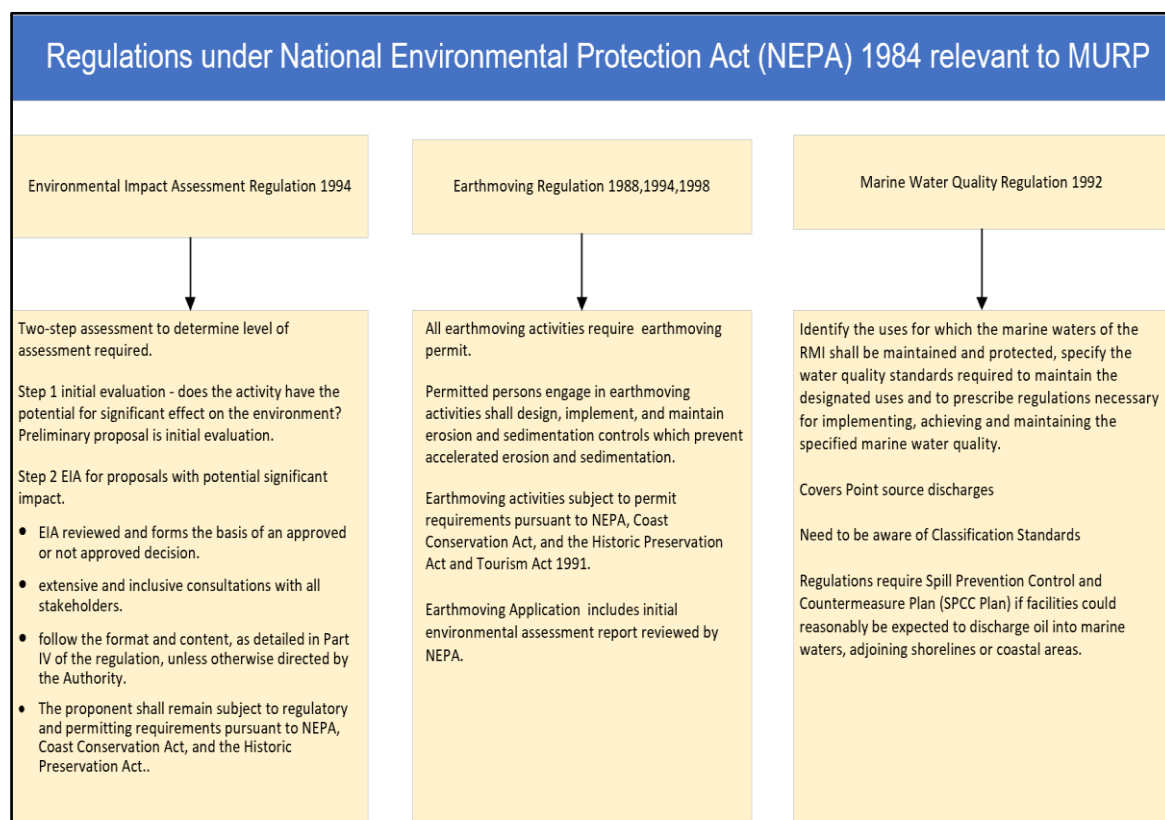
The RMI Environmental Protection Authority (RMIEPA), established under the National Environmental Protection Act (NEPA), is the governing body for environmental protection in the RMI. The primary purpose of the RMIEPA is to preserve and improve the quality of the environment of the RMI, and to that end, have the following objectives:

- a) to study the impact of human activity including redistribution, cultural change, exploitation of resources and technological advances on the environment
- b) to restore and maintain the quality of the environment
- c) to use all practicable means including financial and technical assistance to foster and promote the general welfare of the people by creating conditions under which mankind and nature can co-exist in productive harmony
- d) to improve and coordinate consistently with other essential considerations of National policy, governmental plans, functions, and programs and resources to as to prevent, as far as practicable, any degradation or impairment of the environment
- e) to regulate individual and collective human activity in such manner as will ensure to the people safe, healthful, productive, and aesthetically and culturally pleasing surrounding
- f) to attain the widest possible range of beneficial uses of the environment without degradation or impairment thereof and other undesirable consequences to the health and safety of the people, and
- g) to preserve important historical, cultural and natural aspects of the nation's culture and heritage, maintaining at the same time an environment which support the multiplicity and variety of individual choice. [P. L. 1984-3 1,s 19.]

The NEPA 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 eight (8) regulations are –

- i. Earthmoving Regulation 1988 (with amendments in 1994 and 1998)
- ii. Solid Waste Regulations 1989
- iii. Toilet Facilities and Sewage Disposal Regulation 1990
- iv. Marine Water Quality Regulation 1992
- v. Public Water Supply Regulation 1994
- vi. Environmental Impact Assessment Regulation 1994
- vii. Ozone Layer Protection Regulation 2004 Pesticides and Persistent Organic Pollutants Regulation 2004.
- viii. Sustainable Development Regulation – this is currently in draft and will replace the Earthmoving Regulation once it comes into force.

The three regulations of specific relevance to the Project are the EIA Regulation 1994, the Earthmoving Regulation 1984 and the Marine Water Quality Regulation 1992. Key considerations of each are set out below.



4.2 World Bank Environmental and Social Framework

As a condition of WB financing the Project, the Ministry of Works Infrastructure and Utilities (WWIUI) will be required to implement the project in a manner consistent with the WB Environmental and Social Framework 2017 (ESF).

Matters to be addressed include environmental, health and safety, gender, labor, social, land and cultural heritage laws and policies as a minimum. The following WB Environmental and Social

Standards (ESS), as set out in the ESF, are considered to relevant for the Project requiring the GoRMI to prepare environmental and social risk management instruments:

- ESS1 – Assessment and Management of Environmental and Social Risks and Impacts
- ESS2 – Labor and Working Conditions
- ESS3 – Resource Efficiency and Pollution Prevention and Management
- ESS4 – Community Health and Safety
- ESS5 – Land Acquisition, Restrictions on Land Use and Involuntary Resettlement
- ESS6 – Biodiversity Conservation and Sustainable Management of Living Natural Resources
- ESS8 – Cultural Heritage
- ESS10 – Stakeholder Engagement.

As set out in the WB ESF, the Environmental and Social Standards (ESS) of immediate relevance to resettlement and livelihood restoration and this RF are outlined in Table .

Table 1: WB Environmental and Social Standards relevant to the RF

WB Environmental and Social Standards	Objectives
ESS 1: Assessment and Management of Environmental Social Risks and Impacts	<ul style="list-style-type: none"> • To identify, evaluate and manage the environment and social risks and impacts of the project in a manner consistent with the ESSs. • To adopt a mitigation hierarchy approach to: <ul style="list-style-type: none"> ➢ Anticipate and avoid risks and impacts ➢ Where avoidance is not possible, minimize or reduce risks and impacts to acceptable levels ➢ Once risks and impacts have been minimized or reduced, mitigate, and ➢ Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible. • To adapt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantage or vulnerable, and they are not disadvantaged in sharing development benefits and opportunities resulting from the project. • To utilize national environmental and social institutions, systems, laws, regulations and procedures in the assessment, development and implementation of projects, whenever appropriate. • To promote improved environmental and social performance, in ways which recognize and enhance GoRMI capacity.
ESS 5: Land Acquisition, Restriction on Land Use and Involuntary Resettlement	<ul style="list-style-type: none"> • To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives. • To avoid forced eviction. • To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. • To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure. • To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant. • To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

WB Environmental and Social Standards	Objectives
ESS 8: Cultural Heritage	<ul style="list-style-type: none"> To protect cultural heritage from the adverse impacts of project activities and support its preservation. To address cultural heritage as an integral aspect of sustainable development. To promote meaningful consultation with stakeholders regarding cultural heritage. To promote the equitable sharing of benefits from the use of cultural heritage.
ESS 10: Stakeholder Engagement	<ul style="list-style-type: none"> To establish a systematic approach to stakeholder engagement that will help Borrowers identify stakeholders and build and maintain a constructive relationship with them, in particular project-affected parties. To assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in project design and environmental and social performance. To promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them. To ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format.

ESS 5 is of particular relevance for this RF and applies to all Project works and components of operations financed by the WB including associated facilities which result in involuntary resettlement. ESS 5 outlines a number of key principles for addressing adverse effects of involuntary settlement associated with its investment projects. These are outlined in Section 1.3.2 above.

The requirements for public disclosure are contained in ESS10. These public disclosure standards require early and ongoing consultation with communities affected by projects.

4.3 Comparison of WB ESF and RMI Legislative Requirements on Land Acquisition

Table 2 provides an analysis of gaps between WB safeguard requirements as set out in the ESF, and RMI Legislative requirements on land acquisition and resettlement.

Table 2: Gaps between WB ESF and RMI legislative requirements, and gap filling measures

WB Environmental and Social Standards	RMI Legislative Requirements	Gap Filling Measures
Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative designs.	No specific reference in RMI Legislation	Resettlement to be properly managed and documented in accordance with ESS5 All PAPs will be provided with detailed information and will be consulted prior to any works to ensure free, prior and informed consent (FPIC).
Land to be secured for the Project via Voluntary Land Donation (VLD) where suitable and agreeable to affected landowners and occupants.	No specific reference to VLD in RMI legislation.	The VLD process is to be properly managed and documented in accordance with ESS5, and the Project VLD protocol. The Project will work in close collaboration with landowner representatives to ensure FPIC

WB Environmental and Social Standards	RMI Legislative Requirements	Gap Filling Measures
Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the end of the project to share in the project benefits.	Not explicitly addressed in the existing legislation.	WB policy and requirements will be adopted. A communications plan will be developed under activity specific SEPs to ensure all potential PAPs fully understand how resettlement will be addressed The Project GRM will be publicly disclosed and widely available. Implementation of the GRM will be jointly monitored by the PMU and CIU.
Use or acquisition of customary land by the Project.	Customary land tenure is prevalent in RMI. The RMI Land Acquisition Act 1986 makes provision for the acquisition of lands and servitudes for public use for payment of just compensation in terms of Article II, Section 5 of the Constitution of the Marshall Islands and to provide for matters connected therewith and incidental thereto. No separate laws exist for acquisition of customary land compared to freehold land.	The VLD process will apply for the acquisition or use of customary land, the Project will adhere to ESS5, and the Project VLD protocol. The VLD Protocol will be made publicly available in user-friendly formats. Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process.
Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.	The EIA Regulations require "extensive and inclusive consultations with all stakeholders."	Partial equivalence. Consultations as per approved SEP will be implemented and results of consultations will be documented and made available to interested parties.
To address the impacts resulting from Bank-assisted investment projects, the borrower prepares a resettlement plan or resettlement policy framework.	No specific requirement for the preparation of resettlement plans.	Where Resettlement Plans are necessary, including Abbreviated Resettlement Action Plans (ARAPs), they will be prepared in accordance with the requirements and procedures set out in ESS5 and summarized in Sections 5 and 6 of this RF.
It is necessary to improve or at least restore livelihoods of Displaced Persons (DP) by a range of strategies targeted at Affected People (AP). Nobody is to be made worse off as a result of the development project.	The RMI Land Acquisition Act 1986 covers the payment of compensation, possession and disposal, divesting of land and general items pertaining to such land acquisition.	Partial equivalence. WB policy will apply to ensure all PAP's and their losses are restored and/or compensated. Where losses are temporary and minor, related to the construction method for which the contractor is responsible for determining, these will be addressed as part of the ESMP.
Requires that Displaced Persons are compensated for all losses, including non-land assets, at full replacement cost.	The RMI Land Acquisition Act 1986 covers the payment of compensation, possession	Partial equivalence <i>vis-à-vis</i> valuation of land for

WB Environmental and Social Standards	RMI Legislative Requirements	Gap Filling Measures
	and disposal, divesting of land and general items pertaining to such land acquisition.	compensation, but not for lost non-land assets and income. Where compensation is required, WB's principle of 'replacement cost' using current market values for compensation of affected assets will apply including non-land assets and income.
Bank expects the borrower to take into account the views, roles, and rights of groups including NGOs and local communities affected by the Bank financed project...in the planning, designing, implementing, monitoring and evaluating of such projects.	The RMI EIA regulations provide for public consultation as part of the environmental assessment process, and full disclosure of EIA reports to the public.	Equivalent - consultations as per approved SEP will be implemented including information on disclosure and cut-off dates
Bank requires that Displaced People (DP) should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. Bank also requires that displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	RMI legislation is not clear on dealing with impacts on DP or other affected people such as illegal occupier of acquired land etc.	WB Policy will apply and details regarding consultation with DPs will be outlined in activity specific SEPs
Bank requires: i) Screening to identify whether Indigenous Peoples are present, ii) Social assessment to assess potential adverse impacts, iii) Consultation and participation, iv) preparation of an Indigenous Peoples Plan (if required), and v) Public Disclosure.	RMI law recognizes the heritage, traditional boundaries and cultural ties.	Not relevant to RMI - no separate Indigenous People Plan is required. Planning and implementation of Project activities set out in the E&S instruments (including RF, ESMF and SEP) will aim to ensure that traditional institutions and leadership are respected as well as recognition of cultural norms, land tenure arrangements, meaningful consultation and participation.

5. Project Principles, Entitlements and Procedures

5.1 Project Policy Principles

The following policy principles for compensation and mitigation of physical and economic displacement impacts for the Project will apply to all physical works activities under Components 2 and 3:

Minimization of impacts:

- Works kept to minimal footprint size consistent with effective functionality
- Severe environmental and/or social impacts will be screened out of works for consideration. Any works that would involve relocation of housing, permanent severe impact on livelihoods, land acquisition involving severe loss of land holdings of an affected person to be avoided; and
- Design of Project works will prioritize features that have impacts that can be mitigated relatively simply and be temporary in nature.
- *Compulsory land acquisition will be not used, and where any private or customary land is required, this will be undertaken on a negotiated/voluntary basis, undertaken in a culturally appropriate manner with owners and users.*
- Land to be secured for the Project via Voluntary Land Donation (VLD) where suitable and agreeable to affected landowners and occupants. The VLD process is to be properly managed and documented in accordance with ESS5.
- The Project will design and implement measures to avoid involuntary resettlement impacts aimed at restoring, if not improving, standards of living of those affected.
- Works will adopt a 'participatory design approach' with the respective landowners and communities where works are proposed (discussed further in Section 4.1.1).
- Involuntary resettlement impacts will be assessed for all works as part of the 'E&S Screening Report', and either a 'Land Access Due Diligence Report', 'Voluntary Land Donation Report' or 'Abbreviated Resettlement Action Plan' is to be prepared depending on the nature and extent of physical or economic displacement, means of land access as well as mitigation approach.
- Consultations and public participation will be carried out as an ongoing process throughout project planning, design, implementation and post-project stages. Affected people and communities in the vicinity of project works will be given advance notice of planned works schedules.
- Eligible PAPs will receive entitlements and livelihood rehabilitation measures sufficient to assist them to improve or at least maintain their pre-Project living standards, income earning capacity and production levels.
- Particular attention will be given to the needs of vulnerable PAPs including socially and economically vulnerable groups. This may include those without legal title to the land or other asset/s, households headed by females (where appropriate²²) the elderly or disabled, and other vulnerable groups such as people living in extreme poverty or hardship²³.
- Land requirements for Project works will be arranged through either voluntary land donation Compensation for land, where required, will be at replacement cost.
- For displaced non-land assets, assistance will be provided to relocate and reinstall the property. Where these cannot be viably relocated, the PIU will arrange for like-for-like replacement or compensation at replacement cost. Compensation will be provided for loss of income due to temporary business closure as a result of construction activities, where disruption cannot be avoided.

²² Note: Some houses may be headed by a female as they own the land. In these cases, the female head of the household would not be considered a vulnerable person.

²³ As determined and identified by the relevant community leader.

- The customs, traditions, religious practices and institutions of all PAPs will be respected and protected
- A complaints and grievance mechanism are to be established for the project (refer Section 7) to solve disputes and complaints from PAPs.
- The impacts of the works, including unforeseen losses and damages that may occur during either construction or operation, will be carefully monitored and remedial steps taken as required (refer Section 10).

5.1.1 Participatory Design Approach

Planning of improvement works will adopt a 'participatory design approach' with respective landowners, land users and communities. This will involve detailed consultations with communities and landowners during the design phase, commencing at the preliminary design phase. Design will be an iterative process of consultation and design development. Design consultants are to present communities and landowners with objectives of the works based on issues that need to be addressed (e.g., water drainage issues) and general design options and implications for footprint/impacts. Feedback from communities and landowners on what is preferred and acceptable informs parameters for basic design. The Terms of Reference (TOR) for works design is to include explicit requirements for participatory design approach.

Community participation will include clear consultation, documentation of agreements and monitoring procedures, and any impacts are minimal and mitigation/restorative measures are acceptable to affected people.

5.1.2 Voluntary Land Donation

In some limited circumstances, Voluntary Land Donations (VLD) may be an appropriate form of securing land access for the Project. Such circumstances may include installation of drainage and creation of easements for drainage outflows that would not result in significant land loss.

In such instances VLD may be acceptable providing that it is demonstrated that:

- a) The amount of land being donated is minor (less than 5% of PAP's land holdings) and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels
- b) No household relocation is involved
- c) The donor is expected to benefit directly from the Project
- d) The potential donor or donors have been appropriately informed and consulted about the Project and the choices available to them
- e) Potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation, and
- f) For community, customary or collective land, donation can only occur with the consent of individuals using or occupying the land as well as the person(s) authorized to make decisions over the land.

The PIU and local authorities will maintain a transparent record of all consultations and agreements reached especially those in relation to VLD.

VLD would cede land to the GoRMI at no cost but the Project protocol on VLD (provided in Appendix B) requires compensation for lost crops and other non-land assets that cannot be viably moved.

Where small (i.e., marginal) areas of land are required, VLD is preferred by the GoRMI as the prioritized mode of acquisition for the Project wherever possible particularly in cases where the landowner directly benefits from the works going ahead. Additionally, PAPs have the right to make a contribution of land or other assets of their own volition without seeking or being given any form of compensation.

The Project VLD Protocol also applies for the donation of community, customary or collective land. As stated in the protocol, VLD cannot be applied when (i) customary rights holders do not

support, or will not directly benefit from, the Project, and (ii) conflicts over land exist where conflicts over land exist, including customary collective ownership.

Therefore, care must be taken to ensure that:

- a) The rights and claims of customary and informal users affected by the land donation are systematically and impartially identified
- b) Potentially affected individuals, groups or communities (i.e., those that use or occupy the land) are meaningfully consulted, informed of their rights, and provided with reliable information concerning environmental, economic, social and food security impacts of the land donation
- c) Community stakeholders are enabled to negotiate appropriate conditions for the transfer
- d) Appropriate benefit sharing and grievance mechanisms are put in place and implemented
- e) The terms and conditions for the transfer are transparent; and
- f) Mechanisms are put in place for monitoring compliance with those terms and conditions.

Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process.

5.1.3 Involuntary Land Acquisition

Involuntary acquisition of land will be avoided by the project.

5.2 Eligibility for Entitlements and Compensation

5.2.1 Scope

The RF applies to physical Project works and does not apply to Technical Advisory (TA) -related outputs such as development controls which might have long term implications for land use.

5.2.2 Project Affected Persons

Project Affected Persons (PAPs) are those persons and families who have land, assets or livelihood which are impacted by the Project either temporarily or indefinitely, irrespective of whether they have formal proof (certificate) of their right to utilize the land or asset.

For the purpose of this assessment, PAPs are considered those who will potentially lose land and/or assets or access to assets located within the works footprint or experience land access restrictions leading to loss of income sources or means of livelihood.

None of the Project works are expected to result in physical displacement of households (i.e., involuntary resettlement/relocation) and would be screened out. Subsequently, entitlements for individuals subject to physical relocation, as well as their potential host communities, have not been outlined in the entitlement matrix provided in Section 5.3.1.

5.2.3 Eligibility Cut-Off Date

The eligibility cut-off date for PAPs should be the date of completion of the Inventory of Loss (IOL) for the works. Persons occupying the works footprint or fixed assets (such as built structures, crops and fruit trees) established after the cut-off date are not eligible for compensation and/or livelihood restoration assistance. The eligibility cut-off date will be widely disseminated to all PAPs and stakeholders.

As neither the location nor timing of the works have yet been determined, an IOL and eligibility cut-off date for the works has not yet been established.

Once preliminary designs have been completed, the PIU is to work with landowners and local community leaders to reach a consensus on the date of IOL and eligibility cut-off for works, as well as emphasize the significance and meaning of the cut-off date.

The eligibility cut-off date will therefore be based on the Project specific IOL, rather than any previous assessment undertaken in the works location.

Eligibility for access to compensation entitlements should apply to all persons with land use rights utilizing land for agricultural, residential, business, government or cultural purposes or physical assets located within the works footprint at the time of the IOL and cut-off date.

5.3 Entitlements

The Project entitlements presented in the Entitlement Matrix (Section 5.3.1) and summarized below will address the various types of losses as expected for the Project.

As set out above, the absence of legal or formal title to land is not a barrier to compensation, nor is the presence of assets currently located within the works footprint. Both male and female PAPs should continue to be equally consulted and their rights recognized. Negotiations, entitlements and livelihood restoration should be with/to both male and female head/s of each household.

The actual compensation entitlements should be finalized and agreed upon in consultation with the State and Municipal Government authorities as appropriate but will not be less than the entitlement standards set out in this Resettlement Framework. The PIU is to record and formalize outcomes of this consultation.

5.3.1 Entitlement Matrix

The entitlement matrix in Table 3 below provides a summary of the specific entitlements of the PAPs for each type of impact from the Project.

Table 3: Entitlement Matrix for the Project

Impact/Loss	Mitigation / Entitlement	Implementation Considerations
Permanent loss of land.	<ul style="list-style-type: none"> Arranged through VLD, where appropriate. Land-for-land compensation where possible. Otherwise, compensation at replacement cost. 	Refer to Project Voluntary Land Donation Protocol for description of conditions for VLD.
Partial loss of house structure (residual portion viable for continued use after repair)	<ul style="list-style-type: none"> Compensation at replacement cost for damages, including cost of repairs (but without deduction for salvageable materials). 	Works involving severe impacts on houses (i.e., structure no longer usable) will be screened out.
Partial loss of commercial main structure OR Severe loss of commercial main structure that is temporary in nature (shop can be rebuilt on residual land) OR Severe temporary disruption to business.	<ul style="list-style-type: none"> Compensation at replacement cost for damages to commercial structure, including cost of repairs (without deduction for salvageable materials). Compensation for lost income for reasonable period of disruption. Compensation for lost income of employees. 	Works involving severe impacts on commercial structures (i.e., structure no longer usable and cannot be rebuilt on residual land within a short period of time) will be screened out. Replacement is to include full cost of repairs, or like-for-like structure. The reasonable period of lost income is based on time required to repair/rebuild affected business structure or otherwise actual time of blocked access to business. Compensation is to be based on net monthly income, and/or monthly wages.
Loss of secondary structures (e.g., fences, walls, driveways, pavement, store, shed, or similar).	<ul style="list-style-type: none"> <u>For moveable structures</u>: assistance to remove and reinstall structure. <u>For non-moveable structures</u>: removal and replacement; OR compensation at like-for-like replacement cost, if removal and replacement is not possible (without deduction for salvageable materials). 	Assistance to remove and reinstall structures to be provided by Contractor. Replacement of non-moveable structures by Contractor for simple structures such as pavement.
Loss of crops and productive trees/perennials.	<ul style="list-style-type: none"> Advance notice to harvest annual crops (no compensation). In the event that advance notice is not given, compensation for loss of agriculture products will be provided Assistance to move non-mature productive trees/perennials. Compensation shall be provided for mature productive trees, where disturbance is unavoidable. 	Disturbance of mature productive trees are to be avoided where possible. Compensation for productive trees shall be based on type, age and productive capacity and the cost of production and rearing of trees; OR market value for timber or fuel wood (as appropriate).

Impact/Loss	Mitigation / Entitlement	Implementation Considerations
Loss of cultural sites (e.g., graves sites).	<ul style="list-style-type: none"> Assistance to move cultural sites (e.g., grave site). 	Assistance is to include both logistical (e.g. excavation, relocation and reburial) and ritual/religious aspects (e.g. ceremonies) – prior reference to Historical Preservation Office.
Impacts due to construction (Impacts that fall under construction method for which the contractor is responsible for determining)	<ul style="list-style-type: none"> In the event of non-land asset losses, compensation for affected non-land assets at full replacement cost commensurate with rates set out in the Resettlement Plans that are developed in parallel with the detailed design and commensurate with the magnitude and complexity of the resettlement requirements. Temporary use of land will be arranged through VLD where possible. If VLD not possible, 'rental allowance' to be provided as agreed between the landowner and Contractor. At the end of the 'rental period' the land is to be returned to the landowner in the same condition as prior to use, as acceptable to the landowner. In the event of restricted land use or disruption to access, (loss of access to property, or transport network), the Contractor is to provide alternative access. If construction works completely block access (without alternative access) to a business, then compensation for lost income for the period of disrupted access will be provided by the contractor. 	<p>Temporary impacts due to construction will be monitored and reported as part of monitoring of the Environment and Social Management Plan.</p> <p>Access to property is to be maintained at all times (i.e., no communities or individuals isolated).</p> <p>If the land has been adversely impacted (as determined by the PIU and landowner), then the Contractor is either to restore, or provide the landowner assistance to restore the land to an agreed condition and productivity.</p>
Unforeseen or unintended impacts.	<ul style="list-style-type: none"> Entitlements for unforeseen or unintended impacts will be developed in accordance with the principles set out in this RF (Section 5.1), RMI legal framework and WB ESF. New mitigation measures will need to be approved by the MWIU and agreed by WB. 	

6. Processes for Securing Land Access

6.1 Environmental and Social Risk Screening

Once works have been identified and prioritized, environmental and social screening is to be undertaken by the CIU Safeguards Team (supported by E&S consultants engaged by the PIU, as required) as part of the feasibility and design process for Component 2 and Component 3 works.

An '*E&S Screening Report*' will be prepared after the works are further defined as part of the preliminary design process to feed into the design and impact mitigation process. This report is to include:

- a) An outline of the Project environmental and social risk screening process
- b) Completed '*Environmental and Social Screening Forms*' (Appendix B, Forms 1 to 3)
- c) A summary of the works E&S Screening, including social and resettlement (as directed by the Appendix B, Form 1b)
- d) A summary of the findings of the screening process, (as directed by the Appendix B, Form 2 – E&S Assessment and Management Plan Requirements; and Form 3 – Agreed E&S Documents); and
- e) Recommendations for the environmental and social assessment and preparation of environmental and social risk management instruments.

On the basis of the environmental and social screening, the Project will adopt one of the following approaches for land resettlement:

1. **Further redesign of the works** to avoid/minimize/mitigate land and/or asset loss where practical in line with the mitigation hierarchy under ESS1 (in which case the *E&S Screening Report* will need to be updated, after completion of the redesign). The design team, PIU, environmental and social consultants and CIU Safeguards Team are to work together to identify risks and mitigation measures in design in compliance with the WB ESS and RF.
2. **Preparation of a *Land Access Due Diligence Report*** in the event of no anticipated involuntary resettlement impacts confirming no further requirement for land access plans (i.e., *Voluntary Land Donation Report* or *Abbreviated Resettlement Action Plan*).
3. **Preparation of a *Voluntary Land Donation Report, and/or or Resettlement Plan*** if impacts to land and/or assets are identified. This is to be undertaken in parallel with detailed design. As outlined under ESS5, the scope of requirements and level of detail of RPs vary depending on the magnitude and complexity of the resettlement. As such, RPs can only be prepared when detailed, up-to-date information about the proposed activity is available which will enable: i) an accurate assessment of potential impacts on displaced persons and other adversely affected groups; ii) identification of appropriate and feasible mitigation measures, and iii) establishment of legal and institutional arrangements for effective implementation of resettlement measures.

The E&S screening process in relation to the RF is illustrated in the flow chart as shown in

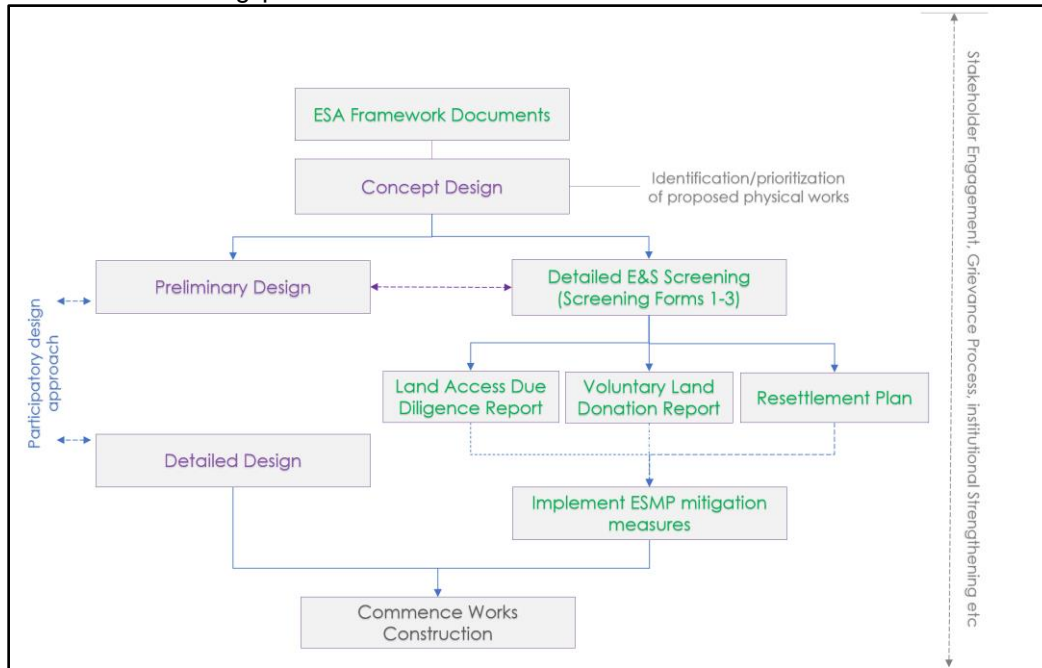


Figure 1. The scope of these documents is outlined in Section 6.2.

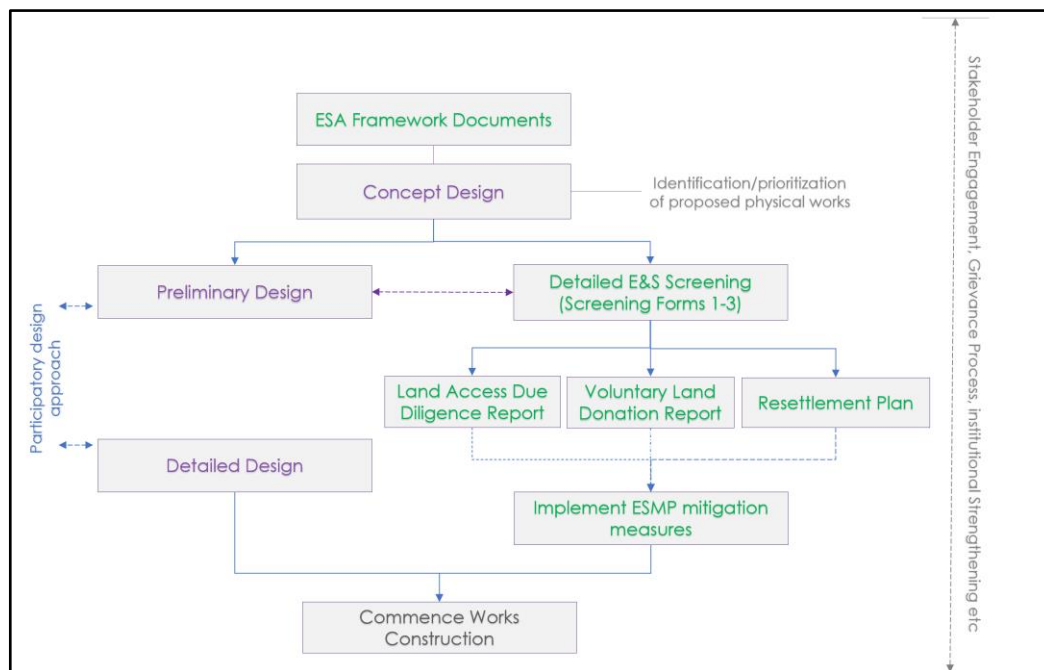


Figure 1: E&S screening process in relation to the RF.

The *E&S Screening Report* and all other relevant information relating to access restrictions or land and asset acquisition will be prepared by the CIU Safeguards Team (supported by environmental and social consultants engaged by the PIU, as required) and submitted together with the feasibility study report to the WB for review and clearance.

6.2 Preparation of Land Access Reports and Plans

6.2.1 Land Access Due Diligence Report

In the event of no anticipated involuntary resettlement impacts, a *Land Access Due Diligence Report* is to be prepared for the works²⁴.

This *Land Access Due Diligence Report* is to be prepared after the completion of the *E&S Screening Report* and preliminary design phase and concurrently with the detailed design process to provide information about the due diligence conducted to confirm absence of involuntary resettlement impacts.

The *Land Access Due Diligence Report* will include the following:

- i. A brief description of the works site including a location map and pictures
- ii. A description of proposed works and type of activities
- iii. Findings of the field visit and observations on the works site. The report will also note potential requirements for temporary use of land that are to be subsequently determined during construction as part of the contractor's construction methodology that will be mitigated through measures included in the ESMP²⁵
- iv. Process and outcome of consultations with stakeholders, including records of meetings (attendance, minutes etc.)
- v. Plans for monitoring and ongoing consultations with local community, and
- vi. Confirmation that there are no involuntary resettlement impacts and that neither a Voluntary Land Donation Report, or Abbreviated Resettlement Action Plan is required.

This report is to be included with the feasibility report to be submitted to the WB.

The *Land Access Due Diligence Report* will be prepared by the CIU Safeguards Team (with support from environment and social consultant engaged by the PIU, as required) and submitted together with the feasibility study report to the WB for review and clearance.

6.2.2 Voluntary Land Donation Report

The principle of Voluntary Land Donation (VLD) is outlined in Section 5.1.2. Should VLD be negotiated for works a *Voluntary Land Donation Report* is to be prepared which complies with the VLD protocol for the Project (Appendix A). The VLD Report will be prepared by the PIU with support by the E&S Consultants (as required). As a minimum the report is to include:

- i. A brief description of the works site including a location map and pictures
- ii. A description of proposed works and type of activities
- iii. Confirmation of current land status, ownership, and usage (supported by land records, easement documents etc.)
- iv. Findings of the field visit and observations on the works site
- v. Land survey (including land survey map, and list of participants in survey with gender equality)
- vi. List of voluntary donations of land and any other assets (including area, type and value of voluntarily 'gifted' land) accompanied by signed VLD forms
- vii. Confirmation that no severe losses will occur as a result of the donation (such as land loss being less than 5%, no severe or permanent impacts on livelihoods or income sources, no physical displacement) and articulate the direct benefits to the donors by the project improvements
- viii. Schedule of land acquisition/donation, if applicable, and

²⁴ For example, all works are to be undertaken on Government or public land and no disturbance of adjacent land and/or assets is identified.

²⁵ An example would be expectation for temporary laydown area to be determined by the Contractor.

- ix. Process and outcome of consultations with stakeholders. Records of at least two meetings, including 1) Minutes of disclosure meeting about the right of land users, and 2) Minutes of the meeting to discuss and make agreement.

Where voluntary donation of land is accompanied by compensation or restorative measures for non-land losses, the VLD report details will be incorporated into an Abbreviated Resettlement Action Plan.

6.2.3 Abbreviated Resettlement Action Plan

In the event of anticipated involuntary resettlement impacts including involuntary acquisition of land, loss of non-land assets, and/or permanent restricted access/land use (such as easements) are identified where VLD could not be negotiated with the landowner, an appropriate Resettlement Action Plan or *Abbreviated Resettlement Action Plan (ARAP)* will be prepared by the PIU with support from E&S Consultants (as required).

The RAP or ARAP is to be consistent with the scope of a 'Resettlement Plan' outlined in ESS5 (Annex 1.A), including the following key elements:

- i. Description of the works and objectives
- ii. Scope of impacts associated with land access requirements for the works
- iii. Social assessment, including baseline socio-economic survey of PAPs
- iv. Eligibility
- v. Consultation, disclosure and community participation
- vi. Entitlements, means of mitigation and restoration of losses
- vii. Implementation schedule
- viii. Costs and budget, including means of valuation for any required compensation
- ix. Grievance redress mechanism
- x. Monitoring an evaluation, and
- xi. Arrangements for adaptive management.

The 'Additional planning requirements where resettlement involves economic displacement' as set out in ESS5 will also be incorporated if permanent impacts on livelihoods occur.

The details to be included in this document are to be appropriate for the scale of land and/or asset acquisition and associated livelihood impact. The ARAP is to also identify gender concerns and special measures for vulnerable PAPs (if any) through consultations with affected communities.

No physical displacement (i.e., relocation) of PAPs or 'involuntary acquisition' of land that results in severe loss will take place under the Project and will be screening out during the preliminary design phase.

A social assessment including relevant socio-economic data of PAPs is to be undertaken as part of the IOL to determine potential social issues and likely adverse impacts of the works. This social assessment is required in order to understand the following:

- Existing socio-economic conditions of the PAPs and baseline information on livelihoods (including livelihood and income, type of land and other resource use, formal and informal economic activities, and standard of living such as health status)
- The magnitude of the expected loss including permanent and temporary loss and disturbance of land and/or of assets and the extent of economic displacement, and
- Information on gender concerns and vulnerable groups or persons for whom special provisions may have to be made.

6.3 Arrangement for Securing Land

6.3.1 Permanent Land Requirements

If land loss is identified, the PIU will develop outline plans identifying areas both within and directly adjacent to (if appropriate) the land required for the works. The PIU, with support from CIU

Safeguards, will carry out a search of land ownership and registered user rights in the vicinity of the works and identify potentially affected landowners and those with formalized user rights.

Where VLD has been assessed to be a potential mode of acquiring land access, the PIU, in collaboration with MWIU management, and with guidance and support provided by the CIU Safeguard Team, , will undertake negotiations with the potentially affected landowner.

If there is any potential that involuntary acquisition of land may be required, this will be fully and proactively addressed in the RAP or ARAP, including VLD and Sale and Purchase Agreement processes. In the case of transfer of freehold or customary land through involuntary acquisition, the PIU, with support from CIU Safeguards, will prepare a Sale and Purchase Agreement based on the assessed replacement value. The Sale and Purchase Agreement is to then be forwarded to the Landowner for consent.

Once the VLD, or Sale and Purchase Agreement, has been formalized, the details will be included in a ARAP or Voluntary Land Donation Report, as appropriate. and compensation has been paid (if appropriate), a Certificate of Transfer is prepared and sent for execution.

The process for transfer of title (if required) is to follow the appropriate Land Registration Procedures set out by the RMI Land Registration Office.

6.3.2 Temporary Land Requirements

Temporary loss may occur when coastal protection works are being carried out (such as for construction laydown areas).

Arrangements for use of the land will be negotiated with the landowner. This agreement could either be offered by the landowners as goodwill particularly if the landowner is likely to benefit from the works in the future or could include a rental allowance for the period of use and temporary loss of access to this land as agreed with the landowner. Any loss of non-land assets such as loss of productive trees or minor structures will be compensated at replacement cost.

If the land requirements are planned and arranged by PIU in advance of works, the arrangements will be set out in an ARAP. If the arrangements for the temporary land use are to be determined by the contractor as part of its construction methodology, then the arrangements will be managed through the Environment and Social Management Plan.

At the end of the temporary use (or rental) period the land is to be returned to the landowner in the same or condition as prior to use including productivity, and in a condition acceptable to the landowner. Should it be determined by the PIU and landowner that the land has been adversely impacted then the landowner is to be offered assistance by the Contractor to restore the land to an agreed condition and productivity.

6.3.3 Means of Determining Compensation

Where compensation is required for either land or non-land assets, compensation will be at replacement cost as determined through the following process:

1. The PIU, with support from CIU Safeguards, will prepare initial valuations using local market prices and establish standard compensation rate table for land (cost per m²) and assets impacted by the project. If suitable valuation expertise does not exist within the PIU, an independent valuer will be engaged by the PIU to develop this compensation rate table for the Project based on likely land and/or assets identified in the IOL. This valuation is to be undertaken within six weeks of the IOL. Compensation is to be provided at the assessed replacement cost.
2. This valuation process is to be transparent and shared with affected landowners.
3. If the landowner does not agree with the PIU (or independent valuer) valuation, the landowner has the right to engage a private valuer to review the determination (at their own cost).

The compensation rate valuation undertaken by the PIU, with support from CIU Safeguards, (or independent valuer) is to include full replacement cost at 'like-for-like' replacement and include the following elements:

- a) **Fair Market Value:** Where market's function, fair market value can be assessed by examining land sales or rental records in the last 3 or 4 years for similar properties. Land and rent values can differ. In such cases, the market value is the going price of an asset in the open market, but where markets do not exist (as in much of RMI), field investigations are needed to collect baseline data to value assets and to ensure that the valuation is realistic.
- b) **Transaction Costs:** These may include the legal and documentation expenses associated with updating land records to reflect sales, transfers, inheritances and leases, as well as the legal expenses associated with registering property titles for replacement lands and houses. These costs will be paid by the Project and are counted as part of the replacement cost.
- c) **Interest Accrued:** When there is a gap of time between the agreed schedule and the actual payment of compensation, the interest that accrues over that period must be included in the replacement costs.
- d) **Restoration Costs:** Restoration cost refers to necessary improvements on land or to housing to achieve the objectives of enhancing or at least restoring, livelihoods, compared with pre-project levels.
- e) **Deduction for Salvage Materials:** Salvage materials are not to be deducted from full replacement cost calculations.
- f) **Depreciation:** Depreciation will not be considered when valuing compensation for affected structures.

For income losses from disruptions to employment or businesses (either permanent or temporary disruption) the following are to be provided:

- 1) Cash compensation for a reasonable period of lost income (i.e., the period of time the business is disrupted by the works such as restricted access).
- 2) The value of lost income or salary to be provided is to be based on net monthly income and/or wages pro-rated over the past 12 months (where possible).
- 3) The business compensation assessment is to be based on formal declared income, or where this does not exist based on financial records and verified by an appropriate local community leader.
- 4) At least the legal minimum wage will be provided to impacted employees.

7. Stakeholder Engagement, Consultation and Participation

Stakeholder engagement will be undertaken throughout the Project including planning and design, construction and post construction phases for all specific Component 2 and 3 works to be implemented under the Project and for all technical advisory activities under Components 1 - 3 where relevant as per the SEP.

The stakeholder engagement process for the broader Project is described in detail in the SEP²⁶, which has been prepared in line with ESS10 on Stakeholder Engagement and Information Disclosure, including stakeholder engagement undertaken to date a part of Project preparation and those required throughout the Project.

Set out below is a summary of key considerations regarding stakeholder engagement relevant to the RF.

A range of direct and indirect stakeholders have been identified for engagement throughout the Project as outlined in the SEP.

Each Component 2 and 3 works (particularly relevant for implementation of the RF) will have a discrete list of stakeholders identified and engaged with as part of the land access procedure process which will specifically focus on:

²⁶ MURP Stakeholder Engagement Plan', Report prepared by CIU for Marshall Islands Urban Resilience Project.

- Landowners and Occupiers – called Project Affects Persons (PAPs) under ESS5, which includes people who could experience short- or long-term loss of income, assets, livelihoods and/or restrictions on their land.
- Local Communities (including nearby or indirectly affected community interest groups etc.).
- Relevant Government departments and agencies.
- Traditional / community leaders.
- Others (including NGOs, CBOs, businesses, utility providers etc.), and

Vulnerable groups including women, children, people with disabilities, single headed families, people without land rights and those living in poverty.

A variety of mechanisms will be utilized to consult with identified stakeholders during implementation of the including:

- i. Village meetings involving women, men and youth from communities
- ii. Specific facilitated meetings with PAPs (e.g., landowners, disrupted businesses etc.) and community leaders regarding:
 - 'Participatory design approach' during design phase, commencing with preliminary design development
 - Confirming land / asset ownership
 - Securing land access
 - Negotiating VLD
 - Confirming and providing entitlements
- iii. Separate meetings with specific interest groups and their representatives, as required (including women, youth, senior, religious, vulnerable households etc.)
- iv. Key informant interviews with relevant government staff and community/ traditional leaders
- v. One-to-one socio-economic household survey of PAPs and affected communities (in the event a ARAP is required)
- vi. Participatory Inventory of Losses (IOL survey), and
- vii. Informal conversations with other interested parties near the works site.

To ensure broader participation consultations are to be undertaken at venues, times and in language that do not disadvantage any particular groups (e.g., women, or vulnerable households).

Vulnerable groups are to be targeted through representative organizations including women, disability and youth associations. More isolated communities which are often low income will be included through their traditional (e.g., *Iroj*) and formal representatives (e.g., councilors, mayor). Specific and targeted approaches will be adopted in engagements with vulnerable groups based on needs and requirements, as outlined in the SEP.

Given the highly constrained timeframe for development of Project E&S instruments, stakeholder consultation focused on the institutional level. During meetings between the CIU and key agencies - including the Ministry of Works, Infrastructure and Utilities (MWIU) and the RMI Environment Protection Agency (EPA) - the potential impacts of the Project, both positive and negative, were raised and considered in some detail. During these discussions, agency representatives were made aware of potential environmental and social risks, including the need for land acquisition, and possible loss of livelihoods and assets, yet indicated their strong support for the Project while recognizing the need for proactive risk mitigation and adaptive management. Improving the coastal resilience of Majuro - the capital city, center of commerce and development and population hub, is a high priority of the GoRMI.

In addition to these meetings, agency and community level consultations regarding coastal resilience issues and options on Majuro took place throughout 2021 under the auspices of the Deltares Coastal Vulnerability Assessment (VNA) supported by the WB-GoRMI PREP II Project, including several events in April 2021. Participating organizations included:

- GoRMI Climate Change Directorate
- Marshall Islands Marine Resources Authority - Coastal Division
- Marshall Islands Conservation Society
- RMI Ports Authority
- Majuro Water and Sewer Company (MWSC)
- Marshall Islands Energy Company (MEC)
- EPPSO
- Ministry of Natural Resources and Commerce - Division of Agriculture
- Natural Resources and Commerce (NRC)
- HPO/Ministry of Culture and Internal Affairs
- PREP II
- Ministry Transportation Communication and IT
- NDMO
- National Telecommunications Authority
- Majuro Atoll Local Government
- Ministry of Works, Infrastructure and Utilities
- RMI EPA.

The final draft of the RF, along with the other E&S Instruments, was made available by MWIU to review and provide comment prior to the documents being finalized.

The final RF and other E&S Instruments are to be publicly disclosed on the WB website (www.worldbank.org) as well as relevant RMI government websites ([www. https://rmi-mof.com/](http://www.https://rmi-mof.com/)).

In addition, Stakeholders are to be regularly informed and updated throughout Project design and implementation by way of consultation meetings and public notices (e.g., radio, newspaper etc., as appropriate), and signs and/or notice boards are to also be erected at the works sites. Details of consultation and disclosure activities and requirements are set out in the SEP.

COVID-19 Engagement Procedures

It is essential that all Project stakeholder consultations are undertaken in line with COVID-19 restrictions/precautions, including national requirements. When engagements include face-to-face interaction, physical distancing will be adopted, masks will be worn, hand sanitizers made available etc.

8. Grievance Mechanism

8.1 Introduction

8.1.1 Purpose and Objectives

There is a possibility of grievances arising from technical advisory, design, institutional strengthening, construction or operation impacts from activities associated with the Project.

The primary objective of grievance management is to allow those who believe they are impacted by the Project including those affected by land clearing or land acquisition, or whose access to land is impacted, for the Project to express concern/issues and seek satisfactory resolution to grievances they may have relating to Project activities, impacts as well as compensation and assistance measures. Other objectives include:

- Receive, evaluate and facilitate the resolution of affected people's concerns, complaints and grievances about the environmental and social performance and gender issues including gender-based violence.
- Provide an accessible, time-bound and transparent mechanism for Aggrieved Party's (APs) to voice and resolve environmental and social concerns linked to the Project.

- Address concerns promptly and effectively in a transparent manner that is culturally appropriate and readily accessible to all APs at no cost and without retribution (confidentially).
- Ensure transparency in all dealings with communities and that redress mechanisms for grievances are clearly spelt out.
- A feedback system is in place to ensure that all commitments by MWIU, State agencies and the construction Contractors are kept.

Grievances are likely to be include:

- **Environmental issues** – such as excessive dust or noise generation, accidental spills, Contractor malpractice, excessive vegetation clearance, etc.
- **Social Issues** – such as dissatisfaction regarding land and/or asset disturbance entitlements or valuation, temporary or permanent loss of livelihoods, changes to land access and associated issues, damages to infrastructure due to construction related vibrations or transportation of raw material, noise, traffic congestions, disruption of services, insensitive social interactions by Contractor with local populations, child labor, human trafficking (HT), gender based violence (GBV) and other social and cultural issues.

Should such situation(s) and/or issues arise, there must be a mechanism through which affected parties can resolve such issues in an efficient, unbiased, transparent, confidential timely and cost-effective manner. To achieve this objective, a Grievance Mechanism (GM) has been developed for the Project.

The Grievance Mechanism (GM) pathway incorporates provision for Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) complaints for the project to ensure survivor-centered approaches are applied, including the involvement of local GBV service providers.

8.1.2 Grievance Redress Principles

Those that have a complaint or that feel aggrieved by the Project will be allowed to communicate their concerns and/or grievances through an appropriate process. The GM, set out below, is to be used in the Project 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.

While recognizing that many complaints may be resolved immediately, the Complaints Register and GRM set out below encourages mutually acceptable resolution of issues as they arise. The GM is based on the following guiding principles:

- **Simplicity:** procedures in filing complaints are understandable to users and easy to recall.
- **Accessibility:** filing complaints is easy through means that are commonly used by stakeholders, especially by the Project-affected people.
- **Transparency:** information about the system is made widely available to all stakeholders and the general public.
- **Timeliness:** grievances are attended to and resolved in a timely manner.
- **Fairness:** feedback or complaints are validated thoroughly, and subjects of complaints are given due process and opportunities for appeal.
- **Confidentiality:** the identity of complainants remains confidential.

In addition, the GM 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 confidential, fair and transparent manner.

The GM is to also enable continuous learning and improvements to the GM, through continued assessment to reduce potential complaints and grievances arising.

8.1.3 Eligibility

Eligibility criteria for the GM is to include:

- i. Perceived negative economic, social or environmental impact on an individual and/or group, or concern about the potential to cause an impact
- ii. Clearly specified kind of impact that has occurred or has the potential to occur and explanation of how the project caused or may cause such impact, and
- iii. 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.

Local communities and other interested stakeholders may raise a grievance/complaint at any time to the traditional and government elected officials. Affected local communities should be informed about the GM and how to make a complaint.

8.2 Grievance Redress Process

The GM for the Project is scaled to the risks and adverse impacts anticipated for the Project. If promptly addressed and using an understandable and transparent process that is gender responsive, culturally appropriate and at no costs and without retribution, the concerns and complaints of potentially affected people will usually be resolved.

The GM process is not a substitute for, or meant to impede access to, regular legal process but provides a simpler mechanism for complaint resolution. The GM 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.

If an Aggrieved Person (AP) is not satisfied with, or has a complaint about, an aspect of the Project (e.g., such as the mitigation or assistance provided) they have the right to lodge a grievance. While every effort should be made to resolve conflicts by mutual agreement of the parties involved, in some cases, arbitration and adjudication on disagreements and conflicts by an external mediator will be required.

For consistency, the GM for the Project is in-line with other GM instruments implemented in RMI under WB funded projects. This GM process is set out in as follows for grievance redress of social and environmental matters relating to the Project.

Step 1: The Project GM process begins when an “Aggrieved Party” (the “AP” or the person making the complaint) raises a concern to a Project employee, contractor or someone at the DIDA/CIU or MWIU Office. The person who receives the complaint is called the “Recipient”. The Recipient is required to pass this information to the Project Designated Contact Person (DCP) within 12 hours using the Project Grievance Form.

The DCP will be:

- the Project Officer (or another person appointed by the Project Manager); or
- During works the DCP will be the Construction Site Supervisor (CSS)

Step 2: After receiving the complaint, the DCP will document or “log” the concern in the Project Complaints Register. This will serve as an official record that a complaint has been received and when the matter has been resolved.

Step 3: The DCP will determine whether the concern is related to the project, and if it is, the investigation will begin immediately (see Step 4). If the matter is not related to the Project, the DCP will advise the PM, and the AP will be referred to the appropriate authority to resolve the issue and the matter is closed on the Complaints Registry.

Step 4: The DCP will determine if the complaint relates to a serious or sensitive matter. If this does, the DCP will immediately refer the matter to the Project Manager and Manager of the MWIU PMU for further investigation and resolution. The DCP will also notify the Centralized Implementation Unit (CIU) of the RMI Ministry of Finance and the World Bank.

“Serious or sensitive matters” refer to issues involving potential criminal activity, political interference, conflicts of interest, corruption, land claims, gender-based violence (GBV), sexual exploitation, abuse, or harassment (SEAH) violence against children (VAC) or human trafficking (HT).

In the case of potential criminal activity, it is important that Project GM processes do not impede investigation by the appropriate authorities. In situations involving land disputes or claims, the matter will be referred to The Secretary MWIU.

If the concern is related to GBV or SEAH, the project will first seek to ensure that the victim is safe and has access to required support services. For these reasons, a referral will be made to the *WUTMI Weto in Mour: Violence against Women and Girls Support Service*.

Step 4 (continued): After determining the grievance is project related but is not of a serious or sensitive nature, the DCP will advise the Project Manager and CIU Safeguards team. The DCP and Project Manager will attempt to resolve the concern to everyone’s satisfaction within 24 hours, or within 2 weeks if consultation with other parties is required.

Steps 5-6: If resolution is not achieved within 2 weeks, the situation will be referred to the Secretary, Ministry of Works Infrastructure and Utilities who will also attempt to resolve the matter within 2 weeks.

Steps 7: If resolution has still not occurred following attempts by the PM and the MWIU Secretary, the Project Steering Committee (PSC) will have 1 month to resolve the matter.

Step 8: If the issue remains unresolved or the complainant is dissatisfied with the outcome proposed by the Project Steering Committee, the Aggrieved Person may refer the matter to the appropriate legal or judicial authority. The decision of the Court will be final.

A complaints register will be maintained and will show the details and nature of the complaint, the complainant’s name, the date and actions taken as a result of the investigation (outlined further below).

The PIU Project Manager will review and amend the GM process, where appropriate and make adjustments to consultations, the GM, community engagement, Project implementation and other aspects as necessary to avoid future complaints and grievances if and when required.

The GM process is summarized in Figure 2.

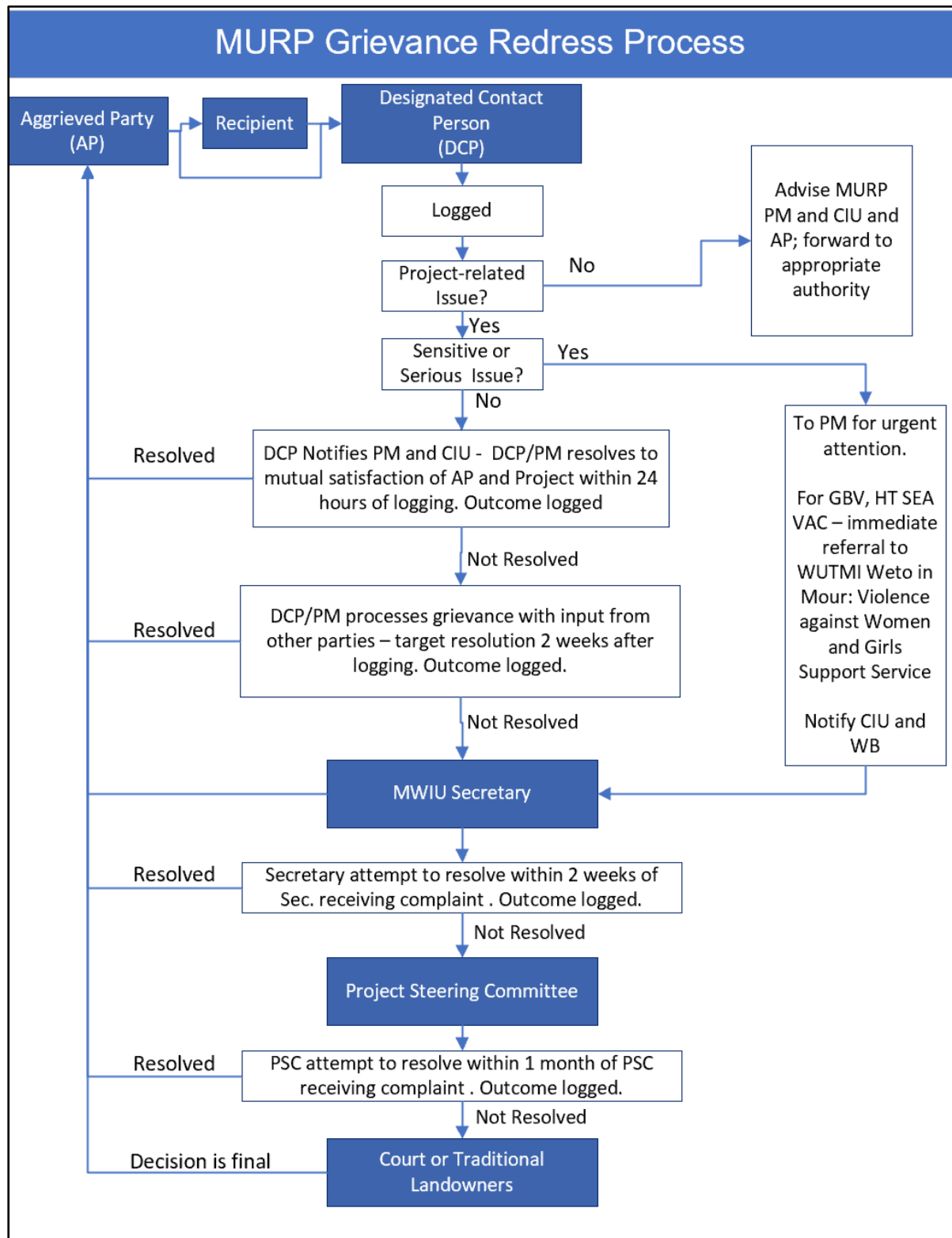


Figure 2: Project GM Process

8.3 Disclosure of Grievance Mechanism

It is important to ensure that all stakeholders including local authorities and community members in the vicinity of the identified works are informed of the Project's GM process throughout the full duration of the Project including construction and non-construction components such as during preparation of any works specific management/land access plans, and prior commencement of any civil works.

This information should include their rights regarding potential land/asset impacts and environmental degradation, the grievance process, and guidance on relevant steps to lodge a complaint.

The Grievance Process is to be introduced during all stakeholder engagement activities and on websites including stakeholder consultation meetings to ensure that all relevant stakeholders are aware of this procedure and the specific steps to be taken for lodging a complaint.

The GM, along with key E&S documents (such as frameworks, land access plans, management plans, ESIs) prepared for the Project, will be publicly disclosed on relevant websites (www.worldbank.org and www.dofa.gov.RMI) as draft and final documents.

Prior to the start of construction activities, signs will be erected at the work sites (in the appropriate local language) providing the public with updated Project information and summarizing the GM process including contact person details.

8.4 How to Make a Compliant

For further information about the Project or to raise a concern about the Project, please get in touch with any of the following people in person, by phone, mail or by email using this contact information:

In Person:

Add name
MURP Project Officer
Ministry of Finance Office, Majuro or
MWIU Offices, Delap Village, Majuro

or

Add name Government of RMI (CIU) Safeguards Officer
DIDA Offices, M&L Building, Uliga Village, Majuro

By Phone:

MURP Project Officer: *Add names & phone #s*
DIDA Safeguards Officer:
WUTMI (*if concern is about project related violence or abuse*)
DIDA Safeguards Advisor:

By Email:

DIDA Safeguards Officer: *Add names & email addresses #s*
MURP Project Manager:
WUTMI (*if concern is about project related violence or abuse*)
DIDA Safeguards Advisors:
MWIU General Manager:

By Mail:

MURP Project Officer, P.O. Box XXX Majuro, Marshall Islands 96960

8.5 Record Keeping and Reporting of Grievances

8.5.1 Grievance Record Keeping

All complaints or grievances submitted will require the completion of a Grievance Report Form which will include the following information:

- i. Name of the complainant
- ii. Address
- iii. Name of the person filling in the Grievance Claim Form (if not the complainant);
- iv. Full description of complaint issue, including background, sketches and maps where appropriate

- v. Description of the requested corrective action
- vi. Date of grievance submission; and
- vii. Signature of complainant, the person filling in the form and the person who received the form.

If assistance is required, the claimant can request help with a verbal grievance to complete the form from the Contractor or PIU (where appropriate). Grievances report forms can also be submitted electronically through the RMI DIDA website or email.

Every concern or complaint received by the DCP will be allocated a unique File identifier, such as MURP GM – 2022 #1, MURP GM – 2022 #2 etc.

A hard copy of the Grievance Report Form will be filed by the DCP in a locked filing cabinet, will be treated as confidential and will not be accessible to other people.

Details of each concern or complaint will be entered into a master file excel spreadsheet which will be stored by the Project Manager in a password protected project sub-folder: [\\Safeguards\Complaints](#).

Information relating to GBV, SEA, HT or VAC will be treated as personal and confidential [retained within Project management and PSC] at all times and shall only be made available to WUTMI and approved authorities (such as the police) if required.

Language barriers and insufficient literacy levels shall also not prevent any persons from lodging a complaint. The Grievance Claim Form shall be written in English and in Marshallese and disclosed during consultation.

Complaints or grievances are to be recorded in a Complaints Register held by the PIU with a copy also kept by the CIU Safeguards Team. The register is to clearly indicate whether an issue has been resolved or is still outstanding.

The following records generated by this procedure will be stored in hard copy at the PIU office and in electronic format:

- Grievance Claim Forms
- Letters of request
- Memorandums of field investigations, consultations and meetings, and
- Photographs, maps, drawings.

If an issue has been resolved, the register will include the following information:

- Completed Grievance Resolution Form
- Action taken (including evidence of action taken, i.e., photographs, receipts, etc.)
- Date of resolution; and
- Signature of complainant and person responsible for issue resolution.

8.5.2 Reporting and Learning

As outlined in Section 2, one of the purposes of the Project GM is to ensure that the project learns from its grievance process, reports on the kinds of issues raised, and makes improvements, as needed, in response to people's concerns and feedback. To this end, the following procedures will be followed:

Incident Reports

- Within 12 hours, Complaint Recipient must notify the Project Manager
- Within 12 hours, the Project Manager must complete the Grievance Form and initiate the investigation

Monthly Reports

- The Project Manager completes monthly reports that summarize all new complaints, enquiries and grievances received, the type of concern and the number of days it took to

resolve the matter. Monthly reports also summarize the status of any outstanding matters from previous months.

Quarterly Reports

- The Project Manager completes a quarterly report for DIDA and the World Bank, that contains the following statistics:
 - Total number of grievances and complaints received
 - Total number of grievances and complaints resolved
 - Total number of grievances and complaints active
 - Total number of grievances and complaints unresolved
 - Average number of days to resolve grievances and complaints.
- Quarterly reports also need to specify any changes the project has made in response to existing or previous complaints.

Annual Reports

- The Project Manager completes an annual report that summarizes all grievance statistics and response information for that year. This information is provided to DIDA, the World Bank and the Project Steering Committee.

Immediate Reporting to DIDA and the World Bank by the Project Manager under the following circumstances:

1. Grievance or complaint is related to physical injury or death, including those incurred because of gender-based violence.
2. Grievance or complaint received relating to sexual exploitation, abuse or harassment (SEAH), violence against children or human trafficking.

Immediate Reporting to WUTMI-WIM by the Project Manager of the following:

Grievance or complaint is related to gender-based violence, sexual exploitation, abuse or harassment, or violence against children.

If there are more than 30 complaints/grievances recorded, the PIU Project Manager may decide to investigate any patterns or repetition of issues that need addressing. The PIU Project Manager may decide to get an independent consultant to review and provide advice.

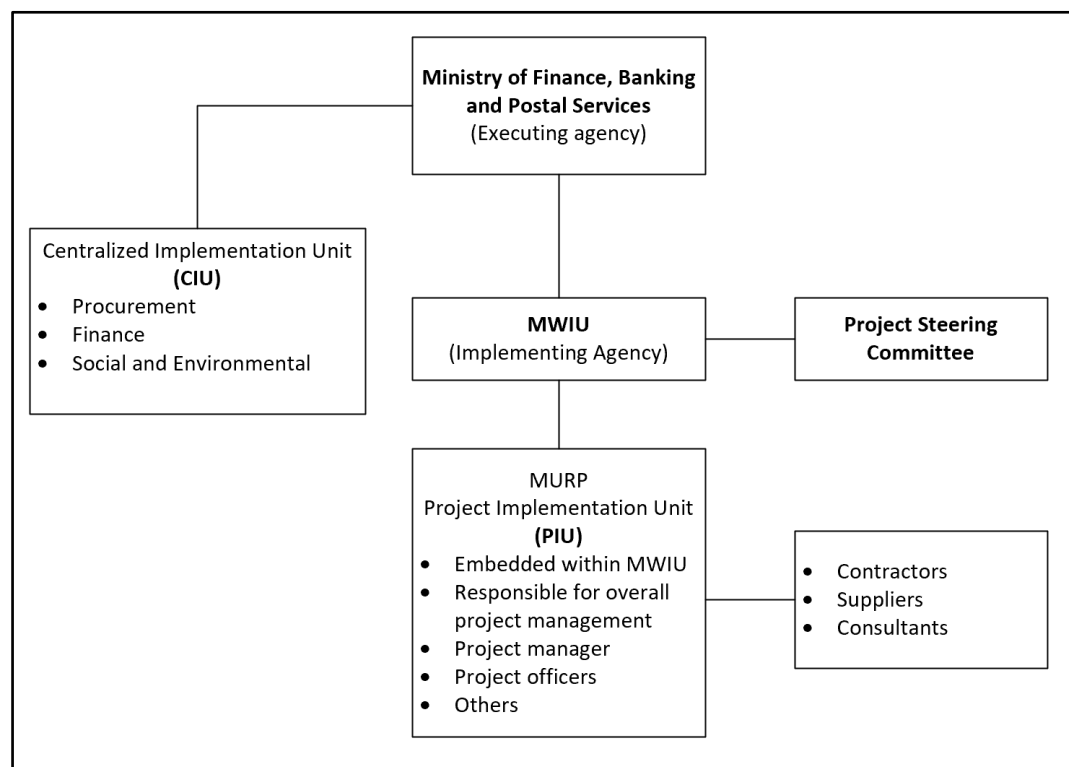
9. Institutional Arrangements, Responsibilities and Implementation

9.1 Institutional Responsibilities and Structures

The responsibility to implement all commitments in the RF along with any works specific land access procedure plans/reports prepared will be distributed between these stakeholders.

The relevant institutional structures to be either utilized (for existing institutions) or established for the Project including roles and responsibilities are shown in Figure and described below.

Figure 4: Implementation arrangements for the Project



9.1.1 Coordination among GoRMI Departments

Within the GoRMI, MWIU has a project management unit (PMU) that has responsibility for the delivery of Overseas Development Assistance funded infrastructure projects (including the World Bank, Asian Development Bank, United States Federal Aviation Administration, People's Republic of China and the United Nations) with the exception of energy (managed by the Department of Resources and Development) and telecommunications (managed by the MWIU Communications Division). The primary focus of the PMU is on program management with day-to-day project management tasks deferred to project implementation units.

A PIU will be established within MWIU. All contracts with consultants, contractors and suppliers will be signed by the MWIU Secretary with the administration and contract management tasks of the contract being implemented by the PIU as their day-to-day responsibility. The MWIU Secretary will sign off on all consultant and contractor invoices and authorize PIU to make payments.

During project implementation, the Centralized Implementation Unit (CIU) Safeguards Team will assist MWIU with the environmental and social aspects.

Both the CIU and MWIU are existing units and are familiar with WB ESF and project-specific environmental and social risk management instruments from their experiences with other WB-funded projects.

9.1.2 PIU Implementation Support

The PIU is responsible for implementing the Project RF, including ensuring that land-related activities are completed in collaboration with MWIU management, and with guidance and support provided by the CIU Safeguard Team.

The PIU is also responsible for ensuring the availability of an appropriate budget for RF implementation.

9.1.3 CIU Implementation Support

The already established CIU is a functional unit that supports the implementation of the WB portfolio and includes an environmental and social safeguards team.

In order to provide strong and efficient support throughout RMI, the CIU provides support to core implementation functions needed for all WB portfolio projects in RMI including, but not limited to, procurement, financial management and social and environmental risk management. The CIU team members responsible for these functions report to the CIU Program Manager and provide services and hands on support to the Project Implementing Agency (i.e., MWIU) for preparation, implementation and capacity building activities. The CIU will be supported during project implementation by environmental and social consultants for due diligence, community engagement and instrument preparation as needed. project implementation responsibilities however remain with the IA (MWIU). The CIU in particular will provide support to the PIU in implementing the requirements of the RF and in completing land-related activities including completion of land due diligence reports.

9.1.4 Role and Composition of the PSC

A Project Steering Committee (PSC) will be established and chaired by MWIU. Recent experience from the existing PREP II project suggests that ensuring the appropriate representation of all parties in the Project Steering Committee (PSC) will be critical for success. The PREP II project PSC structure could be considered.

The PSC will provide general oversight and policy direction to Project stakeholders during project implementation, convene key stakeholders in the event of disagreement and periodically review project progress. The PSC will have a role in determining priorities for allocating project funds after the completion of the Component 1.

9.2 Implementation Roles and Responsibilities

The management, coordination and implementation of this Resettlement Framework and its integral tasks will be the responsibility of the PIU with support from the CIU Safeguards Team.

It will be important for the PIU and other implementing agencies to ensure that the institutional capacity is in place before implementation of the RF commences. Some of the main shortcomings of E&S frameworks include:

- (i) Lack of funds for planning, development and follow-up monitoring; and
- (ii) Lack of experience in framework implementation due to the absence of qualified and experienced staff.

The proposed organizational structure and management functions for implementing the ESMF, and this RF, is described below. While the MWIU may decide to adapt this structure according to its needs and funding, it is emphasized that the various components listed and described below should be represented in the organizational structure in order to successfully implement this Resettlement Framework.

9.2.1 PIU Project Manager

The PIU will be initially staffed with a PIU project Manager, Project Officer, Engineer and, based in Majuro (at MWIU offices in Delap) with additional PIU support to be recruited (such as administrative support) as required.

The PIU project Manager will be responsible for working collaboratively with all national level stakeholders.

The PIU Project Manager will also be responsible for the following tasks in relation to implementation of the ESMF with support from the CIU Safeguards Team as required:

- Approve the content of any future revisions to the ESMF and RF, based on technical review and recommendations by CIU Safeguards Team
- Initiate the commencement of, and review the content of, the E&S screening forms and report to be undertaken by the CIU Safeguards Team (or a E&S consultant)
- Approve content of any ESIA/ESMPs prepared for specific works or the Generic ESMP
- Responsible for implementing the Project RF, including ensuring that land-related activities are completed in collaboration with MWIU management, and with guidance and support provided by the CIU Safeguard Team.
- Approve any ARAPs prepared
- Implement and monitor all stakeholder engagement strategies/plans for the project
- Coordinate, facilitate, and where appropriate participate, in face-to-face stakeholder meetings with on-the-ground support from the PIU Focal Points, and CIU Safeguards Team
- Oversee implementation of any recommended environmental and social mitigation measures set out in the ESMPs for the specific works, and
- Prepare monthly and quarterly monitoring reports.

In addition, the PIU project Manager will be responsible for the tasks set out in the RF.

Efforts are to be made to keep stakeholders informed on project progress including establishing a direct line of communication between to the PIU project Manager as the key stakeholder contact points. The PIU project Manager can then direct stakeholder contact to any other appropriate project implementation groups (e.g., CIU Safeguards Team, design consultants, E&S consultant and contractor) as appropriate. This direct line of contact to the PIU project Manager will allow for on-going updates and discussions outside of formal consultation activities and allow for stakeholder concerns and suggestions to be taken into account as they arise.

9.2.2 PIU Project Engineer

The PIU will recruit a Civil Engineering Advisor to provide advice on implementation aspects of activities and prepare TOR for the coastal protection works,

9.2.3 PIU Project Officer

The PIU will require a Project Officer to be recruited to provide support to the project by ensuring all administrative requirements are managed effectively. Main responsibilities are to include:

- Document management, including capture and filing (physical and electronic) of stakeholder and PAP documents and records
- Database management, including:
 - Continuously update stakeholder information (contact details, organizational details, designation, engagement activities); and
 - Continuously update grievance information (grievance records, grievance database, agreements, meeting registers).
- Logistics management
- Support with arranging accommodation and traveling where required, and
- Assist with printing of materials to be used during stakeholder meetings (posters, pamphlets, project Summary Documents, letters, attendance registers, maps, newsletters etc.).

9.2.4 CIU Safeguards Team

The Central Implementation Unit (CIU) provides support for all WB portfolio projects in RMI including, but not limited to, procurement, financial management and environmental and social risk management.

The CIU Safeguards Team currently undertakes a range of stakeholder engagement activities as part of its portfolio of WB funded projects and has existing relationships with a many of stakeholders which will be important to utilize for the Project. The CIU will be supported by environmental and social consultants throughout project implementation as needed.

In relation to implementation of the RF, the PIU will require support from the CIU Safeguards Team in particular for capacity building and E&S technical support throughout the project and to ensure the RF is implemented appropriately and is consistent with the requirements of ESS5.

In relation to implementation of the ESMF, the CIU Safeguards Team will be responsible for:

- Ensuring the E&S risk screening is undertaken for each Component 2 works (with local support from PIU State Focal Points)
- Applying the ESMF and other instruments to all Components, including review of Technical Advisory TOR and draft and final outputs
- Prepare, or oversee the preparation of, works specific ESIA/ESMPs for the works (if required), for the works, including the preparation of E&S aspects of TOR, selection of consultants, and review of draft and final output
- Support external consultants to prepare any works specific ESIA/ESMPs required, and review and provide recommendation to PIU project Manager for approval prior to the completion of detailed designs
- Ensure environmental and social clauses and relevant E&S instruments are included in Contractor bid documents, including environmental and social protection and mitigation measures are included
- Supervise physical works, carry out audits etc., to ensure environmental and social protection and mitigation measures are implemented by Contractors
- Oversee the implementation of specific mitigation measures outlined in the ESMPs and CESMP
- Manage grievances and EHS incidents as required, providing technical support to resolving issues and incidents
- Storing data (including grievance records), collating and interpreting stakeholder feedback and providing details to the PIU, MWIU, design team and others as necessary
- Provide E&S reporting on a quarterly basis as part of WB reporting
- Assist to obtain all relevant permits from RMIEPA, and
- Providing technical and capacity building support to the PIU and other project implementing agencies on the implementation of instruments, as the PIU does not contain E&S expertise.

The CIU Safeguards Team may need additional social and environmental risk management support to implement the growing WB portfolio in RMI including the Project. Specialist consultants may be required on an *ad hoc* basis by the CIU to prepare environmental and social assessments, E&S instruments and/or to conduct specialist supervision or monitoring services.

9.2.5 Designers and Technical Consultants

These specialists will be responsible for implementing this RF for their scope of work and working with the PIU and CIU to ensure the right stakeholders are identified and involved in their work program. They will assist in preparing task specific SEP. Design teams will be involved in participatory design approaches using Good International Industry Practice for stakeholder engagement.

9.2.6 Civil Works Contractors

Contractors engaged to undertake works on coastal protection infrastructure and buildings will be responsible for implementing any environmental and social protection and mitigation measures as outlined in their Terms of Reference and accompanied instruments (e.g., CESMP). Specifically, the Contractor will be required to:

- Support the PIU/CIU in engaging with stakeholders relating to communicating the scope and timing of works (either by attendance at meetings, installation of notice boards, door knocks/letter drops, etc.)
- Support the PIU/CIU in negotiations with landowners/users in relation to temporary use of land required for construction related activities (e.g., laydown and storage/stockpile areas) and assessment of temporarily used land after reinstatement/restoration to a condition acceptable to the landowner.
- Receive complaints and grievances by stakeholders and forwarding to the PIU during works construction, and resolution of grievances if they are related to the Contractor (in coordination with the PIU)
- Implement specific mitigation measures outlined in the ESMP, and
- Prepare and implement additional E&S management plans relevant for the scope of the works under their CESMP (e.g., TMP, H&SP, SMP, WMMP, ESCP, SIP etc.).

9.3 Implementation Process

All activities related to implementation of this RF, need to be completed prior to the commencement of any civil works (e.g., Land Due Diligence Reports). This includes land-related permissions for access and use as required, and production of Land Due Diligence Reports. As per the requirements of the project RF, the PIU will submit evidence of recommended E&S mitigation implemented in advance of works construction activities to satisfy the WB that the PIU has satisfactorily completed the implementation of this RF to enable issue of the “No Objection” for the award of civil works contract.

Where Voluntary Land Donations (VLD) are the method of securing land, the PIU will ensure that the agreed VLD Protocol is followed and VLD forms, translated into the local language, are duly signed and witnessed supported by the VLD Report and the following documentation:

- Reports of consultations (including minutes of meetings) carried out during close out of the VLD process
- List of participants, and
- Photographic evidence of meeting and signing ceremony.

The WB will issue its “No Objection” for the award of civil works contract should it be satisfied that PIU has satisfactorily completed the implementation of the RF.

The roles of relevant agencies in implementing the RF are outlined in Table 4.

Table 4: RF Implementation Responsibilities

Activities	Agency Responsible
Disclosure and public consultation for Project preparation.	PIU, with support from CIU Safeguards Team
Coordinate and/or undertake Stakeholder engagement and consultation throughout the Project.	PIU, with support from CIU Safeguards Team
Implement and monitor all stakeholder engagement strategies/plans and activities required for the Project.	PIU, with support from CIU Safeguards Team
E&S risk screening for works, including initial screening after Component 1 design, and detailed screening during preliminary design.	CIU Safeguards team (or E&S consultant)
Technical advisory into design process based on E&S screening.	CIU Safeguards team

Activities	Agency Responsible
Identify landowners and registered users with rights in the vicinity of the works.	PIU with support by CIU Safeguards Team
Land access negotiations, including VLD or land acquisition (if required), and asset relocation/assistance with PAPs.	PIU, with support from CIU Safeguards Team
Preparation of Land Access Procedure documents (LADD, VLDR or ARAPs) for specific works.	CIU Safeguards Team (or E&S consultant)
Prepare Terms of Reference (TOR) for external consultants (should they be required to prepare any Land Access Procedure documents (e.g., ARAP)	CIU Safeguards Team
Obtain all relevant permits from RMI EPA.	PIU, with support from CIU Safeguards Team
Facilitate and approve the outcomes for the inventory of losses (IOL) survey.	PIU, with support from CIU Safeguards Team
Oversee maintenance of IOL database.	PIU, with support from CIU Safeguards Team
Land and asset valuation, and development of standard compensation rates.	Independent valuer, with support by PIU
Consultation on proposed entitlements, including financial compensation and methods of valuation.	PIU, with support from CIU Safeguards Team
Complete any compensation payments required, prior to the commencement of any construction activities.	MWIU, with support from CIU
Transfer of land certificate of title, and preparation of Sale and Purchase Agreement (if required).	PIU with support from CIU Safeguards Team
RF monitoring and reporting including monthly and quarterly reports, including internal audits.	PIU, with support from CIU Safeguards Team
Preparation of tender bid documents and TORs, including requirement for Contractor ESMP (CESMP).	PIU, with support from CIU Safeguards Team
Tendering and award of civil works.	PIU, with support from CIU Safeguards Team
Confirm 'No Objection' for the award of civil works.	WB
Preparation of Contractor CESMP (including ESCP, WMMP, SMP, TMP, SIP, CHSP, OHSP etc.) as required.	Contractor (to be reviewed and approved by PIU and CIU Safeguards Team)
Clearance of Contractor CESMP prior to works starting.	PIU, with support from CIU Safeguards Team
Negotiation with landowners/users in relation to temporary use of land required for construction relation activities (e.g., laydown and storage/stockpile areas, worker camps, amenities, etc.).	Contractor with support/oversight from PIU and CIU Safeguard Team
Assessment of temporarily used land after reinstatement/restoration to a condition acceptable to the landowner.	Contractor with support from PIU and CIU safeguard team
Relocation, reinstatement of any impacted assets (such as fences, walls etc.) located directly within the Project footprint.	Contractor with PIU, with support from CIU Safeguards Team
Supervision, including monitoring / auditing of Contractors implementation of the ESMP.	PIU, with support from CIU Safeguards Team
Grievance mechanism, including receiving, screening, resolving and/or forwarding grievances, as appropriate.	PIU, with support from CIU Safeguards Team, Contractor, Council of Chiefs

Activities	Agency Responsible
Technical advisory throughout Project, including <i>ad hoc</i> capacity building of PIU, Contractor etc., as required.	CIU Safeguards Team

10. Budget and Financial Arrangements

Funding requirements for compensation and assistance to affected persons will be set out in the respective *Abbreviated Resettlement Action Plans* (ARAPs) along with resource requirements for implementation. Compensation rates will be based on replacement cost values (as outlined in Section 5.3.3). All compensation and assistance will be provided in full prior to commencement of works in any affected areas.

The costs of implementing the RF requirements including payment of any financial entitlements is the responsibility of the GoRMI as its counterpart contribution to the Project to be provided by DIDA.

PIU and DIDA shall ensure that the total cost of RF implementation, including entitlements and compensation (both time input, material and cash payments), are budgeted for and shall cover the following:

- i. Project disclosure
- ii. Stakeholder engagement, including public consultations and focus group discussions, and
- iii. Internal monitoring and implementation of the RF and land access plans.

In addition, the DIDA and PIU will cover contingencies for the total entitlement, compensation and administrative cost and will ensure timely availability of adequate budget to implement the respective ARAPs.

While the types of activities and investments to be carried out under the Project are known (refer Section 2.3), the extent of the works that can be completed will depend on the results of the conceptual designs to be carried out under Component 1.

An indicative budget of US\$170,000 has been estimated for the GoRMI to implement the risk management requirements of the RF over five years as outlined in Table 5.

Table 5: Indicative budget for implementing the RF

Item	Description	Amount (US\$)
Miscellaneous stakeholder consultation meetings and workshops, including travel.	Includes venue, refreshments, printing etc. for numerous meetings across Majuro through the Project. Includes travel for key PIU and CIU staff (including car hire, fuel etc.).	\$20,000
Land acquisition and asset relocation costs.	Indicative lump sum amount to cover likely and acquisition and asset relocation costs. This is likely upper limit of costs given intention to avoid non-government land. The exact amount required will be determined once scope of works, area of land required, and process for securing are known. ²⁷	\$50,000
Development of standard compensation rates for Project	Engaging a local land valuation consultant, to update or develop (where they do not exist) standard compensation rates.	\$10,000
Resolution of grievances through GM	Indicative lump sum amount to cover the resolution of any grievances raised during the Project.	\$20,000
PROVISIONAL SUM		\$100,000

²⁷ Assumed surveying of land required for IOL included under design and supervision consultant budget.

Budget of PIU staffing requirements (including Project Manager, Project Officer, Project Assistant and State Focal Points) is not provided here. Additionally, budget for the CIU Safeguards Team is provided by DIDA to support the full portfolio of donor-funded projects in RMI (including the Project).

The PIU, with support from DIDA, is responsible for paying compensation for land acquisition and asset relocation (should it be required).

Preparation of the Land Access Procedure documents is the responsibility of the CIU Safeguards Team, however, should international E&S consultants need to be engaged to prepare specific plans (i.e., ARAPs) the CIU Safeguards Team is to prepare a TOR for these external consultants, and the engagement of these consultants will be funded by WB (estimated at be approximately US\$125,000).

Budget allocation for resettlement activities (such as replacement of assets and land acquisition) is to be assessed separately for each works based on surveys and consultations after the preliminary design stage and cannot be fully know at this time. After completion of the detail design land and asset impacts can measured as part of the IOL. The exact budget required will be based on entitlements as per the entitlement matrix and replacement costs valid at time of ARAP implementation.

Where there are land disputes between two or more potentially affected landowners and the rightful beneficiaries cannot be confirmed except by the Court, DIDA will establish a holding account in a commercial bank into which payment for compensation will be lodged until the dispute is resolved satisfactorily. In this way, the WB can issue it's "No Objection" and works construction can begin without unnecessary delays.

11. Monitoring, Evaluation and Reporting

Monitoring and evaluation are essential to ensure successful implementation of the livelihood restoration and compensation program as outlined in this RF. The success of the RF will be measured by how well it can achieve the overall objective of restored livelihoods at or above pre-Project levels.

The RF monitoring and evaluation program seeks to:

- 1) Provide information in a robust and clear analytical format which enables ongoing optimization of core livelihood interventions.
- 2) Document the progression of the program to successfully reach livelihood restoration result indicators.

11.1 Internal Monitoring and Reporting

The PIU, with support from the CIU Safeguards Team, will be responsible for establishing a monitoring program that will monitor, measure and assess the implementation and overall success of the RF and works specific land procedure reports/plans including identify issues and facilitate timely responses.

The PIU will be required to monitor and report on the effectiveness of the following:

- 1) Undertaking entitlement activities (e.g., relocation of secondary assets)
- 2) Disbursement of compensation payments (include temporary land lease)
- 3) Effectiveness of stakeholder consultation and participation activities, and
- 4) Sustainability of livelihood restoration and development efforts among PAPs.

Monitoring will be based on frequent observations of works activities, preparation of necessary plans and reports, engagement and consultation with stakeholders (as directed by the SEP) and reviewing and reporting on any Project-related complaints and/or grievances.

Internal monitoring is to be reported quarterly by PIU (with support from CIU Safeguards Team) for the overarching Project, and monthly for the separate Component 2 and 3 works.

11.1.1 Construction Monitoring and Reporting

11.1.1.1 Monthly Reporting

During the active phase of livelihood restoration and compensation for each Component 2 and 3 works, the following key progress indicators are to be measured internally by the PIU on a monthly basis:

- 1) Percentage of the Project Footprint secured, and entitlements issued (if appropriate)
- 2) Numbers of households and individuals affected by works activities
- 3) Numbers of households and individuals likely to experience livelihood impacts (either by land and/or asset loss, or business income disruption) as a result of works activities, and
- 4) Grievances (open, closed).

A brief monthly internal monitoring report will be prepared on this basis. The monitoring requirements set out in the ESMF should also be detailed in this monitoring report.

The results and findings from the monthly reports should be consolidated and summarized annually until the assistance and compensation process is deemed complete.

11.1.1.2 Works Completion Report

At the completion of physical works activities, a completion audit is to be undertaken to establish whether the commitments set out in the RF and subsequent procedure plans have been fully complied with during implementation, and whether livelihood restoration and compensation activities for that specific Component 2 and 3 works can be deemed complete.

This report should detail any issues and resolution encountered during Component 2 and 3 works implementation and any residual issues or management measures required. The report should also include photographs of site reinstatement.

The completion report will be carried out by the PIU, with support from the CIU Safeguards Team, and summarize whether the objectives set forth in the RF been achieved including:

- Identification of all affected people and identification of impacts
- Fair and adequate entitlements to PAPs in order to works impacts
- Timely delivery of entitlements, and in compliance with RMI legislation and WB safeguards
- Have livelihoods been restored/improved, and
- Resolution of all identified grievances.

The monitoring requirements set out in the ESMF and CESMP should also be detailed in this Works Completion Report.

11.1.2 Quarterly Project Monitoring and Reporting

Quarterly monitoring reports are to be prepared for the Project by the PIU throughout the full Project duration including the following information:

- i. Status of each activity and the related environmental and social risks, including a summary of the findings from monthly reports on physical works
- ii. Achievement of targeted indicators, including objectives attained and not attained during the period
- iii. Issues or problems encountered, complaints/grievances received and progress with resolving the grievances
- iv. EHS incidents, and progress with resolution and close out, and
- v. Schedule for the next period.

11.2 Submission and Distribution of Monitoring Reports

The Quarterly Monitoring Reports, and Works Completion Report, are to be circulated to Project Stakeholders including MWIU and CIU, and the WB for review and feedback, so they are aware of:

- i. The RF implementation progress; and
- ii. Any issues that may arise so as to take timely and appropriate action.

WB will provide implementation support for the Project on an on-going basis and visit RMI to monitor and evaluate progress. In country mission support or virtual support will be provided every three to six months to be timed for after submission of a quarterly monitoring report.

The Project will undergo a mid-term review by the WB no later than three years after the effective date of the Finance Agreement.

Appendix A Project Voluntary Land Donation (VLD) Protocol

Voluntary Land Donation (VLD) Protocol

1. Background

This Voluntary Land Donation (VLD) Protocol has been prepared by the World Bank for the purpose of due diligence. For cases where communities and/or individual landholders have offered to donate their land for the project because it is of benefit to the broader community, the VLD Protocol should be followed. The project team is to exercise their best judgment where voluntary land is offered and conduct due diligence to avoid adverse impacts and reputational risks. Donations are based on the premise that the project benefit will offset or outweigh the loss of the land donated.

VLD is only suitable for projects where the landowner and/or community wish to 'gift' land parcels or small areas for small-scale community infrastructure that will be of direct benefit to the donor's community.

2. When VLD is Applicable

Voluntary donation of land by beneficiary households is acceptable where:

- It has been verified the donation did not result from any form of coercion or manipulation and is offered in good faith;
- The donation does not severely affect the living standards of the community and/or individual landholder responsible for the donation (i.e. impacts are marginal based on percentage of loss and minimum size of remaining assets);
- Alternatives and the viability of other locations or sites have been considered;
- The donation does not result in the displacement of households or cause loss of income or livelihood;
- The landholder/s making the donation will directly benefit from the project;
- Consultation has been conducted in an open and transparent manner and to a degree that the landholder/s can make an informed choice;
- The land is free from disputes regarding ownership or tenure;
- Land transactions are supported through the transfer of titles;
- Full and proper documentation of all consultations, meetings, grievances and actions taken to address grievances has been reviewed and made available;
- Where impacts are minor and other alternative sites are not viable.

3. When VLD is NOT Applicable

VLD is not applicable under the following scenarios:

- Medium/large-scale infrastructure particularly in cases where a government agency or entity that has a statutory obligation to provide the infrastructure and/or services for which the land is required

- Where inadequate consultation with donors results in lack of understanding about the terms and conditions of the donation;
- In lieu of formal procedures for land acquisition where these do not exist;
- Where donor property owners, landowners or customary rights holders do not support, or will not directly benefit from, the Project;
- Where conflicts over land exist, including customary collective ownership;
- Conflicting land titling that make it difficult to establish with certainty who has a right to own, donate and use a specific parcel of land;
- Where donors did not provide their informed consent and were subject to political or social pressure and coerced into making the donation.

4. Process for Voluntary Land Donation

This section provides guidance on the process for VLD, namely on how to:

- Determine and document the appropriateness of VLD in the project context;
- Verify the requirements of the donation and the formalization of the donation;
- Carry out due diligence on the owners and users of land donated;
- Ensure appropriate consultation and disclosure;
- Establish informed consent of the person donating the land; and
- Establish grievance redress mechanism.

This section outlines the process that should be followed once the threshold considerations set out in Section 1 have been considered, and it has been determined that it is appropriate for the land to be provided to the project by voluntary donation.

It is necessary to follow a clear process for the donation, and to prepare and maintain documents that demonstrate such process. Each step set out below should be addressed in the context of the specific project, and fully documented.

(i) Determine and document that VLD is appropriate in the circumstances of the project.

The team should record the reasons why it thinks that the donation of land is appropriate for the project. In certain cases, only some of the land the project requires will be donated or alternatives to land donation exist. The project team should identify (in as much detail as possible):

- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;

- The identities of the parties who intend to donate;
- The beneficiary of the donation; and
- Any details that are relevant to why donation may be appropriate.

(ii) Verify the requirements to transfer, and formalize the transfer of, the land

It is important to understand the process that should be followed to transfer the land, and appropriate ways to formalize the transfer so as to achieve certainty for both the transferee of the land and the project. In many countries this will require consideration of the legal and administrative requirements but also, particularly in the case of customary land, local and community processes. In some cases these will constitute two different but parallel (and overlapping) systems and a process will have to be established to ensure that the requirements of each system are satisfied. An important consideration will be how transparent the process and the decision making process actually is, and what can be done to enhance the process.

(iii) Conduct due diligence on who owns and uses the land

Given the specific issues surrounding land ownership and use in the PICs, it is important that the project team carries out careful due diligence to understand the type of land rights that exist in the project area, and to identify any particular issues relating to land ownership and use. Thereafter, a more specific due diligence must be conducted on each parcel of land proposed for donation to identify:

- The owner or owners of the land;
- The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
- Any competing claims of ownership or use;
- Structures and assets on the land;
- Any encumbrances on the land.

It is important to: (a) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbours.

(iv) Disclosure and Consultation

The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else should be consulted about the proposed donation; for example, spouses and older children.

There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

(v) Establishing Informed Consent

It is crucial that the project team is confident that the decision to donate was taken in circumstances of informed consent or power of choice. As discussed earlier, this means being confident that the owner(s) or user(s) of the land understand:

- What the land is going to be used for, by whom and for how long;
- That they will be deprived of the ownership or right to use the land, and what this really means;
- That they have a right to refuse to donate the land;
- Whether there are alternatives to using this land;
- What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
- The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.
- The exact demarcation of land boundary for the project's use;
- Whether there are proposals which would allow other land to be used;
- What they will need to do to donate the land;
- The intergenerational effect of the donation on their family, what they can do if they (or their family or heirs) want the land back.

The terms and conditions of the land donation must be mutually agreed upon and detailing in a written agreement.

(vi) Documentation

It is necessary to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. [In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant

uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community relations.]

To ensure that any land provided for the siting of subprojects is contributed voluntarily, in accordance with the requirements of the ESMF, two representatives of the landowners are asked to sign a Land Commitment Letter (see below). This certifies that the land is voluntarily donated for the purposes of the subproject and for the benefit of the community. The signature of the Letter is witnessed (as attested by their signature) by a suitable project representative.

The project team should:

- Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
- Ensure that the agreement:
 - Refers to the consultation has taken place;
 - Sets out the terms of the transfer;
 - Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
 - Attaches an accurate map of the land being transferred (boundaries, coordinates);
 - Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights.
- Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
- Ensure that the transfer and title is registered or recorded; and
- Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

It is also important to maintain a record of the process that has been followed. Such documents could include the following:

- The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
- Records of the consultations that were held and what was discussed;
- A copy of the due diligence that was conducted;
- Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
- Copies of all documents, registrations or records evidencing the legal transfer of the land; and
- A map, showing each parcel of land.

The Project implementing agency should maintain a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

(vii) Grievance Arrangements

Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process.

Appendix B Environmental and Social Screening Forms

FORM 1 – Environmental and Social Screening

(To be completed by the CIU Safeguards Team, with on-ground support from the PIU where appropriate)

Timing: To be completed after concept or preliminary design

Purpose: 1) To scope potential environmental risks from proposed works that could be minimized through participatory design;

2) To Inform E&S Assessment and Management Plan Requirements (Form 3)

3) To inform scope of Terms of Reference for and E&S Consultants to be engaged.

Name of Works:	
Location of Works:	
Date of Form Completion:	
Name of Person Completing Form:	
Date of Site Visit:	
Agencies or People consulted to date (to inform completion of form):	
Attached concept description (circle one)	Yes / No

Form 1a – Environmental Risk Screening (See Section 8 of ESMF)

Potential Impact		Potential Impact (without mitigation) ²⁸ (✓)			Describe
		Low	Moderate	Substantial	
1.0	Physical				
1.1	Dust / noise / vibration impacts on <u>sensitive receptors</u> (e.g. residential communities, businesses, essential services etc).				

²⁸ Use Risk Rating tables in ESMF to determine level of potential impact.

Potential Impact		Potential Impact (without mitigation) ²⁸ (✓)			Describe	
		Low	Moderate	Substantial	High	
1.2	Generation and discharge of solid and liquid waste (e.g. spoil, refuse, domestic waste/ wastewater, hazardous substances etc).					
1.3	Erosion and sedimentation risk as a result of works (e.g. stream bank, slope, coastal margin, channel modification and hydrology etc).					
1.4	Works within an identified hazard zone (e.g., erosion, flooding, coastal inundation zones).					
1.5	Is construction material required for the design (e.g., rock/ aggregate/ cement) able to be <u>sourced locally from an approved facility</u> ²⁹ .					<input type="checkbox"/> Yes <input type="checkbox"/> No
						Describe:
1.6	Could an alternative design be explored to decrease / avoid physical environmental impacts? ³					<input type="checkbox"/> Yes <input type="checkbox"/> No
						Describe:
2.0	Ecological					
2.1	Removal of terrestrial vegetation and/or habitat (incl. riparian vegetation).					

²⁹ Discuss with design engineer, if required

Potential Impact		Potential Impact (without mitigation) ²⁸ (✓)			Describe	
		Low	Moderate	Substantial	High	
	(a) Native / natural vegetation.					
	(b) Invasive / exotic vegetation (e.g. weeds).					
	(c) Privately owned trees / crops / gardens (refer Form 2b).					
2.2	Potential impacts on freshwater ecosystem, including:					
	(a) Direct disturbance of freshwater habitat (e.g. works footprint within watercourse).					
	(b) Indirect disturbance of freshwater habitat (e.g. from sedimentation, water quality pollution).					
	(c) Risk of barriers to fish passage.					
2.3	Works within or potential disturbance of coastal marine area (CMA)					
	Will works create significant habitat for feral cats and rats?					
2.4	Could an alternative design be explored to decrease / avoid ecological impacts or improve ecological outcomes ³ .					<input type="checkbox"/> Yes <input type="checkbox"/> No
						Describe:

Form 1b – Social & Resettlement Risk Screening (See Section 8 of ESMF)

Potential Impact	Describe
1.0 Land	
1.1 Impacts on land outside of the works footprint.	<input type="checkbox"/> No <input type="checkbox"/> Yes (Temporary Use) <input type="checkbox"/> Yes (Permanent Loss)
1.2 Estimated extent of land loss outside of the works footprint.	<i>Estimated area:</i>
1.3 Estimated number of private landowners are affected?	<i>Estimated No. of landowners:</i>
1.4 Is the ownership status and current usage of land to be acquired known?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<i>Describe:</i>
1.5 Footprint ownership paperwork available and obtained?	<input type="checkbox"/> Yes <input type="checkbox"/> Available, not yet obtained <input type="checkbox"/> No easement paperwork available <input type="checkbox"/> Not yet sure if easement paperwork available (to be confirmed)
1.6 How is this land to be provided?	<input type="checkbox"/> Voluntary Land Donation (VLD) <input type="checkbox"/> Lease / Rental <input type="checkbox"/> Willing-seller-willing-buyer <input type="checkbox"/> Available Government land <input type="checkbox"/> Involuntary acquisition <input type="checkbox"/> To be confirmed
	<i>Describe:</i>
1.7	<input type="checkbox"/> Yes <input type="checkbox"/> No

Potential Impact		Describe
	Could an alternative design be explored to decrease / avoid land loss ³⁰ ?	<i>Describe:</i>
2.0	Assets	
2.1	Are there likely to be loss of physical assets and/or crops/productive trees due to works footprint or associated facilities?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.2	Estimated number of asset owners affected?	<i>Estimated No. of landowners:</i>
2.3	What type of assets are affected:	<input type="checkbox"/> Residential house <input type="checkbox"/> Business/commercial structure <input type="checkbox"/> Secondary structure (e.g. fence, wall, driveway, pavement, shed or similar) <input type="checkbox"/> Crops (including type) <input type="checkbox"/> Productive Trees <input type="checkbox"/> Perennial Trees <input type="checkbox"/> Cultural sites (e.g. grave sites, historic buildings etc)
		<i>Describe:</i>
2.4	Could the assets be relocated or repaired?	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<i>Describe:</i>
2.5	Could an alternative design be explored to decrease/avoid asset loss?	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<i>Describe:</i>

³⁰ Discuss with design engineer, if required

Potential Impact		Describe
3.0	Livelihoods	
3.1	Will construction works have any impact on people's livelihood (e.g., economic displacement)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe:</i>
3.2	Will works have any impact post-construction on people's livelihood (e.g., economic displacement)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe:</i>
3.3	Estimated number of people/households with livelihoods affected?	<i>Estimated No. of people/households:</i>
3.4	What kind of livelihoods are likely to be impacted?	<input type="checkbox"/> Business/commercial – Owner <input type="checkbox"/> Business/commercial – Employee <input type="checkbox"/> Agricultural / Farming <input type="checkbox"/> Fishing <input type="checkbox"/> Other: _____ <i>Describe:</i>
3.5	Could an alternative design be explored to decrease/avoid livelihood impacts? ⁵	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe:</i>
4.0	Land Access and Use Restrictions	
4.1		<input type="checkbox"/> Yes

Potential Impact		Describe
	Are there likely to be access restrictions?	<input type="checkbox"/> No <i>Describe:</i>
4.2	What kind of access restriction are expected?	<input type="checkbox"/> Pedestrians (including closure of road verges) <input type="checkbox"/> Driveways – Residential Agricultural / Farming <input type="checkbox"/> Driveways – Business/commercial <input type="checkbox"/> Transport Network <input type="checkbox"/> Access to essential services <input type="checkbox"/> Coastal margin <input type="checkbox"/> Other (e.g., natural resources, communal land/facilities, services etc)
4.3	Is an alternative means of access required (e.g. temporary diversion or water crossing etc)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe:</i>
4.4	Could an alternative design be explored to decrease/avoid access restriction impacts?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe:</i>
5.0 Other Social Impacts		
5.1	Impacts on “sensitive receptors” near the works (e.g., residential communities, businesses, essential services etc).	
5.2	Disproportionate impacts on vulnerable groups, including women, children and people with disabilities, including any potential disruption to services.	

Potential Impact		Describe
5.3	Risks to community health & safety from proposed works (i.e., communities near work site).	
5.4	Risks posed to the community from the construction workforce (e.g., imported/migrant labour related risks), including SEA/SH and VAC	
5.5	Potential negative impacts on community relations (i.e., conflict) due to project works or outcomes?	
5.6	Risk of UXOs in works footprint, and resultant risk to worker health and safety.	

FORM 2 – E&S Assessment and Management Plan Requirements

(To be completed by the CIU Safeguards Team, with on-ground support from the PIU where appropriate)

Timing: *To be completed after concept or preliminary design together with Form 2 and 4*

Purpose: 1) *To confirm whether Code of Environmental Practice will be followed for minor net impacts*

2) *To confirm whether work specific ESIA/ESMPs are required;*

3) *To determine which Land Access Procedure Plans are required*

Name of Works:	
Location of Works:	
Date of Form Completion:	
Name of Person Completing Form:	

Potential Impact		Assessment (✓)		Documents Required
		Yes	No	
1.1	Is the site in an area, or could potentially impact an area, identified as a protected or conservation area?			(Note: If 'Yes', then works specific ESIA & ESMP required)
1.2	Do the works involve land loss, asset loss, or loss of income sources or impacts livelihoods?			(Note: If 'No', then Land Access Due Diligence Report required).
1.3	Will the land and/or assets be acquired via Voluntary Land Donation (VLD)?			(Note: If 'Yes', then Voluntary Land Donation Report (VLDR) required)
1.4	Will the land and/or asset loss, or livelihood impacts require financial compensation, as per the entitlement matrix in the RF?			(Note: If 'Yes', then Resettlement Plan (RP) required)

FORM 3 – Agreed Environmental and Social Documents Required

(To be completed by CIU Safeguards Team, with the support of PIU where appropriate)

Timing: *To be completed after concept or preliminary design together with Form 2 and 3*

Purpose: 1) *To confirm which ESMPs or land access plans are to be prepared and/or implemented for the works;*

2) *To confirm which additional management plans are to be prepared by the Contractor (as informed by the ESMF).*

Name of Works:	
Location of Works:	
Date of Form Completion:	
Name of Person Completing Form:	
Name of Person Approving:	

As per the MURP E&S Management Framework (ESMF) the following safeguard documents are to be prepared/implemented for the above works:

- ☐ Works specific ESMP
- ☐ Works specific ESIA
- ☐ Works specific SEP and GRM

As per the MURP Resettlement Framework (RF) the following safeguard documents will be prepared for the above works:

- ☐ Land Access Due Diligence Report
- ☐ Voluntary Land Donation Report
- ☐ Resettlement Plan

Signature:

Signature:

Signed by:
(Completed Form)

Signed by:
(Approver)

Date:

Date: