



KEMENTERIAN PEKERJAAN UMUM DAN PERUMAHAN RAKYAT  
DIREKTORAT JENDERAL CIPTA KARYA





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# ENVIRONMENT AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)

*VOLUME 2 : TOOLKIT*

**FINAL**

***CENTRAL SULAWESI REHABILITATION  
AND RECONSTRUCTION PROJECT  
(CSRRP)***

**2019 - 2024**

**ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK**  
**(ESMF)**

**VOLUME 2: TOOLKIT**

*FOR THE*

**CENTRAL SULAWESI REHABILITATION AND RECONSTRUCTION  
PROJECT (CSRRP)**

*PREPARED BY*

**MINISTRY OF PUBLIC WORKS AND HOUSING  
REPUBLIC OF INDONESIA**

## ACRONYMS

ACM	Asbestos Containing Materials
AIDS	Acquired Immunodeficiency Syndrome
AMDAL	<i>Analisis Mengenai Dampak Lingkungan</i> – Environmental Impact Analysis
ANDAL	<i>Analisis Dampak Lingkungan</i> - Environmental Impact Analysis Report
ANDALALIN	<i>Analisis Dampak Lalu Lintas</i> - Traffic Impact Analysis
APBD	<i>Anggaran Pendapatan dan Belanja Daerah</i> – Local Government Budget
APBN	<i>Anggaran Pendapatan dan Belanja Negara</i> – National Government Budget
ATR/BPN	<i>Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional</i> - The Ministry of Agrarian Affairs & Spatial Planning/National Land Agency
AWP	Annual Work Plans
BABINSA	<i>Bintara Pembina Desa</i> – Military Village Supervisory Non-Commissioned Officers
BAPPENAS	<i>Badan Perencanaan Pembangunan Nasional</i> - The Ministry of National Development Planning
BAPPEDA	<i>Badan Perencanaan Pembangunan Daerah</i> – Subnational Development Planning Agency
BAST	<i>Berita Acara Serah Terima</i> – Handover Minutes
BKM	<i>Badan Keswadayaan Masyarakat</i> – Board of Community Trustees
BNPb	<i>Badan Nasional Penanggulangan Bencana</i> – National Disaster Management Authority
BoQ	Bill of Quantity
BP	Bank Policy
BPBD	<i>Badan Penanggulangan Bencana Daerah</i> – Local Disaster Management Agencies
BTC	Buddha Tzu Chi
C-PMU	Central Project Management Unit
CBO	Community Based Organization
CERC	Contingency Emergency Response Component
CESMP	Contractor's Environmental and Social Management Plan
CoC	Code of Conduct
CSO	Civil Society Organization
CSRPP	Central Sulawesi Reconstruction and Rehabilitation Project
DAK	<i>Dana Alokasi Khusus</i> – Special Allocation Grant
DAP	Disaster Affected People
DED	Detailed Engineering Design
DG HP	Directorate General of Housing Provision
DG HS	Directorate General of Human Settlements
DLH	Dinas Lingkungan Hidup – Local Environment Office
E&S	Environmental and Social
EA	Executing Agency

ESDM	The Ministry of Energy and Mineral Resources
EOI	Expression of Interest
EROM	Emergency Response Operation Manual
ESCP	Environmental and Social Commitment Plan
ESF	Environment and Social Framework
ESHS	Environmental Social Health and Safety
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FGRM	Feedback and Grievance Redress Mechanism
FPIC	Free Prior and Informed Consent
GBV	Gender Based Violence
GCT	GBV and VAC Complaints Team
GIIP	Good International Industry Practices
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
HGB	<i>Hak Guna Bangunan</i> – Right of Building
HGU	<i>Hak Guna Usaha</i> – Right of Exploitation
HH	Household
HIV	Human Immunodeficiency Viruses
HUNTAP	<i>Hunian Tetap</i> – Permanent Housing
Huntara	<i>Hunian Sementara</i> – Temporary Housing
IA	Implementing Agency
ICAP	Incident Corrective Action Plan
ILO C.	International Labor Organization Convention
IP	Indigenous Peoples
IPPF	Indigenous Peoples Planning Framework
ISR	Implementation Status Report
IUDP	Integrated Urban Infrastructure Development Projects
Jamsostek	<i>Jaminan Sosial Tenaga Kerja</i> – National Social Security System
KAT	<i>Komunitas Adat Terpencil</i> – Isolated Customary Communities
KOTAKU/NSUP	<i>Kota Tanpa Kumuh</i> – Cities Without Slums/The National Slum Upgrading Project
KPI	Key Performance Indicators
LARAP	Land Acquisition and Relocation Action Plan
LMP	Labor Management Procedure
M&E	Monitoring and Evaluation

MAPPI	<i>Masyarakat Profesi Penilai Indonesia</i> – Indonesian Society of Appraisers
MENLH	Kementerian Lingkungan Hidup dan Kehutanan – Ministry of the Environment and Forestry
MIS	Management Information System
MOMT	Ministry of Manpower and Transmigration
MoSA	Ministry of Social Affairs
NGO	Non-Governmental Organization
NMC	National Management Consultant
NSUP/KOTAKU	National Slum Upgrading Project
OHS	Occupational Health and Safety
OP	Operational Policy
OPD	<i>Organisasi Perangkat Daerah</i> – Sub-national Government Agencies
OSP	Oversight Service Providers
P2TP2A	<i>Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak</i> - Integrated Center for Women's and Children's Empowerment
PAMSIMAS	<i>Penyediaan Air Minum dan Sanitasi Berbasis Masyarakat</i> - National Rural Water Supply and Sanitation Project
PAP	Project-Affected Persons
Particular Conditions of Contract	PCC
PCR	Physical Cultural Resources
Perpres	<i>Peraturan Presiden</i> – Presidential Regulation
PIC	Person in Charge
PIU	Provincial Implementation Unit
PMU	Project Management Unit
PNPM	National Community Empowerment Program
PPAT	<i>Pejabat Pembuat Akta Tanah</i> – Land Deed Official
PPE	Personal Protective Equipment
POM	Project Operations Manual
PSEA	Protection Against Sexual Exploitation and Abuse
PUPR	<i>Kementerian Pekerjaan Umum dan Perumahan Rakyat</i> - Ministry of Public Works and Housing
PUSDATINA	<i>Pusat Data dan Informasi Bencana</i> - Disaster Data and Information Center
RCA	Root Cause Analysis
RDTR	<i>Rencana Detail Tata Ruang</i> - Detailed Spatial Development Plan
REKOMPAK	<i>Rekonstruksi Masyarakat dan Permukiman Berbasis Komunitas</i> - Community-Based Settlement Rehabilitation and Reconstruction
RKL-RPL	<i>Rencana Pengelolaan Lingkungan Hidup - Rencana Pemantauan Lingkungan Hidup</i> – Environmental Management Plan - Environmental Monitoring Plan
RT	<i>Rukun Tetangga</i> – Neighborhood Association

RW	<i>Rukun Warga</i> – Citizens' Association
SEA	Sexual Exploitation and Abuse
SEKDA	<i>Sekretariat Daerah</i> – Regional Secretary
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
SIRT	Safeguards Incident Reporting Toolkit
SNVT	<i>Satuan Kerja Non Vertikal Tertentu</i> – Non-vertical Working Unit
SOP	Standard Operating Protocols
SPPL	<i>Surat Pengelolaan dan Pemanfaatan Lingkungan Hidup</i> - Statement of Environmental Management and Monitoring
TFL	Tim Fasilitator Lapangan - Facilitator Field Team
TMC	Technical Management Consultant
TOR	Terms of Reference
TPA	<i>Tempat Pembuangan Akhir</i> – Landfill
UKL-UPL	<i>Upaya Pengelolaan Lingkungan Hidup dan Upaya Pemantauan Lingkungan Hidup</i> – Environmental Management Program and Environmental Monitoring Program
UN CRC	The United Nations Convention on the Rights of the Child
VAC	Violence Against Children
WFS	Woman Friendly Space
ZRB	<i>Zona Rawan Bencana</i> – Hazard Risk Zone

## Table of Contents

<b>INTRODUCTION.....</b>	<b>1</b>
<i>How to use Volume 2 (Toolkit).....</i>	<i>1</i>
<b>APPENDICES.....</b>	<b>1</b>
<i>Appendix 1: Environmental and Social Risk Assessment by Project Stages.....</i>	<i>1</i>
<i>Appendix 2: Assessment of Institutional Capacities.....</i>	<i>6</i>
<i>Appendix 3: Environmental and Social Screening, Assessment, Planning and Implementation Tools.....</i>	<i>12</i>
Sub-appendix 3.1–CSRRP Environmental and Social Negative List.....	12
Sub-appendix 3.2 – Sub-project Concept Information Requirements.....	13
Sub-appendix 3.3 – Sub-project E&S Technical Screening Tools.....	14
<i>Appendix 4: Disaster Risk Assessment Tool.....</i>	<i>24</i>
<i>Appendix 5: Content for ANDAL (ESIA), UKL-UPL &amp; RKL-RPL (ESMP) and SPPL Acceptable to the Bank.....</i>	<i>27</i>
<i>Appendix 6 – Environmental Code of Practices (ECOPs) for Contractors.....</i>	<i>39</i>
<i>Appendix 7: E&amp;S Monitoring and Reporting.....</i>	<i>43</i>
<i>Appendix 8: Guideline for the Preparation of Land Acquisition and Relocation Action Plans (LARAPs).....</i>	<i>45</i>
Sub-appendix 8.1: Sample of Format for Documentation for Land Donation.....	65
Sub-appendix 8.2: Sample Format for Obtaining Land through Direct Purchase.....	66
Sub-appendix 8.3: Guidelines for Involuntary Land Acquisition.....	67
Sub-appendix 8.4: Minimum Elements of Resettlement Plan.....	70
Sub-appendix 8.5: Land Due Diligence Report.....	75
Sub-appendix 8.6: Sample Outline for Relocation Action Plan.....	77
<i>Appendix 9: Labor Management Procedures.....</i>	<i>79</i>
Sub-appendix 9.1: Grievance Form.....	95
Sub-appendix 9.2: Management of Labor Influx Risks.....	96
<i>Appendix 10: Incident Reporting Toolkit.....</i>	<i>103</i>
Sub-appendix 10.2: Template for Incident Report.....	108
Sub-appendix 10.3: Samples of Terms of References.....	109
<i>Appendix 11: Project Strategy and Action Plan for GBV/SEA and VAC.....</i>	<i>118</i>
Sub-appendix 11.1: Service Provider Mapping (as of July 2019).....	127
Sub-appendix 11.2: Feedback and Grievance Redress Mechanism (FGRM) and Response Protocol for GBV/SEA and VAC cases.....	133
Sub-appendix 11.3: GBV Complaint Consent and Intake Form.....	142
Sub-appendix 11.4: Codes of Conduct.....	147
Sub-appendix 11.5: Required Clause for Bid Documents.....	156
<i>Appendix 12: Indigenous Peoples Planning Framework.....</i>	<i>157</i>
Sub-appendix 12.1: Outline of an Indigenous Peoples Plan.....	162
<i>Appendix 13: Chance Finds Procedure.....</i>	<i>164</i>
<i>Appendix 14: Minutes of Consultations.....</i>	<i>165</i>



## INTRODUCTION

In September 2018, a magnitude 7.4 earthquake with an epicenter located 81 kilometers north of Palu (capital of Central Sulawesi) caused strong ground shaking, liquefaction and near-field tsunamis. This series of events led to more than 4,000 fatalities, 170,000 displaced people, 100,000 damaged houses, and IDR 23 trillion in total economic losses and damage<sup>1</sup>.

The Central Sulawesi Rehabilitation and Reconstruction Project (CSRRP) was approved in June 2019 and will support targeted communities with reconstructed and strengthened housing and public facilities.

This Environmental and Social Management Framework (ESMF) has been prepared by the Ministry of Public Works and Housing to guide the environmental and social screening, and subsequent assessments of project and subproject activities.

The ESMF is divided into two volumes:

- **Volume 1: Framework** (Main ESMF Report); and
- **Volume 2: Toolkit** (ESMF Appendices – Assessment and Implementation Tools).

Volume 1 identifies and defines project typologies, assesses potential environmental and social impacts of the project/sub-projects, and establishes standards, procedures and methodologies to guide environmental and social screening, subsequent risk assessments, and the management of identified risks and impacts according to the mitigation hierarchy.

### How to use Volume 2 (Toolkit)

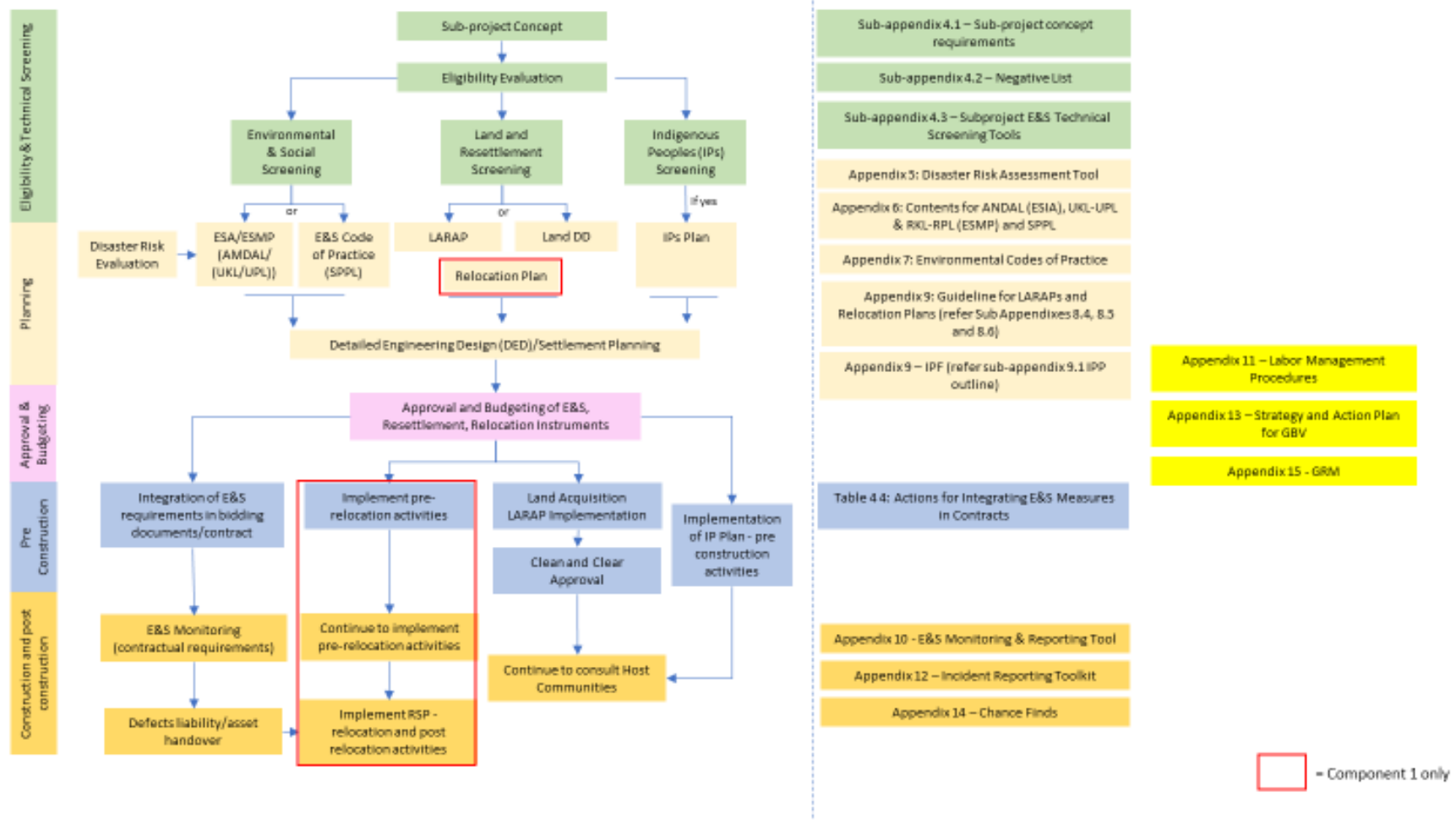
Section 4 of the main ESMF report (Volume 1), describes the procedures and methodologies to guide environmental and social management across the sub-project cycle. Key steps are outlined in the Safeguards Decision Tree (**Figure 4-1**, Volume 1) and include: environmental and social screening of the proposed project and sub-project activities (Steps 1 and 2); preparation of relevant environmental and social instruments (Step 3); approvals (Step 4); procurement (Step 5) and monitoring of environmental and social aspects during implementation (Step 5).

These steps are expanded upon in **Figure 1** below and include references to the implementation tools outlined in this Volume.

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<sup>1</sup> Central Sulawesi Post Disaster Data and Information System (disclosed Governor presentation on situation update), ver. March 2019.

**Figure 1: CSRRP Environmental and Social Management Decision Tree and Implementation Tool**



# APPENDICES

## Appendix 1: Environmental and Social Risk Assessment by Project Stages

Project Phase/ Activity	Potential Risks	Comp 1	Comp 2	Relevant ESS	Mitigation/ Risk Reduction
I. Relocation Preparation					
i. Relocation sites identification and land acquisition	Unclear legal status of the proposed land	√	√ Potential risks if the public facilities involve re-siting	ESS 5; ESS 7; ESS 1; ESS 3; ESS 4; ESS 6	1. The Project will conduct land due diligence for all proposed sites to ensure the following: a. The proposed land is legally available for the relocation sites b. The proposed land is technically suitable for relocation settlements c. The proposed land is not utilized by any landowners/users. In case that involuntary resettlement as per ESS 5 is identified, the Project will prepare and implement land acquisition and resettlement plan for the landowners/land users. 2. The proposed lands/sites will be screened against the project negative list. 3. Indigenous Peoples Planning Framework (IPPF) as part of the ESMF (see Appendix 12), to guide the screening, consultations and engagement and management of impacts on Indigenous Peoples if they are present and/or will be affected by the project activities.
	Physical relocation and/or access restrictions to land use of the landowners/users; loss of livelihoods/income generating assets (i.e. land, businesses); including potential impacts to indigenous peoples.				
	Rejection from the landowners/users to release the land; lack of meaningful consultation during the land acquisition process.				
	Limited available land poses risks of non-compliance to disaster zoning requirements, located within water scarcity area, legally protected areas and/or high biodiversity value.				
II. Relocation Planning					
A. Community in temporary settlements					
i. Socialization and community organizing	Unequal access to information	√	-	ESS5; ESS10	1. Socialization should be inclusive; socialization strategy will be developed and implemented by facilitator teams to provide information on the
	People misunderstand the message or are forced to relocate	√	-		

ii. Beneficiary selection and prioritization; census and baseline socioeconomic studies and preferences	Data inaccuracy; undetected displaced persons who are not accommodated in the temporary shelters.	√	-	ESS5	relocation program (timeline, options), challenges (land, time, cost), settlement operation and maintenance and how it will work. 2. Community organizing activities will be conducted to establish community governance structure (how does the community want to organize itself) throughout the relocation process. 3. With close coordination with relevant government authorities, facilitator teams will verify registration data/gap filling (census survey) for displaced households (confirm numbers of HHs and basic demographic information – numbers, age, sex, vulnerability, livelihood, ethnicity/religion) and preferences. 4. Facilitators will identify needs and confirm relocation preferences and source input on initial design/site layout in preference groups. 5. Intensive and meaningful consultation with the beneficiaries to agree on the prioritization criteria for relocation.
	Inequitable/disproportionate impacts on vulnerable groups	√	-		
	Potential for perceived or real inequities regarding the provision of housing and support, leading to tension between eligible and non-eligible persons.	√	-		
	Jealousy of those who are not prioritized.	√	-		
III. Community in red zone areas					
i. Inventory of those who live within red zone areas	Risks of data inaccuracy to identify eligible people due to lack of detailed information on rezones arrangement, lack of on-ground boundary demarcation and enforcement has resulted in some displaced people and/or newcomers re-establishing their residences and livelihood activities in these areas.	√	-	ESS 4, ESS 5, ESS 10	
ii. Socialization and relocation planning	Land use restrictions; loss of assets; and associated impacts on livelihoods; People refuse to be relocated; Potential for perceived or real inequities regarding the provision of housing and support, leading to tension between eligible and non-eligible persons.	√	-		
IV. Settlement/Infrastructure Planning					
i. Design of the settlements/ infrastructure and DED	Disconnection of the design by the appointed contractor with community's preferences.	√	-	ESS 1, ESS 4, ESS 10	Close coordination between facilitator teams with the contractor to communicate community's preferences/inputs on the designs and livelihood options.
	Disconnection between the settlement designs with the livelihood needs.	√	-	ESS 5	
		Budget constraint may compromise the design and specification requirements.	√	√	ESS 1; ESS 4

ii. Bidding process	Potential risks to favor contractors with the lowest budget	√	√	ESS 1; ESS 4	1. The Project will apply competitive bidding 2. Required environmental and social commitments of the contractors will be included in the bidding document.
<b>V. Settlement/Infrastructure Construction</b>					
i. Site preparation	Potential risks of unforeseen encounter with cultural heritage during site excavation	√	Potential risks if the public facilities involve re-siting	ESS 8	Implementation of chance find procedures
	The land preparation and earthworks, especially at the resettlement areas located on undulating slopes and modified terrain, require considerable volumes of excavation and fill embankments	√		ESS 3	1. Activities involving significant disturbance of soil or operating with drainage lines and waterways should be planned to be undertaken during the driest months. 2. All required erosion and sediment control mechanisms are in place before the onset of the wet season.
	Land preparation for the project could result in blockage or alteration of natural flow paths causing changes in the drainage patterns in the area.	√			
ii. Construction activities	Risks of sourcing construction materials such as timber, stones, and sands from illegal sources.	√	√	ESS 3	Enforce bidding requirements for the contractor or primary suppliers to source raw materials from legally designated quarries and production forests which operates an acceptable EMP and owns environmental permit.
	High risks of occupational health and safety due to low awareness/experience/capacity amongst employers/workers, particularly third-party contractors' workers and primary suppliers' workers to identify and manage risks and hazards associated with demolition, reconstruction and construction.	√	√	ESS 2	1. Implementation of the project's labor management procedures 2. Technical assistance for the PMU and the Ministry of Manpower and Transmigration's (MOMT) directorates of labor inspection and provincial/district labor units
	Low levels of awareness of workers' rights amongst employers and workers, coordination and capacity constraints within government, and difficulties in managing compliance with groups such as primary suppliers.	√	√		
	Child labor/risk of underage labor (under 15) is considered low with exception of community workforce. Participation of youth labor (15-17 years) presents risks of their involvement in hazardous work or interruption to education	√	√		

Potential environmental and social risks and impacts to local communities due to labor influx including i) social conflict; illicit behavior and crime; influx of additional population ('followers'), increased burden on already stretched housing and public services (i.e. law enforcement, health, waste); increased demand on local resources (food, freshwater); spread of communicable disease and burden on health services; gender based violence and violence against children; and local inflation of prices.	√	√	ESS 2, ESS 4	<ol style="list-style-type: none"> <li>1. Implementation of the project's procedures for managing risks of adverse impacts on communities from project-induced labor influx</li> <li>2. Assessment and management of OHS and labor induced community health and safety risks in EAs/ESMPs and CESMPs (including requirement for OHS management sub-plan; community health and safety sub-plan; and workers training sub-plan) for sub-projects as per the World Bank Group's Environmental, Health and Safety Guidelines.</li> <li>3. Implement the project's strategy for GBV/SEA prevention and response including service provider mapping, training and awareness, and response protocol, as well as safe designs of the relocation sites and public facilities.</li> </ol>
Physical hazards on sites where the community has access or is in close proximity or where community labor is used.	√	√	ESS 4	Community health and safety risks to be assessed in relevant sub-project environmental and social assessments such as AMDAL, UKL/UPL or sub-project screening. The sub-project ESMPs/C-ESMPs will outlined specific management and mitigation measures for community health and safety (including community awareness activities) during construction and operation.
Traffic and road safety hazards associated with the operation of project vehicles (i.e. government, contractors, suppliers) on public roads and at construction sites.	√	√		
Health issues including water-borne, and vector-borne diseases which may result from poor site management (e.g., stagnant water).	√	√		
Impacts on living conditions associated with air (i.e. dust), noise and vibration pollution.	√	√		
Emergency events may arise from natural or man-made hazards during construction; higher risks will be present on sites in close proximity to sensitive areas such as active schools and health facilities as well as and on sites in close proximity to residential areas.	√	√	ESS 4	Implementation of the Project's risk hazard framework for emergency events including the requirement for sub-project ESMPs/CESMPs to include emergency response sub-plans.

	Risks of inappropriate construction (including hazardous) waste management issues due to limited landfill space, no designated hazardous waste disposal facility, and inadequate capacity for hazardous waste such as asbestos handling and disposal. This presents risks to health and safety of workers and communities, and the surrounding environment.	√	√	ESS 3, ESS 4	1. Implementation of waste classification/segregation and waste handling and disposal procedures 2. Implementation of the project's asbestos protocol including hiring of an asbestos management adviser and development and implementation of asbestos identification, handling and disposal procedures
VI. Relocation implementation					
i. Community relocation to the new settlements	Community may build their own houses and opt to not move to the built settlements due to potential risk of prolonged construction and other related activities. This may lead to low occupancy of the built houses.	√	-	ESS 4; ESS 10	1. Facilitator teams will maintain communication with the community throughout the project cycle (from planning to relocation) including informing unexpected circumstances that may impact the overall relocation planning and implementation. 2. Close coordination with the relevant authorities to arrange and agree on governance in the new settlements including administrative arrangement, social relation and norms within the new settlements and with the host communities. 3. Close coordination and collaboration with relevant authorities and other development partners working on livelihood restoration to leverage the project's potential in supporting the community's livelihood restoration efforts.
ii. Community moving into new settlements	Returning to the red zone	√	-	ESS 5; ESS 1	
	Conflict with neighbors	√	-		
	Tension with host communities Tension with neighbors	√	-		
	Reselling or renting their houses to others	√	-		
iii. Livelihood recovery	Failure of livelihoods recovery due to limited options of livelihoods available in the new settlement sites hence unable to cater the needs of all beneficiaries; the risk is further increased due to institutional complexity to deliver livelihoods support.	√	-		
iv. Transfer of land rights and ownership	Inaccurate data for land rights and ownership transfer; exclusion of women from the process.	√	-	ESS 5	Implementation of clear policy on land rights and ownership transfer including involvement of women in the process
v. Operation and maintenance of infrastructure and facilities	The quality of the built facilities is deteriorated due to lack of maintenance resulting from unclear institutional arrangements and/or budget constraints.	√	√	ESS 4; ESS 1; ESS 10	Local government will be responsible for operation and maintenance of the facilities. Detail arrangement will be established, agreed, and communicated early to the relevant agencies to allow robust planning for operation phase.
vi. Implementation of preparedness plan	Lack of awareness of the beneficiaries on emergency preparedness plan.	√	√	ESS 4	In the first few months in the new settlements, emergency drills will be conducted to sensitize the community about the emergency preparedness plan.

## Appendix 2: Assessment of Institutional Capacities

Key aspects	Relevant Agencies	Roles	Current Capacities	Capacity Strengthening Measures
Land acquisition	District and Municipal Governments of Palu, Sigi and Donggala—coordinated under District and Municipal Secretaries (Sekda) and/or Planning Agencies (Bappeda)	Acquisition of suitable land parcels for establishment of permanent housing and relocation of public facilities	<p>Three potential schemes are currently being considered for land acquisition for the satellite locations, including the use of public lands, negotiated settlements with landowners and voluntary land donation.</p> <p>Currently, budget has been reported as the main constraint for land purchases. In addition, some of the proposed land is located in red zone areas (coastal lines) and hence could not be financed under the project.</p>	<ul style="list-style-type: none"> <li>Alternative funding mechanisms for land acquisition (TBD) and alternative approach for relocation (i.e. self/group relocation).</li> <li>Technical assistance for the development of Land Acquisition Plans.</li> </ul>
	Provincial ATR/BPN	Land acquisition for main relocation sites and administration of land transfer processes	ATR/BPN is negotiating land acquisition through consensus with concession owners. The agency's approach for all sites is to identify land within the concession areas with low risks of dispute from concession holders or informal users and is suitable for the establishment of relocation sites.	<ul style="list-style-type: none"> <li>Technical assistance for land due diligence assessments, particularly to identify informal land users and encroachers in the main relocation sites (i.e. Duyu, Pombewe-Olobuju and Tondo-Talise).</li> </ul>
Labor management	Provincial Manpower Agency of Central Sulawesi	Labor inspection and law enforcement, skills training for local workforce	<p>Resources are more readily available at the provincial level. However, due to the whole provincial coverage as well as increased responsibilities following the transfer of inspection and oversight roles to the provincial manpower agency, the existing resources are likely strained. Such constraints tend to become more acute in the post disaster contexts where demand for reconstruction and rehabilitation works has increased at a much greater speed than the current provincial capacity to ramp up its resources.</p> <p>Currently, there are 31 workplace inspectors. In a normal context, one inspector is responsible to oversee 60 enterprises each year. Additional responsibilities to oversee labor aspects for the reconstruction and rehabilitation works may strain their ability to perform their function effectively.</p>	<ul style="list-style-type: none"> <li>Technical support for overall supervision and capacity building for field inspectors, contractors and workers;</li> <li>Recruitment of an OHS coordinator at the Provincial PIU and budget allocation for supervision;</li> <li>Mandatory budget provisions amongst selected contractors for labor management, including development of an FGRM for contracted workers</li> </ul>



Key aspects	Relevant Agencies	Roles	Current Capacities	Capacity Strengthening Measures
			At the training center, there are 21 trainers for infrastructure-related skills. Such resources can potentially be leveraged to provide skills training to the local workforce and hence, is expected to enable participation of local people, including disaster victims, in the overall reconstruction and rehabilitation works.	
	District Manpower Agencies of Palu, Sigi and Donggala	Labor oversight and inspection	<p>The roles of district and municipal manpower agencies in managing labor-related aspects have become limited and unclear following the transfer of inspection and oversight responsibilities to the provincial manpower agency. This has resulted in limited capacities to effectively manage labor related risks, given the distance and limited resources at the provincial level. Enterprises, including contractors, are expected to regularly report to their respective district and/or provincial agencies where they are registered. However, due to limited coordination between district/municipality and the province, such information is often not systematically exchanged.</p> <p>In Sigi, human resource constraints were reported within the manpower agency, with only 6 staff available to oversee industrial relations and employee-employer related grievances. Understanding that the operation will likely require a sizable number of workers, the existing human resources at the district level will likely be stretched to provide effective supervision, law enforcement and capacity building to contractors.</p>	
	Provincial PIUs (DG Human Settlements and Housing Provision)	Day-to-day management	MPWH, particularly DG Human Settlements and DG Housing Provision has a long-standing engagement and experience in managing projects financed by the World Bank. Their active portfolio includes the National Slum Upgrading Project (P154782 – under DG of Human Settlements), National Affordable Housing Program	

Key aspects	Relevant Agencies	Roles	Current Capacities	Capacity Strengthening Measures
			(P154948 – under DG of Housing Provision), National Rural Water Supply and Sanitation Project/PAMSIMAS (P162654 – under DG of Human Settlements). The scale of Central Sulawesi's reconstruction, combined with the expected speed to deliver results, may stretch the overall capacity to effectively supervise contractors and manage labor related risks associated with the project.	
Livelihood restoration	District and Municipal Governments of Palu, Sigi and Donggala—under coordination from the Planning Agency (Bappeda)	Implementation of livelihood restoration measures	Long-term planning for livelihood restoration for disaster-affected households has been hampered by a lack of validated data on target households, nature and scale of livelihoods impacts, and potential relocation sites where livelihood restoration measures may be based upon. In addition, budget constraints and a lack of clarity with regards to lead agencies to coordinate livelihood restoration efforts may also prevent long-term and consolidated support for relocated households.	<ul style="list-style-type: none"> <li>• Technical assistance for the development of Relocation Action Plans, which also includes Livelihoods Restoration Plans.</li> <li>• Monitoring and facilitation support post-relocation.</li> </ul>
Community, health and safety	District and Municipal Environmental Agency	Overseeing implementation of project ESMPs (RKL-RPL or UKL-UPL), including mitigation actions on community health and safety	<p>Given the large number of reconstruction projects that need to be monitored, the agencies are understaffed for regularly checking and verifying the Project's ESMP implementation reports. The agencies will conduct onsite checks at project sites when they receive reports of recurring complaints and/or serious incidents. Enforcement capacity remains weak.</p> <p>No or limited experience working with required E&amp;S instruments/requirements.</p>	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising workshops.</li> <li>• Technical/facilitation support for enforcement and monitoring of project ESMPs and ECOPs.</li> </ul>
	Provincial PIUs (DG Human Settlements and Housing Provision)	Day-to-day management	Institutional capacities may potentially be strained to provide effective oversight due to the spread and expected speed of reconstruction and rehabilitation efforts.	<ul style="list-style-type: none"> <li>• Recruitment of E&amp;S specialists at the provincial PIU (NMC) and facilitators to oversee potential risks and impacts of project and/or sub-project activities on community, health and safety</li> <li>• Operationalization of a project-level FGRM.</li> </ul>

Key aspects	Relevant Agencies	Roles	Current Capacities	Capacity Strengthening Measures
				<ul style="list-style-type: none"> <li>• Technical support for enforcement of ECOPs and day-to-day supervision.</li> <li>• Provisions of community training and awareness raising materials.</li> </ul>
Assessment and management of environmental and social risks and impacts	District and Municipal Environmental Agency	Evaluate and approve ESIA (AMDAL and UKL-UPL) reports Endorse SPPL (COESP)	Agencies are under pressure to quickly evaluate and approve the ESIA due to the urgency, speed and large number of reconstruction projects. There is limited time and staff to review in detail each ESIA. The agencies would rely on the consultants preparing the ESIA on the quality of the reports.	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising workshops.</li> <li>• Technical/facilitation support for preparing ESIA and ESMPs acceptable to the Bank (provided through the ESMF).</li> </ul>
	Provincial PIUs (DG Human Settlements and Housing Provision)	Overseeing and supervising preparation of TOR and ESIA & ESMP developments through pool of consultants	The agencies have previous experience with TOR ESIA and ESMPs for Bank projects and understand the requirements for OP/BP safeguards for ESIA and ESMPs. However, due to the urgency, speed and large number of reconstruction projects, institutional capacities may potentially be strained to prepare TORs.	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising workshops.</li> <li>• Technical/facilitation support in preparing TOR ESIA and ESMPs acceptable to the Bank (provided through the ESMF).</li> <li>• Technical/facilitation support for enforcement and monitoring of project ESMPs and ECOPs.</li> </ul>
	Local ESIA Consultants	Prepare ESIA (AMDAL and UKL-UPL) reports	Possess good understanding of the local environmental and social context, however have limited capacity and understanding on ESS1 requirements	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising workshops</li> <li>• ESIA and ESS1 requirements provided in TOR consultant</li> </ul>
	Regional/National ESIA Consultants	Prepare ESIA (AMDAL and UKL-UPL) reports	Possess experience in preparing ESIA for reconstruction projects (i.e. Aceh and Yogyakarta projects), and have experience working with OP/BP safeguards	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising and thematic workshops</li> <li>• ESIA and ESS1 requirements provided in TOR consultant</li> </ul>
Pollution prevention and management	District and Municipal Environmental Agency	Evaluate ESMPs (RKL-RPL and UKL-UPL) and overseeing implementation of	Agencies are under pressure to quickly evaluate and approve the ESIA due to the urgency, speed and large number of reconstruction projects. There is limited time and staff to review in detail each ESIA.	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising workshops</li> <li>• Technical/facilitation support for preparing ESMPs acceptable to</li> </ul>

Key aspects	Relevant Agencies	Roles	Current Capacities	Capacity Strengthening Measures
		project pollution prevention and management actions	Agencies are understaffed for regularly checking and verifying the project ESMP implementation reports Enforcement capacity remains weak.	<p>the Bank (provided through the ESMF)</p> <ul style="list-style-type: none"> <li>• Technical/facilitation support for enforcement and monitoring of project ESMPs and ECOPs</li> </ul>
	Provincial PIUs (DG Human Settlements and Housing Provision) and supervision consultants	Overseeing and supervising project and contractors implementing pollution prevention and management	Own previous experiences in overseeing and supervising project and contractors implementing pollution prevention/safeguards requirements. However, due to the urgency, speed and large number of reconstruction projects, institutional capacities may potentially be strained to provide oversight of contractors.	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising workshops</li> <li>• Technical/facilitation support for enforcement and monitoring of project ESMPs and ECOPs at contractor level</li> </ul>
	Local Contractors	Implement ESMPs: pollution prevention and management actions	Aware of the ESMP (RKL-RPL or UKL-UPL) and Gol requirements on pollution prevention and management but would have limited resources (budget and personnel) and commitment to implement ESMP requirements: source stone, gravel, aggregate from legal quarries. No or limited experience working with E&S instruments/requirements.	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising workshops.</li> <li>• ESMP and ESS 3 pollution prevention requirements embedded in bidding documents.</li> </ul>
	National/International Contractors	Implement ESMPs: pollution prevention and management actions	Aware of the ESMP (RKL-RPL or UKL-UPL) and Gol requirements on pollution prevention and management, reasonable commitment and have resources (budget and personnel) to implement ESMP requirements: source stone, gravel, aggregate from legal quarries. Some experience working with safeguards instruments/requirements in the past.	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising and thematic workshops.</li> <li>• ESMP and ESS 3 pollution prevention requirements embedded in bidding documents.</li> </ul>
Biodiversity conservation	Local Forestry Agency	Protection of forests, enforcement of forest regulations on biodiversity conservation	<p>Preliminary screening indicates reconstruction and rehabilitation projects are not inside any government designated protected forest areas (negative list screening of projects).</p> <p>Regulations, systems and supervision are in place overseeing forest concessions and timber production (with regards to sourcing of timber for projects).</p> <p>No or limited understanding on the concept of natural, modified and critical habitats, and ESS6 requirements.</p>	<ul style="list-style-type: none"> <li>• Provisions on ESMF and ESF awareness raising workshops</li> <li>• Technical/facilitation support for preparing ESIAs and ESMPs acceptable to the Bank (provided through the ESMF).</li> <li>• Technical/facilitation support for enforcement and monitoring of project ESMPs and ECOPs</li> </ul>

Key aspects	Relevant Agencies	Roles	Current Capacities	Capacity Strengthening Measures
	Provincial PIUs (DG Human Settlements and Housing Provision)	Overseeing and supervising project impacts on biodiversity (if any)	Own previous experiences in overseeing and supervising project impacts on biodiversity/ habitats/safeguards requirements. However, due to the urgency, speed and large number of reconstruction projects, institutional capacities may potentially be strained to provide oversight on potential impacts to biodiversity.	<ul style="list-style-type: none"> <li>Provisions on ESMF and ESF awareness raising workshops.</li> <li>Technical/facilitation support for enforcement and monitoring of project ESMPs and ECOPs at project level.</li> </ul>
	Local Contractors	Implement ESMPs: biodiversity conservation	Aware of protected forests areas but may have weak commitment to purchase timber from legal sources. No or limited experience working with instruments/requirements, concept of natural, modified and critical habitats.	<ul style="list-style-type: none"> <li>Provisions on ESMF and ESF awareness raising workshops</li> <li>ESMP and ESS 6 biodiversity requirements embedded in bidding documents.</li> </ul>
	National/International Contractors	Implement ESMPs: biodiversity conservation	Aware of protected forests areas. Some experience working with safeguards instruments/requirements, concept of natural, modified and critical habitats, and would have reasonable commitment to purchase timber from legal sources.	<ul style="list-style-type: none"> <li>Provisions on ESMF and ESF awareness raising and thematic workshops.</li> <li>ESMP and ESS6 biodiversity requirements embedded in bidding documents.</li> </ul>

## **Appendix 3: Environmental and Social Screening, Assessment, Planning and Implementation Tools**

### **Sub-appendix 3.1–CSRRP Environmental and Social Negative List**

The following subproject or activities will be deemed ineligible for the CSRRP if they:

1. Are not aligned with the policies, initiatives, and or objectives of CSRRP
2. Are located in a disputed area and/ or unable to proof the clear and clear status of the land.
3. Are located in an area that is not aligned with the regional spatial planning and disaster risk zones.
4. Involve significant conversion, clearance or degradation of critical natural habitats, forests, environmentally sensitive areas, significant biodiversity and/or protected conservation zones.
5. Will cause, or have the potential to result in, permanent and/or significant damage to non-replicable cultural property, irreplaceable cultural relics, historical buildings and/or archaeological sites.
6. Will negatively affect rare or endangered species.
7. Will result in large-scale involuntary land acquisition or significant physical displacement of affected communities, or relocation of Indigenous Peoples that would restrict or cease their access to traditional lands or resources.
8. Do not meet minimum design standards with poor design or construction quality, particularly if located in vulnerable/high-risks areas.
9. Are located in international waterways or disputed territories.
10. Utilize Asbestos in the form of Amianthus (concentration 1.0 f/ml), Chrysotile (concentration 1.0 f/ml) and other forms of Asbestos (concentration 4.0 f/ml).
11. Utilize illegal timber and timber products (cannot show a legal document from the designated supplier).
12. Utilize stone/minerals from illegal mines (cannot show a copy of the mining permit issued by related agencies).
13. Utilize Wall paint with Pb concentration > 90 mg/kg; Organic-based decorative paint with Pb concentration >600 ppm (dry weight); Emulsion paint with concentration of Pb > 90 ppm, Cd > 75 ppm, Hg > 60 ppm, and Cr6+> 60 ppm.

### **Sub-appendix 3.2 – Sub-project Concept Information Requirements**

Sub-project concepts should provide the following information:

- Description of the proposed project and where it is located
- Reasons for proposing the project
- The estimated cost of construction and operation
- Information about how the site was chosen and what alternatives were considered
- A map or drawing showing the location and boundary of the project including any land required temporarily during construction (if known)
- Information on the design and plan for physical works (e.g. layout, buildings, other structures, construction materials)
- A work program for construction, operation and decommissioning the physical works, as well as any site restoration afterwards.
- Construction methods
- Resources used in construction and operation (e.g. materials, water, energy) and where these will be sourced
- Information about measures included in the sub-project plan to avoid or minimize adverse environmental and social impacts
- Details of any permits required for the project

### Sub-appendix 3.3 – Sub-project E&S Technical Screening Tools

This annex is composed of screening tools for both Component 1 (resilient construction of permanent housing units and settlement infrastructure and Component 2 (resilient reconstruction and strengthening of public facilities). Some specific aspects are applicable for Component 1 (marked by an asterisk). As part of the overall screening, an assessment tool for hazard risks, which will be required based on information and initial results of the screening process, will be applied for both components (refer to **Appendix 4**).

#### A Site Selection

Proposed relocation site :  
 Name of Host Communities :  
 Name of Relocated Communities (if known) :  
 Consultant Team :  
 Supervision Manager (NMC) :

This checklist is for the review of sub-project environmental and social screening by the sub-project implementer, outputs of further detailed screening by the consultant teams under supervision of the NMC, confirmation of rating, eligibility for funding, and environmental and social management instrument(s) required.

When considering the location of a relocation site (i.e. designated main locations and satellite locations), a preliminary assessment of the potential environmental and social risks will be required to inform risk levels and, on that basis, the types of further assessments, consultations, impact mitigation planning requirements. Based on this initial screening, the project will determine whether the proposed relocation site is feasible based on legal, social and technical perspectives.

Issues	Risk Levels			Rating
	Low	Medium	High	
Natural habitats	No natural habitats present of any kind	No critical natural habitats; other natural habitats occur	Critical natural habitats present	
Water quality and water resource availability and use	Water flows exceed any existing demand; low intensity of water use; potential water use conflicts expected to be low; no potential water quality issues	Medium intensity of water use; multiple water users; water quality issues are important	Intensive water use; multiple water users; potential for conflicts is high; water quality issues are important	
Pollution	No pollution risks which threaten human, plant and animal health	Sub-project activities lead to release of dust, and wastewater which may lead to OHS and community, health and safety risks	Sub-project activities lead to release of hazardous, toxic or noxious air and water pollutants; a significant increase in existing (baseline) noise levels; pollution of ground, surface and coastal or sea water via direct and indirect discharges or seepages or through interception of an aquifer by drilling, cuts or excavation	
Natural hazards vulnerability,	Flat terrain; no potential stability/erosion problems; no known	Medium slopes; some erosion potential; medium risks from	Mountainous terrain; steep slopes; unstable soils; high erosion potential; volcanic, seismic or flood risks	



Issues	Risk Levels			Rating
	Low	Medium	High	
floods, soil stability/erosion	volcanic/seismic/flood risks	volcanic/seismic/flood/hurricane		
Red zone areas	Located in development use zones (marked as green zones and where areas are encouraged for new town development)	Located in limited use zones/ZRB 3 (marked as orange zones and strict building codes with limited use (i.e. settlements) will be enforced); and in conditional use zones (marked as yellow-zones and seismic building codes will be required)	Located in prohibited use zones/ZRB 4 (marked as red-zones and no new settlements or expansion of existing facilities are allowed)	
Tangible and intangible cultural heritage <sup>2</sup>	No known or suspected cultural heritage sites and/or intangible cultural heritage	Suspected cultural heritage sites; known heritage sites and/or intangible cultural heritage in broader area of influence	Known heritage sites and/or intangible cultural heritage in project area; physical component of a subproject has material impacts on tangible and/or intangible cultural heritage <sup>3</sup>	
Accessibility and liveability	Close proximity to the original locations; accessibility to original livelihoods activities; availability of existing infrastructure (i.e. access road, water supply, health and education)	Medium proximity to the original locations; limited availability of existing infrastructure (i.e. access road, water supply, health and education)	Far proximity from the original locations; absence of supporting infrastructure (i.e. access road, water supply, health and education)	
Demolition	Small-scale infrastructure; areas have been vacated; no human settlements	Medium-scale infrastructure; no human settlements; parts of the facilities are still being used for routine activities	Major infrastructure; dense settlements in the area; use of explosive; presence of asbestos; some parts of the facilities are still being used for routine activities	
Host communities*	Low population density; dispersed population; well-	Medium density areas; mixed ownership of land tenure;	High density areas; low community acceptance; presence of tenure disputes and	

<sup>2</sup> Tangible cultural heritage, which includes movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Tangible cultural heritage may be located in urban or rural settings, and may be above or below land or under the water. Intangible cultural heritage, which includes practices, representations, expressions, knowledge, skills—as well as the instruments, objects, artifacts and cultural spaces associated therewith—that communities and groups recognize as part of their cultural heritage, as transmitted from generation to generation and constantly recreated by them in response to their environment, their interaction with nature and their history.

<sup>3</sup> If identified, management of such intangible cultural heritage can refer to Safeguarding and Mobilizing Intangible Cultural Heritage in the Context of Natural and Human-induced Hazards by UNESCO (<https://ich.unesco.org/doc/src/38266-EN.pdf>)

Issues	Risk Levels			Rating
	Low	Medium	High	
	defined land rights; high social acceptance to the relocated communities	Potential constraints to basic services available (i.e. health, water, education)	community claims; limited basic services available (i.e. health, water, education); unclear water rights; low income families; social change or impacts on social structures and community cohesion	
Relocated communities (if known) *	High social acceptance to the host communities; availability of long-term job opportunities	Limited livelihoods options; mixed groups of relocated communities	Mixed groups of relocated communities; limited livelihoods options; low social acceptance to the host communities; low income families; high proportion of vulnerable groups (i.e. elderly, children, people with disabilities); social change or impacts on social structures and community cohesion	
Land acquisition	In-situ construction and zero land acquisition	Construction works (including relocation of public facilities) will take place in public land and may cause temporary access restrictions to land and natural resources amongst host communities	Construction works require land acquisition of more than 10 percent of private land plots and/or cause restrictions of access or use of land and natural resources	
Involuntary resettlement	No involuntary resettlement or economic displacement risks as a result of sub-project activities	Sub-project activities may lead to change in land use and access that may lead to economic displacement	Sub-project activities involve physical works that will require resettlement of people (either formal owners or informal users) and change in land use and access that may lead to economic displacement of the previous land users and/or claimants	
Labour	Small size of workforce (less than 50 people) will be needed for construction and operation. Mixed workforce (local and/or external) will be employed.	Medium size of workforce (between 50 and 100 people at a site at a time) will be needed for construction and operation. Mixed workforce (local and/or external) will be employed.	A large workforce (more than 100 people <sup>4</sup> at a site at a time) will be needed for construction and operation. Mixed workforce (local and/or external) will be employed.	
Indigenous Peoples	No indigenous population	Dispersed and mixed indigenous populations; highly acculturated indigenous populations	Indigenous territories and/or lands; presence of vulnerable indigenous peoples. Sub-project activities lead to restrictions in access to customary areas	

<sup>4</sup> Reference to the category of the size of workforce can be found in the Ministerial Regulation No. 05/PRT/M/2014

Issues	Risk Levels			Rating
	Low	Medium	High	
			and/or access to land uses/legally protected areas.	
Cultural heritage	No sensitive cultural, historical, or sensitive areas	Construction works, and transport of construction materials may have some temporary impacts on sensitive cultural sites	The site is located adjacent to a sensitive cultural site (e.g. village, historical or archaeological or culturally significant site, conservation reserve	
Legal aspects	No contesting claims and/or by other parties, including communities, legal transfer has been completed	Legal transfer is not yet complete, previous owners/claimants still utilize the land	Legal transfer is not yet complete/has not commenced, unsettled claims and/or conflicts	

## B Environmental and Social Management

Once the sites have been approved based on the initial screening process, identification of required management plans as well as further analyses and consultations prior and during construction works. The following provides general parameters for the management of environmental and social aspects of the project as well as required indicators that will need to be assessed during project implementation.

ACTIVITY	PARAMETER	MITIGATION MEASURES CHECKLIST	REFERENCES	TIMELINE (IF REQUIRED)
1. Labor and General Conditions	Notification and Worker Safety	(a) The local construction and environment inspectorates and communities have been notified of upcoming activities. (b) The public has been notified of the works through appropriate notification in the media and/or at publicly accessible sites (including the site of the works). (c) All legally required permits have been acquired for construction and/or rehabilitation and reconstruction. (d) The Contractor formally agrees that all work will be carried out in a safe and disciplined manner designed to minimize impacts on neighboring residents and environment. (e) Workers' PPE will comply with international good practice (always hardhats, as needed masks and safety glasses, harnesses and safety boots). (f) Appropriate signposting of the sites will inform workers of key rules and regulations to follow.	a) Contractor ESMP (C-ESMP) template b) LMP	
2. General Rehabilitation and/or Construction Activities	Air Quality	(a) During interior demolition debris-chutes shall be used above the first floor. (b) Demolition debris shall be kept in controlled area and sprayed with water mist to reduce debris dust. (c) During pneumatic drilling/wall destruction dust shall be suppressed by ongoing water spraying and/or installing dust screen enclosures at site. (d) The surrounding environment (sidewalks, roads) shall be kept free of debris to minimize dust. (e) There will be no open burning of construction/waste material at the site. (f) There will be no excessive idling of construction vehicles at sites.	(a) C-ESMP template	
	Noise	(a) Construction noise will be limited to restricted times agreed to in the permit. (b) During operations the engine covers of generators, air compressors and other powered mechanical equipment shall be closed, and equipment placed as far away from residential areas as possible.	(a) C-ESMP template	
	Water Quality	(a) The site will establish appropriate erosion and sediment control measures such as e.g. hay bales and/or silt fences to prevent sediment from moving off site and causing excessive turbidity in nearby streams and rivers.	(a) C-ESMP template	
	Waste Management	(a) Waste collection and disposal pathways and sites will be identified for all major waste types expected from demolition and construction activities.	(a) C-ESMP template	

		<ul style="list-style-type: none"> <li>(b) Mineral construction and demolition wastes will be separated from general refuse, organic, liquid and chemical wastes by on-site sorting and stored in appropriate containers.</li> <li>(c) Construction waste will be collected and disposed properly by licensed collectors.</li> <li>(d) The records of waste disposal will be maintained as proof for proper management as designed.</li> <li>(e) Whenever feasible the contractor will reuse and recycle appropriate and viable materials (except asbestos).</li> </ul>		
3. Individual wastewater treatment system	Water Quality	<ul style="list-style-type: none"> <li>(a) The approach to handling sanitary wastes and wastewater from building sites (installation or reconstruction) must be approved by the respective environmental agencies (DLH).</li> <li>(b) Before being discharged into receiving waters, effluents from individual wastewater systems must be treated in order to meet the minimal quality criteria set out by national guidelines on effluent quality and wastewater treatment.</li> <li>(c) Monitoring of new wastewater systems (before/after) will be carried out.</li> <li>(d) Construction vehicles and machinery will be washed only in designated areas where runoff will not pollute natural surface water bodies.</li> </ul>	(a) C-ESMP template	
4. Historic building(s)	Cultural Heritage	<ul style="list-style-type: none"> <li>(a) If the building is a designated historic structure, very close to such a structure, or located in a designated historic district, notification shall be made, and approvals/permits be obtained from respective government agencies (Education and Culture Agencies) and all construction activities planned and carried out in line with local and national legislation.</li> <li>(b) It shall be ensured that provisions are put in place so that artifacts or other possible "chance finds" encountered in excavation or construction are noted and registered, responsible officials contacted, and works activities delayed or modified to account for such finds.</li> </ul>	<ul style="list-style-type: none"> <li>(a) C-ESMP template</li> <li>(b) Chance Finds Protocols</li> </ul>	
5. Acquisition of land	Land Acquisition Plan/Framework	<ul style="list-style-type: none"> <li>(a) If expropriation of land was not expected but is required, or if loss of access to income of legal or illegal users of land was not expected but may occur, that the Bank's Task Team Leader shall be immediately consulted.</li> <li>(b) The approved Land Acquisition Plan/Framework (if required by the project) will be implemented.</li> </ul>	(a) Guideline for Land Acquisition and Relocation Planning	
6. Relocation of disaster affected people	Relocation and Settlement Plan	<ul style="list-style-type: none"> <li>(a) The approved Relocation and Settlement Plan will be implemented.</li> <li>(b) Target households have been consulted and expressed their preferences with regards to the location.</li> <li>(c) Target households received moving assistance and livelihoods restoration support as per the approved relocation and settlement plan.</li> <li>(d) Target households move to the allocated housing unit on schedule.</li> <li>(e) Satisfaction levels amongst target households pre- and post-relocation.</li> </ul>	(a) Guideline for Land Acquisition and Relocation Planning	
7. Toxic Materials	Asbestos management	<ul style="list-style-type: none"> <li>(a) If asbestos is located on the project site, it shall be marked clearly as hazardous material. An asbestos specialist will be engaged to provide asbestos removal management and oversight</li> <li>(b) When possible, the asbestos will be appropriately contained and sealed to minimize exposure.</li> </ul>	(a) C-ESMP template	

		<p>(c) The asbestos prior to removal (if removal is necessary) will be treated with a wetting agent to minimize asbestos dust.</p> <p>(d) Asbestos will be handled and disposed by skilled &amp; experienced professionals.</p> <p>(e) If asbestos material is being stored temporarily, the wastes should be securely enclosed inside closed containments and marked appropriately. Security measures will be taken against unauthorized removal from the site.</p> <p>(f) The removed asbestos will not be reused.</p> <p>(g) Hazardous wastes will not be disposed at a general/domestic waste landfill. In accordance with the GoI regulations, hazardous wastes will be collected at a licensed temporary storage facility onsite and transported by a certified third party for final disposal at a licensed facility in West Java (PPLI facility). Based on the Central Sulawesi Provincial Environmental Agency, PT Caris Perkasa was recommended to provide such services.</p>		
	Toxic/hazardous waste management	<p>(a) Temporary storage on site of all hazardous or toxic substances will be in safe containers labeled with details of composition, properties and handling information. A permit is required in accordance with the national regulation.</p> <p>(b) The containers of hazardous substances shall be placed in a leak-proof container to prevent spillage and leaching.</p> <p>(c) The wastes shall be transported by specially licensed carriers and disposed in a licensed facility.</p> <p>(d) Paints with toxic ingredients or solvents or lead-based paints will not be used.</p> <p>(e) Hazardous wastes will not be disposed at a general/domestic waste landfill. A licensed service provider will be contracted for safe collection and disposal at a designated facilities (i.e. PPLI in West Java).</p>	(a) C-ESMP template	
8. Affected forests, wetlands and/or protected areas	Protection	<p>(a) All recognized natural habitats, wetlands and protected areas in the immediate vicinity of the activity will not be damaged or exploited, all staff will be strictly prohibited from hunting, foraging, logging or other damaging activities.</p> <p>(b) A survey and an inventory shall be made of large trees in the vicinity of the construction activity, large trees shall be marked and cordoned off with fencing, their root system protected, and any damage to the trees avoided.</p> <p>(c) Adjacent wetlands and streams shall be protected from construction site run-off with appropriate erosion and sediment control feature to include by not limited to hay bales and silt fences.</p> <p>(d) There will be no unlicensed borrow pits, quarries or waste dumps in adjacent areas, especially not in protected areas.</p>	(a) C-ESMP template	
9. Disposal of medical waste	Infrastructure for medical waste management	<p>(a) In compliance with national regulations the contractor will ensure that newly constructed and/or rehabilitated health care facilities include sufficient infrastructure for medical waste handling and disposal. This includes and not limited to:</p> <ul style="list-style-type: none"> <li>▪ Special facilities for segregated healthcare waste (including soiled instruments "sharps", and human tissue or fluids) from other waste disposal; and</li> <li>▪ Appropriate storage facilities for medical waste are in place; and</li> </ul>	(a) C-ESMP template	

		<ul style="list-style-type: none"> <li>If the activity includes facility-based treatment, appropriate disposal options are in place and operational.</li> </ul>		
10. Traffic and Pedestrian Safety	Direct or indirect hazards to public traffic and pedestrians by construction activities	<p>(a) In compliance with national regulations the contractor will ensure that the construction site is properly secured, and construction related traffic regulated. This includes but is not limited to:</p> <ul style="list-style-type: none"> <li>Signposting, warning signs, barriers and traffic diversions: site will be clearly visible, and the public warned of all potential hazards.</li> <li>Traffic management system and staff training, especially for site access and near-site heavy traffic. Provision of safe passages and crossings for pedestrians where construction traffic interferes.</li> <li>Adjustment of working hours to local traffic patterns, e.g. avoiding major transport activities during rush hours or times of livestock movement.</li> <li>Active traffic management by trained and visible staff at the site, if required for safe and convenient passage for the public.</li> <li>Ensuring safe and continuous access to office facilities, shops and residences during renovation activities, if the buildings stay open for the public.</li> </ul>	(a) IPPF/IPP	
11. Indigenous Peoples	Direct and Indirect Impacts on Indigenous Peoples	<p>(a) In line with the IPPF, the project implementers are required to:</p> <ul style="list-style-type: none"> <li>Screen the presence of Indigenous Peoples in the project areas and the broader footprints where risks are envisaged (i.e. water supply);</li> <li>If Indigenous Peoples, development of an Indigenous Peoples Plan (IPP) or Community Development Plan (CDP) which outlines consultation and engagement processes, impact avoidance and reduction measures;</li> <li>Implementation of an IPP as well as the quality of engagement; and</li> <li>Implementation of grievance management, including accessibility and reliability.</li> </ul>	(b) C-ESMP template (traffic management)	

## **CERTIFICATION**

We certify that we have thoroughly examined all the potential adverse effects of this subproject. To the best of our knowledge, the subproject plan as described in the application and associated environmental and social management measures, if any, will be adequate to avoid or minimize all adverse environmental and social impacts.

Consultants (signature) : .....

PMU/NMC representatives (signature) : .....

Date : .....



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Desk Appraisal by Review Authority (NMC):

- ☐ The subproject can be considered for approval. The application is complete, all significant environmental and social issues are resolved, and no further subproject planning is required.
- ☐ Further assessment/field appraisal is required.

Note: Further assessment/field appraisal must be carried out if the subproject:

- a) Needs to acquire land, or an individual or community's access to land or available resources is restricted or lost, or any individual or family is displaced.
- b) Relocation of post-disaster displaced households (refer to the Relocation and Settlement Planning Guideline).
- c) May restrict land use and natural resources and result in economic displacement.
- d) May affect a protected area or a critical natural habitat.
- e) Is not equipped with relevant environmental permits through AMDAL and/or UKL/UPL processes or if there are gaps in the environmental and social analysis as provided in the AMDAL and/or UKL/UPL documents.
- f) May encroach onto an important natural habitat or have an impact on ecologically sensitive ecosystems (e.g. rivers, streams, wetlands).
- g) May affect Indigenous Peoples.
- h) Involves, or results in: a) diversion or use of surface waters; b) construction or rehabilitation of latrines, septic or sewage systems; c) construction of hospitals, with their medical waste; d) relocation of existing facilities; e) major construction (with construction workers above 100 workers or construction value above 100 billion IDR)

The following issues need to be clarified at the subproject site:

.....  
 .....  
 .....  
 .....  
 .....

Name of desk appraisal officer : .....

Signature : .....

Date : .....

## Appendix 4: Disaster Risk Assessment Tool

The instrument for Disaster Risk Management (DRM) in this project uses formula below:

$$\text{Disaster Risk} = (\text{Hazard} \times \text{Vulnerability}) / \text{Capacity}$$

The tables below are provided as an example for DRM forms:

- **Table 1.** Hazard Index
- **Table 2.** Social Vulnerability Index
- **Table 3.** Capacity Index
- **Table 4.** Risk Level Measurement
- **Table 5.** Mitigation Scenario Template

**Table 1: Example of Hazard Index**

Hazard	Component to measure Hazard	Index			Scoring	Reference
		Low	Medium	High		
Flood	<ul style="list-style-type: none"> <li>Flood zone map (validated by incident data)</li> </ul>	< 1 m	1–3 m	>1 m	100%	Manual of MPWH, BMKG, and Bakorsurtanal
Earthquake	<ul style="list-style-type: none"> <li>Earthquake map</li> <li>Earthquake zone map 2010 (validated by incident data)</li> </ul>	pga value <0.25	pga value 0.25 – 0.7	pga value >0.7	100%	National Geology Board - ESDM
Tsunami	<ul style="list-style-type: none"> <li>Estimated inundated level map</li> <li>Tsunami map</li> </ul>	< 1 m	a. 1–3 m	>1 m	100%	National Geology Board – ESDM & BMKG
Landslide	Land movement area map (validated by incident data)	Zone of low movement area	Zone of medium movement area	Zone of high movement area	100%	National Geology Board – ESDM
Liquefaction	Geotechnical testing					
Drought						
Other hazards						

**Table 2: Example of Social Vulnerability Index**

Type of Hazard	Social Vulnerability					Eco & Infra Vulnerability					Total Scoring
	Component	Index			Scoring	Component	Index			Scoring	
		Low	Medium	High			Low	Medium	High		
Flood	Density of population					Productive Land					
	Vulnerable Group					Infrastructure:					
	• Ratio by sex					• Housing					
	• Ratio of difable people					• Public Facility*					
	• Ratio by age					• Social Facility					
Earthquake	Density of population					Productive Land					
	Vulnerable Group					Infrastructure:					
	• Ratio by sex					• Housing					
	• Ratio of difable people					• Public Facility*					
	• Ratio by age					• Social Facility					
Tsunami	Density of population					Productive Land					
	Vulnerable Group					Infrastructure:					
	• Ratio by sex					• Housing					
	• Ratio of difable people					• Public Facility*					
	• Ratio by age					• Social Facility					
Landslide	Density of population					Productive Land					
	Vulnerable Group					Infrastructure:					
	• Ratio by sex					• Housing					
	• Ratio of difable people					• Public Facility*					
	• Ratio by age					• Social Facility					
Fire in settlement area	Density of population					Productive Land					
	Vulnerable Group					Infrastructure:					
	• Ratio by sex					• Housing					
	• Ratio of difable people					• Public Facility*					
	• Ratio by age					• Social Facility					
Drought	Density of population					Productive Land					
	Vulnerable Group					Infrastructure:					
	• Ratio by sex					• Housing					
	• Ratio of difable people					• Public Facility*					
	• Ratio by age					• Social Facility					
Other hazard	Density of population					Productive Land					
	Vulnerable Group					Infrastructure:					
	• Ratio by sex					• Housing					
	• Ratio of difable people					• Public Facility*					
	• Ratio by age					• Social Facility					

\*Public Facility including water supply, sanitation, solid waste, drainage, fire prevention, sewerage

**Table 3: Example of Capacity Index**

Type of Hazard	Measured Component	Index			Scoring	Reference
		Low	Medium	High		
All hazards	Rules and institutions	Low Endurance / Coping capacity	Medium Endurance / Coping capacity	High Endurance / Coping capacity		
	Financial resources for DRM					
	Early warning system and evacuation routes and sites					
	Trained volunteers and social groups					
	Awareness of preparedness has been generated at all level					

**Table 4: Example of Risk Level Measurement**

Type of Hazard	Location	Index Level			Level of Risk
		Hazard	Vulnerability	Capacity	
Flood					
Earthquake					
Landslide					
Fire in settlement area					
Liquefaction					
Drought					
Other hazards					

Based on the Risk Level Measurement Index, the mitigation scenario will be formulated and integrated in site planning and DED. Relevant independent experts will be mobilized by the PIUs/NMC/TMC based on disaster risk levels to review the site plan and DED as well as supervise construction implementation.

**Table 5: Mitigation Scenario Template**

Hazard	Infrastructure potentially impacted by disaster	Mitigation scenario
Flood	<ul style="list-style-type: none"> <li>• <i>housing:</i></li> <li>• <i>water supply:</i></li> <li>• <i>sanitation:</i></li> <li>• <i>solid waste:</i></li> <li>• <i>drainage:</i></li> <li>• <i>sewerage:</i></li> <li>• <i>fire prevention:</i></li> </ul>	
Earthquake		
Landslide		
Fire in settlement area		
Drought		
Other hazards		

## Appendix 5: Content for ANDAL (ESIA), UKL-UPL & RKL-RPL (ESMP) and SPPL Acceptable to the Bank

The following matrices provide the outlines for the ANDAL (ESIA), RKL-RPL and UKL-UPL (ESMP) and SPPL that are acceptable to the Bank. These outlines build upon the GoI requirements specified by the national regulations.<sup>5</sup>

### ANDAL (ESIA) outline acceptable to the Bank:

ANDAL outline (GoI requirements)	ANDAL outline acceptable to the Bank (incorporating ANDAL and ESS 1 requirements)
Introduction: summary of the business and/or activity plan, hypothetical significant impact, limits of study area and study time limit based on scoping in the terms of reference (including any available alternatives).	Refer to ANDAL and add: <ul style="list-style-type: none"> <li>- Executing Summary prior to the introduction section</li> <li>- Legal and institutional framework in the introduction section</li> </ul>
Detailed description of the initial environmental setting (baseline data): contains a description of the environmental setting in detail at the proposed business and/or activity location which consists of: environmental components affected by significant impact caused by proposed activities, businesses and/or activities around the proposed activity location	Refer to ANDAL and add: <ul style="list-style-type: none"> <li>- Discussion on accuracy, quality, reliability, sources of data, key data gaps, and any uncertainties</li> <li>- Description of current and future developments in and around the project area</li> <li>- Description of natural, modified and critical habitats, protected areas and key species in the area</li> <li>- Analysis of alternatives: systematically compares feasible alternatives to the proposed project site, technology, design and operation including the without project situation, quantifies the environmental and social impacts for each alternative, and assessment of alternatives feasibility of mitigating environmental and social impacts</li> <li>- Design measures or basis of design: basis for selecting the particular project design</li> <li>- Reference to any relevant legal and administrative frameworks such as international environmental treaties/agreement/standards/policies</li> </ul>
Hypothetical significant impact: produce information on the scale and characteristic of significant impact for each hypothetical significant impact that was studied Holistic evaluation of environmental impact: describe the result of evaluation of the relationship and interaction between hypothetical significant impacts to determine the	Refer ANDAL and add: <ul style="list-style-type: none"> <li>- Information on valued environmental components</li> <li>- Assessment of indirect and cumulative impacts</li> <li>- Assessment of impacts from associated facilities<sup>6</sup></li> <li>- Assessment of any foreseen residual impacts</li> </ul>

<sup>5</sup> An AMDAL package comprises of the ANDAL (ESIA) and RKL-RPL (ESMP) documents, while a UKL-UPL package contains a summary of activities and potential impacts, and an ESMP.

<sup>6</sup> Associated facilities are facilities or activities that are not funded as part of the project and, in the judgment of the Bank, are: (a) directly and significantly related to the project; (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed or expanded if the project did not exist.

<b>ANDAL outline (Gol requirements)</b>	<b>ANDAL outline acceptable to the Bank (incorporating ANDAL and ESS 1 requirements)</b>
characteristic of the total environmental impact caused by the proposed business and/or activity	
Bibliography/references: important data and information which must be supported by updated literature which is listed in a bibliography using standard bibliographical format.	Refer ANDAL, no additions required.
Appendix: Terms of Reference Agreement or Terms of Reference Administrative Completeness Statement, records of consultations, detailed data and information on the environmental setting (tables, graphs, and photos of the environment if needed), summary of basic theories, assumptions, procedures, processes, and calculations used to forecast impact, summary of theories, assumptions, procedures, processes, and calculations used to holistically evaluate environmental impact, other relevant data and information, laboratory data/results.	Refer ANDAL, no additions required.

#### **A RKL-RPL (ESMP) outline acceptable to the Bank:**

<b>RKL-RPL outline (Gol requirements)</b>	<b>RKL-RPL outline acceptable to the Bank (incorporating RKL-RPL and ESS1 requirements)</b>
Introduction: RKL-RPL implementation objective in general and clear statement. This statement must be systematically, simple and clear.	Refer RKL-RPL, no additions required.
Environmental Management Plan (RKL): describe the forms of environmental management to avoiding, preventing, minimizing and/or controlling the negative impact and improving positive impact, implementation schedules, duration/period, responsible party to implement the action, reporting/enforcement party	Refer RKL-RPL and add: <ul style="list-style-type: none"> <li>- Grievance handling action</li> <li>- Cost estimates <b>for</b> each management action and sources of funds</li> <li>- Capacity building and training plans <b>for</b> project owner and contractors</li> <li>- Institutional arrangements</li> </ul>
Environmental monitoring plan (RPL): describe the monitoring plan in matrix or table form for caused impact, implementation schedules, duration/period, responsible party to implement the action, reporting/enforcement party	Refer RKL-RPL and add: <ul style="list-style-type: none"> <li>- Grievance monitoring</li> <li>- Cost estimates for each monitoring action</li> <li>- Monitoring on capacity building and training</li> </ul> Institutional arrangements
Number and types of required environmental protection and monitoring permits (PPLH): in the case of proposed business and/or activities required PPLH permit, accordingly describe identification and formulation of required number and types of environmental permit list and environmental management based on environmental management plan.	Refer RKL-RPL, no additions required.

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<b>RKL-RPL outline (Gol requirements)</b>	<b>RKL-RPL outline acceptable to the Bank (incorporating RKL-RPL and ESS1 requirements)</b>
Statement of proponent's commitment to conduct provisions in RKL-RPL: consist of proponent's statement to conduct RKL-RPL signed in stamped paper.	Refer RKL-RPL, no additions required.
Bibliography: in this part, informs data source and information used for RKL-RPL development, either books, magazine, essay or scientific researches report. All literatures must be written accordingly to literature writing guidance.	Refer RKL-RPL, no additions required.
Appendix: significant and relevant data and information	Refer RKL-RPL, no additions required.

## **B UKL-UPL (ESMP) outline acceptable to the Bank:**

<b>UKL-UPL outline (Gol requirements)</b>	<b>UKL-UPL outline acceptable to the Bank (incorporating UKL-UPL and ESS1 requirements)</b>
Identity of Initiator: Initiator name, business address, postal code, telephone number, fax number and email	Refer UKL-UPL, no additions required.
Project description/business activity plan: name of project/business activity, map that is built in accordance with cartography rules and/or an adequate illustration of the location, scale/size of project/business activity, outline of components of the project/business activity	Refer UKL-UPL and add: <ul style="list-style-type: none"> <li>- Description of environmental setting at the project site</li> <li>- Summary of alternative sites, technology considered</li> <li>- Summary of current and future developments</li> </ul> Basis of design for the project
Environmental impact and environmental management and monitoring plan/effort matrix: source of impact, type of impact, scale of impact, environmental management (activity, location, and duration/timing), environmental monitoring (activity, location, duration/timing), institution/person in charge, remarks.	Refer UKL-UPL and add: <ul style="list-style-type: none"> <li>- Assessment of indirect and cumulative impacts</li> <li>- Assessment of impacts from associated facilities</li> <li>- Grievance handling action</li> <li>- Cost estimates for each management and monitoring action and sources of funds</li> <li>- Capacity building and training plans for project owner and contractors</li> </ul> Institutional arrangements
Statement of assurance for UKL-UPL implementation	Refer UKL-UPL, no additions required.

**Format for the “Statement of Commitment to Implement Environmental Management and Monitoring” (SPPL)**

*(For activity plan not requiring any UKL/UPL – based on the Regulation of the Minister of Environment No. 16/2012)*

We, the undersigned below

Name :  
Job position :  
Address :  
Ph Number :

As party in charge of the environmental management of:

Name of Company/Business :  
Address Company/Business :  
Ph Number of the company :  
Type of business :  
Production capacity :  
Permit already obtained :  
Purpose :  
Amount of capital :

Hereinafter, we confirm that we are capable and committed to **implementing the action plans on Environmental and Social Codes of Practices (ESCOPs) attached to this SPPL.**

This SPPL shall be effective from the date of its issuance, up to the completion of our business and/or project activity. If the project undergoes any change of location, design, process, type of raw materials and/or supporting materials, this SPPL must be revised.

Date, Month, Year

Stamp duty of Rp,  
6.000,- Signature  
Company seal

(Name/NIP)

Registry number from the local environment agency	
Date	
Receiver	



**Attachment to the SPPL: Environmental and Social Codes of Practices (ESCOP).**

Issue	Management		Monitoring		
	Management and Mitigation Measures	Responsibility	Method	Frequency	Responsibility
<b>Vegetation</b> Vegetation (grass and small shrubs) clearance required for campsite area	Vegetation clearance will be minimised to areas required for project facilities.	Contractor – Site Engineer	Site inspections	Weekly	Contractor - EHS Superintendent
	Progressively rehabilitate disturbed areas. Maintain and reapply until vegetation is successfully established.	Contractor – Site Engineer	Site inspections	Weekly	Contractor - EHS Superintendent
<b>Erosion and Sediment Transportation</b> Sediment and erosion generated from small-scale construction activities including site clearing, earth works for establishment of foundation for infrastructure	Schedule construction to minimise areas of soil disturbance during wet seasons.	Contractor – Site Engineer	Site inspections	Weekly	Contractor - EHS Superintendent
	Keep topsoil clearing and earthworks to the minimum required for project facilities, clearly demarcate ground disturbance areas and ensure works are confined to these areas.	Contractor – Site Engineer	Site inspections	Weekly	Contractor - EHS Superintendent
	Conserve topsoil with its leaf litter and organic matter and dispose of spoil, in pre-defined stockpile or disposal locations (i.e. away from slopes and erosion prone areas and areas that drain into sensitive waterways) and prevent exposure to storm water run-off and wind induced transportation.	Contractor – Site Engineer	Site inspections	Weekly	Contractor - EHS Superintendent
	Contain or isolate construction areas from other surface runoff through the use of diversion drains (e.g. around foundation sites) and place geotextile silt traps at drainage ditches and around materials stockpiles	Contractor – Site Engineer	Site inspections	Weekly	Contractor - EHS Superintendent
<b>Water Quality</b> Adverse impacts on downstream surface water quality (sediment transport, brine/saline water and hydrocarbons).	Eliminate potential sources of pollution around construction site (hydrocarbons, solvents, paints etc).	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Water quality issues/concerns of the community monitored through consultation and the project GRM and resolved accordingly.	Contractor - CLO	Community consultations and GRM review	Monthly	Contractor - EHS Superintendent
	Water quality levels in receiving waterways will not exceed ambient quality standards outlined in GoI guidelines and/or the EPA Water Quality Tables, whichever is more stringent	Contractor – Site Engineer/supervisor	Water quality monitoring	As required	Contractor - EHS Superintendent

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Issue	Management		Monitoring		
	Management and Mitigation Measures	Responsibility	Method	Frequency	Responsibility
	( <a href="https://www.epa.gov/wqc">https://www.epa.gov/wqc</a> ). Where a significant concern is raised, and potential issue is identified, monitoring will be undertaken.				
<b>Noise and Vibration</b> Nuisance level noise and vibration generated by intermittent operation of plant and equipment. Sensitive areas include hospital, schools, residential areas and offices.	Restrictions on construction hours: 0700 to 1700 on weekdays, 0800 to 1300 on Saturday and no works on Sundays or public holidays	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Regularly consult with authorities and management of hospital, schools, religious places on construction schedule and use of noisy plant and equipment.	Contractor - CLO	Records of consultation	Monthly	Contractor - EHS Superintendent
	Regular toolbox talks with workers to ensure noise is kept to a minimum	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Ensure all plant and equipment has appropriate devices and is maintained/serviced to minimise noise levels during operation.	Contractor – Site Engineer/supervisor	Equipment inspection and maintenance records	Monthly	Contractor - EHS Superintendent
	Use noise generating plant and equipment only as required. Turn off if not in use.	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Noise and vibration issues/concerns of the community monitored through consultation and the project GRM and resolved accordingly.	Contractor - CLO	Community consultations and GRM review	Monthly	Contractor - EHS Superintendent
	Noise and vibration levels in receiving environment will not exceed standards outlined in the Gol guidelines. Where a significant concern is raised, and potential issue is identified, monitoring will be undertaken.	Contractor – Site Engineer/supervisor	Noise and vibration monitoring	As required	Contractor - EHS Superintendent
<b>Air quality</b> Fumes and fugitive dust generated by operation of plant	All operating plant will be maintained to ensure exhaust emissions are not offensive.	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent

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Issue	Management		Monitoring		
	Management and Mitigation Measures	Responsibility	Method	Frequency	Responsibility
and equipment and ground disturbance works. Sensitive areas include hospital, schools, market, religious places, residential areas and offices.	Manage fugitive dust near sensitive receptors (particularly schools, hospital, market, religious places) including avoiding conduct of dust generating activities in windy conditions, spraying exposed areas (earth works, stockpiles, roads, trucks carrying spoil)	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Air quality issues/concerns of the community monitored through consultation and the project GRM and resolved accordingly.	Contractor – CLO	Community consultations and GRM review	Monthly	Contractor - EHS Superintendent
	Ambient air quality levels in receiving environment will not exceed standards outlined in the Gol guidelines. Where a significant concern is raised, and potential issue is identified, monitoring will be undertaken.	Contractor – Site Engineer/supervisor	Noise and vibration monitoring	As required	Contractor - EHS Superintendent
<b>Solid Waste and Wastewater Management</b> Small quantities of general waste (plastics, paper etc.) generated at construction sites and camp. Small quantities of liquid waste (grey water and sanitary waste) generated at camp.	Minimise general waste through reduction, reuse, recycling and composting.	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Prior to removal from site, segregate and store all waste in suitable areas to prevent hazards such as fires, vermin or standing water/vector breeding.	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Dispose of general waste at an approved and designated municipal landfill site.	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Permanent septic treatment system for project workforce shall be established at the campsite and regularly maintained.	Contractor – Site Engineer/supervisor	Site inspection	Once-off and monthly	Contractor - EHS Superintendent
	Grey water filtration system shall be established at the camp site and regularly maintained.	Contractor – Site Engineer/supervisor	Site inspection	Once-off and monthly	Contractor - EHS Superintendent
<b>Hazardous Materials Transport, Storage and Waste Management</b>	Transportation of hazardous materials and waste to be conducted by a certified third-party waste collector.	Contractor – Site Engineer/supervisor	Certification records	As required	Contractor - EHS Superintendent
	All hazardous materials storage installations, including temporary facilities, will be designed, constructed and maintained for secondary containment. Secondary containment facilities will have the capacity	Contractor – Site Engineer/supervisor	Site inspection	Monthly	Contractor - EHS Superintendent

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Issue	Management		Monitoring		
	Management and Mitigation Measures	Responsibility	Method	Frequency	Responsibility
<p>Fuel and oil will be collected and disposed by third party certified waste collector.</p> <p>Workshop and laydown area at campsite generating hazardous waste oils, oil filters, tyres etc. Some maintenance will occur offsite.</p>	to hold a minimum of 110 percent of the volume of the largest tank in the containment area.				
	Workers trained to manage hazardous materials, meet compliance with regulatory requirements, apply proper use of PPE, and understand emergency response and preparedness planning.	Contractor – Site Engineer/supervisor	Training records	Monthly	Contractor - EHS Superintendent
	Hazardous Materials / Waste Register and Materials Safety Data Sheets (MSDS) will be maintained in Indonesian languages in all hazardous materials / waste storage areas.	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Spill kits shall be located at fuel/oil storage sites and on mobile service vehicle. Any spills shall be cleaned up immediately and contaminated materials disposed of properly.	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Hazardous waste (i.e. waste oil, oily rags, spent oil filters, solvents and oily containers) will be stored in watertight receptacles and disposed of in licensed off-site facilities	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor - EHS Superintendent
	Findings of Asbestos Containing Materials: report to Contractor Project Manager and PIU. No physical work on the buildings will be done until suspected asbestos has been sampled, the results known, and asbestos removed. The site containing suspected asbestos shall be clearly marked. An Asbestos Specialist will be engaged to implement an Asbestos handling strategy.	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor – Project Manager/Director
<p><b>Worker Health and Safety</b></p> <p>Physical hazards associated with operation of equipment, open trenches, movement of materials with potential for serious injury or death.</p>	Worker/Occupational Health and Safety Risk Assessment	Contractor – EHS Superintendent	HIRA or similar method	Once-off	Contractor – OHS Manager
	Worker/Occupational Health and Safety (OHS) Plan to be developed based on OHS Risk Assessment and implemented.	Contractor – EHS Superintendent	Approved Plan	Once-off	Contractor – OHS Manager
	Site induction covering OHS issues provided to all people who will enter project sites.	Contractor – EHS Superintendent	Site induction records	Monthly	Contractor – OHS Manager
	OHS training for all workers and before new activities commence, and competency assessments for skilled workers (i.e. plant operators)	Contractor – EHS Superintendent	Training and competency records	Monthly	Contractor – OHS Manager

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Issue	Management		Monitoring		
	Management and Mitigation Measures	Responsibility	Method	Frequency	Responsibility
	OHS issues regularly discussed during toolbox talks	Contractor – EHS Superintendent	Site observation	Weekly	Contractor – OHS Manager
	All workers provided with personal protective equipment (PPE) (i.e. hard hats, safety boots and high-visibility vests) appropriate to the hazards associated with activities/tasks they are performing.	Contractor – EHS Superintendent	Site observation	Weekly	Contractor – OHS Manager
	Safety signage shall be provided at all locations outlining site specific hazards.	Contractor – EHS Superintendent	Site observation	Weekly	Contractor – OHS Manager
	OHS incidents (including near misses) reported as per the contractor's incident reporting procedure, with notification to the Project Implementation Unit	Contractor – EHS Superintendent	Incident reports and management	As required	Contractor – Director
	Work related injury and safety statistics monitoring and reporting to Project Implementation Unit	Contractor – EHS Superintendent	Safety reports	Monthly	Contractor – OHS Manager
<b>Transportation and Traffic Management</b> Potential traffic hazards associated with operation of equipment, open trenches, movement of materials with potential for injury or death	Traffic Management protocol to be developed and implemented	Contractor – EHS Superintendent	Approved Plan	Once-off	Contractor – OHS Manager
	<ul style="list-style-type: none"> <li>Construction equipment not left in dangerous location overnight or when not in use;</li> <li>Appropriate traffic control signs (Stop/Go) to direct traffic held by signallers;</li> <li>Reposition of barriers if working on road and restrict to one lane where appropriate;</li> <li>Walkway to be arranged opposite to work zone with signage for public usage.</li> </ul>	Contractor – EHS Superintendent	Approved Plan	Weekly	Contractor – OHS Manager
<b>Community Unrest/ Site Security</b> Community unrest – general or project related heightens safety risks for contractor workers and property	Security Plan to be developed and implemented	Contractor – EHS Superintendent	Approved Plan	Once-off	Contractor – OHS Manager
	Ensure camp is secured by adequate security lighting and with guards. All equipment and containers locked down and ensure all contractors workers and property are secured	Contractor – EHS Superintendent	Approved Plan	Weekly and daily if issue arises	Contractor – OHS Manager
<b>Land, Property Damages/ Compensation</b>	Land for major infrastructure secured by Implementing Agency prior to Project construction	Implementing Agency	Land approvals sighted –	Once-off	Implementing agency – Project Manager

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Issue	Management		Monitoring		
	Management and Mitigation Measures	Responsibility	Method	Frequency	Responsibility
All works to be conducted on project owned land that is clean and clear.			clean and clear		
	Identify potentially affected assets in consultation with owners and address any claims for damages/compensation prior to works begin.	Contractor – CLO	Signed agreements and payment receipts sighted	As required	Contractor – EHS Superintendent
	Monitor any property damage related issues through the project GRM	Contractor – CLO	GRM	Monthly	Contractor – EHS Superintendent
<b>Property Access</b> Construction works may restrict access and mobility	Community is consulted about the construction schedule and when there is potential impact on access and mobility	Contractor – Site Engineer/supervisor	Consultation records	Quarterly	Contractor – EHS Superintendent
	Property owners are consulted at least 24 hours before works commence, of which causes potential impact on access and mobility	Contractor – Site Engineer/supervisor	Consultation records	Monthly	Contractor – EHS Superintendent
	Works supervisor will maintain regular contact with property owners and manage any access issues as they may arise.	Contractor – Site Engineer/supervisor	Consultation records / GRM	Monthly	Contractor – EHS Superintendent
<b>Public health and safety</b> Health and safety hazards for public on roads and at construction sites Community health issues (i.e. AIDs/HIV, GBV, antisocial behaviour) associated with presence of outside workforce	Community and Contractor's Employees Awareness Programme to be developed and implemented.	Contractor – CLO	Approved Plan	Once-off	Contractor – EHS Superintendent
	Workers Code of Conduct setting clear rules for the behaviour of all employees, explained to and signed by all employees and regularly communicated during toolbox sessions	Contractor – EHS Superintendent	Signed Codes of Conduct; Register	As required	Contractor – OHS Manager
	Qualified service provider contracted to provide HIV/AIDS and Gender Based Violence awareness training and awareness material to workforce and community on a quarterly basis.	Qualified Service Provider	Training plans, training records; attendance records	Quarterly	Contractor – EHS Superintendent
	Safety of the general public safeguarded by notifications of upcoming construction activities, visible barriers around active worksites, appropriate signage, and traffic/pedestrian management during construction activities.	Contractor – Site Engineer/supervisor	Site inspection	Weekly	Contractor – EHS Superintendent

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Issue	Management		Monitoring		
	Management and Mitigation Measures	Responsibility	Method	Frequency	Responsibility
	Public health and safety incidents (including near misses) reported as per the contractor's incident reporting procedure.	Contractor – EHS Superintendent and CLO	Incident reports and management	As required	Contractor – Project Manager
<b>Community Labour</b> Inequitable provision of labour leads to community unrest.	Include information about employment opportunities in community consultations and utilise community leadership (including women leaders) in ensuring the equitable distribution of opportunities amongst community.	Contractor – Engineer and CLO	Consultation records/reports	Monthly	Contractor – EHS Superintendent
	Actively promote equal opportunity for women to secure employment.	Contractor – Engineer and CLO	Employment records - % of women employed/roles	Monthly	Contractor – EHS Superintendent
<b>Cultural heritage</b> No cultural heritage sites identified during assessment. Project sites are located on existing building and facilities and chance finds unlikely.	<p>If chance finds of artefacts or similar occur during earthworks the following procedures will be followed:</p> <ul style="list-style-type: none"> <li>• Notify the Contractor Project Engineer.</li> <li>• Stop the construction activities in the area of chance find;</li> <li>• Delineate the discovered site or area;</li> <li>• Secure the site to prevent any damage or loss of removable objects.</li> <li>• Notify Implementing Agency project representative who in turn will notify <i>Balai Pelestarian Cagar Budaya</i> authority (within 24hours).</li> <li>• Support further investigations and actions by the authority</li> <li>• Decision on how to handle the finding shall be taken by the local authorities. This could include changes in the layout, if the object is unremovable, for conservation, preservation, restoration and salvage.</li> </ul>	Contractor – Site Engineer/supervisor	Site inspection	As required	Contractor – EHS Superintendent
<b>Community Awareness and Grievances</b>	Community Liaison Plan developed and implemented to ensure inclusive consultation with key stakeholders during construction.	Contractor – CLO	Approved Plan	Once-off	Contractor – EHS Superintendent

ESMF - CSRRP

Issue	Management		Monitoring		
	Management and Mitigation Measures	Responsibility	Method	Frequency	Responsibility
Poor communication and/or grievances associated with the project are not properly identified and managed leading to community unrest	Conduct inclusive consultation with the government and community stakeholders at least monthly.	Contractor – CLO and Contractor Engineer	Consultation records	Monthly	Contractor – EHS Superintendent
	Establish grievance redress mechanism with clear roles and responsibilities (contractor and community), lodgement mechanism, register, resolution process and community feedback process in accordance with Implementing Agency project grievance redress mechanism.	Contractor – EHS Superintendent	Grievance register	Once-off	Contractor – Project Manager
	Conduct regular GRM awareness and information dissemination as part of regular community consultations.	Contractor – CLO	Grievance register	Weekly	Contractor – EHS Superintendent
	Record and work to resolve project related grievances in coordination with Implementing Agency	Contractor – CLO	Grievance register	Weekly	Contractor – EHS Superintendent
<b>Emergencies</b> Hazardous materials spills, fire and civil unrest	Establish and apply contractor emergency response plan specific for the project site, including Emergency Response Team, emergency phone numbers and contacts, and requirements for emergency simulation drills.	Contractor EHS Superintendent	Emergency /Incident record form	As required	Contractor – EHS Superintendent
<b>Associated Facilities</b> Potential offsite impacts on quarries and timber concessions	Construction materials such as stone, sand, aggregate and timber will only be sourced from legal sources (licensed quarries and timber concessions) operating adequate environmental management plan.	Contractor Site Engineer/Supervisor	Records, permits, licenses/certifications	As required	Contractor – Project Manager/Director
<b>Life and Fire Safety</b> planning for structural design of public facilities	The design consultant will incorporate structural and life and fire safety codes and practices into the design, in accordance with relevant national and international standards. In particular, the World Bank Group Environmental, Health and Safety (EHS) General Guidelines, page 79, referring to the Life Safety Code/Standard of the US NFPA, <a href="http://www.nfpa.org/catalog/product.asp?category%5Fname=&amp;pid=10106&amp;target%5Fname=">http://www.nfpa.org/catalog/product.asp?category%5Fname=&amp;pid=10106&amp;target%</a>	Design Consultant and Contractor Engineer	Design records and as built drawings	Once-off	Contractor – Project Manager/Director



## Appendix 6: Environmental Code of Practices (ECOPs) for Contractors

### How to use

The following specifications **must be included in both the bidding documents and construction contracts** under CERC and CSRRP. The specifications will become contractual obligations for contractors and can be enforced by the PIU (DGHS).

### Environmental Duties of Contractor

- Compliance with all relevant legislative requirements in Indonesia.
- **Construction materials such as stone, sand, aggregate and timber will only be sourced from legal sources (licensed quarries and timber concessions) operating adequate environmental management plan acceptable to the Bank.**
- Implement the project for the duration of the construction period
- Undertake monitoring of the effectiveness of the implementation of the project and keep records.
- Conduct contractors' obligations under the UKL-UPL for environmental management and mitigation efforts.
- Report the UKL-UPL (ESMP) monitoring/implementation records to PIU office.
- Employ and train suitably qualified staff to take the responsibility for the project.
- Comply with the Chance Find Procedures for Physical Cultural Resources.
- Stop construction activities upon receiving instructions from the PIU office and propose and carry out corrective actions and implement alternative construction method, if required in order to minimize the environmental impacts.

### Prohibitions

- Sourcing of raw/construction materials from illegal sources is prohibited. Good International Industry Practice (GIIP) on construction material extraction, mitigating environmental impacts and managing occupational health and safety aspects, refer the World Bank Group Environmental, Health and Safety Guidelines for Construction Material Extraction, <https://www.ifc.org/wps/wcm/connect/dad17995-66be-4280-86da-b438cf9fbefc/Final%2B-%2BConstruction%2BMaterials%2BExtraction.pdf?MOD=AJPERES&CVID=jkC-EN.&id=1323162191491>.
- Cutting of trees for any reason outside the approved construction area.
- Disturbance to anything with architectural or historical value.
- Indiscriminate disposal of rubbish or construction wastes or rubble.
- Spillage of potential pollutants, such as petroleum products.
- Burning of wastes and/or cleared vegetation.

### Dust

- Use water as often as required to dampen dusty areas during windy conditions.

### Noise

- Construction activities shall be scheduled in daytime only (8 am to 6 pm); and
- Any work that must be carried out after hours shall be notified to the community at least one week in advance.

### Worker Health and Safety

## ESMF - CSRRP

- The contractor will comply with all Indonesian regulations and Standard Operating Procedures (SOP) for worker exposure to the project;
- Perform Occupational Health and Safety (OHS) risk assessment and based on that prepare site specific OHS management plan in line with WBG General EHS guidelines, <https://www.ifc.org/wps/wcm/connect/29f5137d-6e17-4660-b1f9-02bf561935e5/Final%2B-%2BGeneral%2BEHS%2BGuidelines.pdf?MOD=AJPERES&CVID=jOWim3p;> and
- All staff will be provided with suitable personal protective equipment (PPE), i.e. hard hats, ear plugs and high visibility clothing.

### **Clearing of New Sites**

- Land clearance should only begin once all land acquisition activities and/or Transect Walk (LARAP) procedures have been completed;
- Before clearing of vegetation, ensure that all litter and non-organic material is removed from the area to be cleared;
- Stockpile and protect topsoil for reuse in site rehabilitation; and
- The application of chemicals for vegetation clearing shall be avoided.

### **Erosion and Sediment Management**

- Disturb as little ground as possible and stabilize that area as quickly as possible;
- Direct storm water around the work site using temporary drains;
- Install sediment control structures where needed to slow or redirect runoff and trap sediment until vegetation is established. Sediment control structures may include sediment catchment basins, straw bales, brush fences, and fabric sit fences; and
- In areas where construction activities have been completed and where no further disturbance would take place, re-vegetation should commence as soon as possible.

### **Re-Vegetation and Site Restoration**

- The construction site and surrounds shall be landscaped, and any necessary remedial works shall be undertaken without delay, to the satisfaction of PIU.

### **Waste Management (Non-Hazardous and Hazardous Wastes)**

- Facilities that generate waste should characterize and segregate their waste according to composition, source, types of wastes produced, generation rates, and according to GoI regulatory requirements. Hazardous wastes must be segregated from non-hazardous wastes, and also segregation of reused and recycled material from general waste shall be done.
- Establish and enforce daily site clean-up procedures, including maintenance of adequate storage, recycling and disposal facilities for litter, solid waste, soil and construction debris;
- All solid waste that cannot be recycled shall be transported by an approved or certified third-party waste handler, disposed of offsite at an approved/licensed disposal site;
- Waste oil and other hazardous wastes (including contaminated soil and oil spills) shall be stored under cover and separated from other wastes. They shall be removed by a licensed transporter to a licensed disposal facility; and
- Once the job is completed, all construction-generated debris should be removed from the site and disposed of to a designated landfill site.

## ESMF - CSRRP

- Temporary collection and disposal of hazardous waste shall follow GoI requirements. Hazardous wastes including ACM shall be sent to a licensed third-party collector in Palu such as PT Caris Perkasa as endorsed by Central Sulawesi Environmental Agency. The Contractor shall obtain a permit for the temporary storage of hazardous wastes onsite. Manifests/records of all collection and storage of hazardous wastes by the licensed third party will be kept by the Contractor.

### Asbestos Protocol

- Upon finding suspected asbestos containing materials, no physical work on the buildings will be done until suspected asbestos has been sampled, the results known, and asbestos removed. The site containing suspected asbestos shall be clearly marked.
- An Asbestos Specialist will be engaged to confirm the presence of asbestos in the buildings or building debris subject to funding under this project.
- The Asbestos Specialist will hold a 'Certificate of Competency' or a similar certification indicating training and experience in the handling and disposal of asbestos-containing materials.
- The Asbestos Specialist will visit a sample of the buildings that will be funded under this project and prepare an identification guide and sample handling process along with an estimated inventory of the waste types and volumes that will need to be managed under the Asbestos handling strategy.
- The asbestos sample will be sent to either two national laboratories accredited for asbestos testing: i) Research Center for Nanoscience and Nanotechnology Services Institut Teknologi Bandung, Center for Advanced Sciences (CAS) Building, 1st Floor Jl. Ganesha No.10, Bandung, 40132, Phone: +62 812 2000 7703; ii) Ministry of Manpower Laboratory in Jakarta.
- The Asbestos Specialist will train personnel in the sampling of suspected asbestos handling materials and organize testing overseas.
- An Asbestos handling strategy shall be developed by the Asbestos Specialist, and reviewed by the World Bank, prior to implementation. This shall include:
  - A list of all trained personnel, including an Asbestos Removal Supervisor, who will work on the project (providing certification or training records);
  - A list of personal protective equipment required;
  - A list of equipment required for containing and disposing the materials.
  - Awareness raising methods for community members who may be (or have been) at risk.
  - Approved safe-work methods for undertaking building deconstruction, wrapping of contaminated materials and preparation for disposal.
  - Disposal of materials at licensed landfill
  - If hazardous material needs to be transported to another state, then provide a strategy for obtaining the appropriate approvals and manifests
  - All PPE and equipment used in the removal of asbestos is to be treated the same as asbestos containing materials.
  - Debris removal should include the external areas of the building surroundings that have been contaminated by asbestos containing debris.
  - Preparation of a map showing the location of the disposal of asbestos materials from the project sites to the landfill.
- All work will be carried out in accordance with the World Bank Group 2009 Guidance Note on Asbestos Management  
(<https://siteresources.worldbank.org/EXTPOPS/Resources/AsbestosGuidanceNot>)

## ESMF - CSRRP

[eFinal.pdf](#) ) including the World Bank Group's "Environmental, Health, and Safety Guidelines" available at: [www.ifc.org/ehsguidelines](http://www.ifc.org/ehsguidelines).

- The site of the disposal of asbestos containing materials shall be clearly marked at the site, and in a national register of hazardous sites or similar register of land interests.
- All subprojects under CSRRP requiring the removal of asbestos or asbestos containing materials will have asbestos materials safely removed in advance of any reconstruction works commencing.
- No asbestos containing materials will be used for construction or reconstruction or repair works under the CSRRP.

## Appendix 7: E&S Monitoring and Reporting

Throughout project implementation, field interventions will be subject to robust and evidence-based environmental and social monitoring and reporting requirements. On-the-ground monitoring of project activities is carried out by E&S specialists engaged by the PMU and PIU within the consultant's team. All project activities will be monitored and reported to ensure due compliance with the ESMF and the Bank Environmental and Social standards including safe construction practices.

Monitoring	Purpose	Frequency	Outcome	Roles and Responsibilities
Development of ANDAL, UKL-UPL and SPPL	Carried out and drafted in a participatory and gender responsive manner, in- depth analysis of potential social and environmental impacts, as well as identification/validation of mitigation measures linked to projects activities.	As needed	Risks and potential impacts are assessed accordingly with support of external consultants and participation of project team and stakeholders; management actions are identified and incorporated into project implementation strategies.	NMC and TMC with a group of consultants will lead the process and garner the expertise needed.  Stakeholders will review the terms of reference and validate the findings.
Site-specific screening results	Documenting site- specific screening results and outcomes to ensure appropriate measures in place before project implementation is initiated.	As above	As above	As above
Development of Site-Specific Management Plans	As above	As above	As above	As above
Track progress of ESMF implementation	Application of mitigation measures, as well as any required changes to ESMF, including site-specific plans as required by applicable SES, will be monitored through a participatory process, and with results reported to the PMU and the Bank on a bi-annual basis	Quarterly, or in the frequency required for each measure.	Slower than expected progress will be addressed by project management.	The PMU with the NMC and particularly the E&S specialists and gender officer, will integrate the mitigation measures into the overall monitoring and reporting framework for the project

## ESMF - CSRRP

Monitoring	Purpose	Frequency	Outcome	Roles and Responsibilities
Stakeholder Engagement, disclosure and grievance mechanism	Ensure that environmental and social impacts to the community and project personnel are minimized	Continuous	On-going community consultations. Provisions made to publicize project disclosure and grievance mechanism to all stakeholders	The PMU with NMC and TMC, and facilitators will initiate the SEP for the project including consultations and grievance mechanism awareness activities
Capacity building activities: training and workshops	Capacity building activities for comprehensive implementation of ESMF	Continuous	Implementation of capacity building programs in line with ESMF	The PMU with the NMC and TMC will initiate the trainings and workshops as per the ESMF
Implementation of mitigation and monitoring and monitoring of potential impacts identified in the RKL-RPL (AMDAL) and/or UKL-UPLs (ESMPs)	Implementation and monitoring of impacts and mitigation measures in accordance with the RKL-RPL and UKL-UPLs	Bi-annually	Implementation of the RKL-RPL and UKL-UPL to mitigate environmental and social impacts of the project	The PMU with the NMC and TMC will be responsible for implementing the mitigation requirements specified in the RKL-RPL and UKL-UPL
Review and update of the ESMF	Provide further amendments to the ESMF as and when further indicators and management measures are identified	Bi-annually	Revised ESMF to better reflect project activities and conditions	The PMU with assistance from the NMC and TMC
Lessons learnt	Knowledge, good practices and lessons learnt regarding environmental and social risks management will be captured regularly, as well as actively sourced from other similar projects and donor partners integrated back into project implementation	Annually	Relevant lessons learnt are captured by the project team and used to inform management decisions.	The Executing Agency and the PMU
Project reporting	Documenting and reporting progress of the project to be presented to the executing agency and the Bank, and other project stakeholders. The analysis updating and recommendations for project management will be included in the report.	Annually	Tracking of project progress, risk management, opportunities for improvement are communicated to all stakeholders.	PMU and NMC

## **Appendix 8: Guideline for the Preparation of Land Acquisition and Relocation Action Plans (LARAPs)**

### **A INTRODUCTION**

CSRRP will involve land acquisition<sup>7</sup> as it finances construction of new settlements for disaster-displaced households and reconstruction of small to medium-scale public infrastructure, possibly in new sites. There is potential for informal settlers who used to live in the new sites to experience loss of access to the land, assets, and associated livelihoods<sup>8</sup>. Resettlement is expected to involve disaster-displaced people (i.e., those who lost their houses, lands and assets due to damage from the earthquake, tsunami, and liquefaction), including households who still live within dangerous zone areas.

Since the relocation sites are yet to be assessed and confirmed, this guideline will advise the executing agency and other implementing entities on the principles, procedures, and organizational arrangements that apply to investments requiring land acquisition with resettlement or livelihoods displacement risks. A procedure for land due diligence assessments for the already acquired land is also provided as part of the overall guideline.

Once the precise sites are confirmed and specific necessary information becomes available, such as the coverage and number of Project affected persons (PAPs) as a result of land acquisition and target households who are willing to be relocated and their location preferences, this framework will be expanded into Land Acquisition and Relocation Action Plans (LARAPs), proportionate to potential risks and impacts.

The Municipal Government of Palu and the District Governments of Sigi and Donggala will lead the overall LARAP development processes, including consultations and engagements with PAPs and target households under Component 1. The project will provide technical assistance support through the provisions of relevant specialists and facilitators to ensure participatory and inclusive processes of the LARAP development.

Under land acquisition, Land Acquisition and Relocation Action Plans (LARAPs) will be prepared (as necessary) for specific subprojects as details on their scope, design and location become clear. Where project-induced livelihoods impacts are identified through the LARAP process, Livelihood Restoration Plans will be developed. Similar to cases in which the government requires the disaster Project Affected Persons to voluntarily relocate to new settlement sites, the government needs to prepare a Relocation Action Plan which also covers livelihood restoration.

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<sup>7</sup> "Land acquisition" refers to 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.

<sup>8</sup> "Livelihood" refers to 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.

## ESMF - CSRRP

No physical and/or economic displacement will occur until plans required under this guideline have been finalized and approved by the Executing Agency and the Bank. Hence, the LARAP must be implemented and in the case of land acquisition, all compensation must be settled prior to any construction/civil works, including sub-project activities resulting in resettlement and/or economic displacement of land owners and/or users.

### **B COMPONENTS OF THE LARAP**

The LARAPs will consist of two main components. First, Land Acquisition Plans which cover land due diligence if land has already been acquired for the proposed activities, and a Relocation Action Plan in the event of new land acquisition and resettlement of landowners and/or users. Such resettlement will be avoided to the extent possible. Where it has been identified that the subproject may cause some degree of physical or economic displacement, or loss of assets or access to assets, this guideline will guide the preparation and implementation of a Land Acquisition and Relocation Plans (LARAPs). The Land Acquisition Due Diligence Form (refer to Section C below) will be used to document the legal transfer of land for subproject activities (and associated facilities if necessary<sup>9</sup>) as well as “ground-truthing” to identify actual land uses and any claims.

Second, Relocation Action Plans, which cover overall relocation planning processes, including beneficiary identification/verification, consultations, preference assessments, management of grievances and livelihoods restoration planning. The scope of requirements and level of detail of these plans will vary depending on the magnitude and complexity of relocation processes.

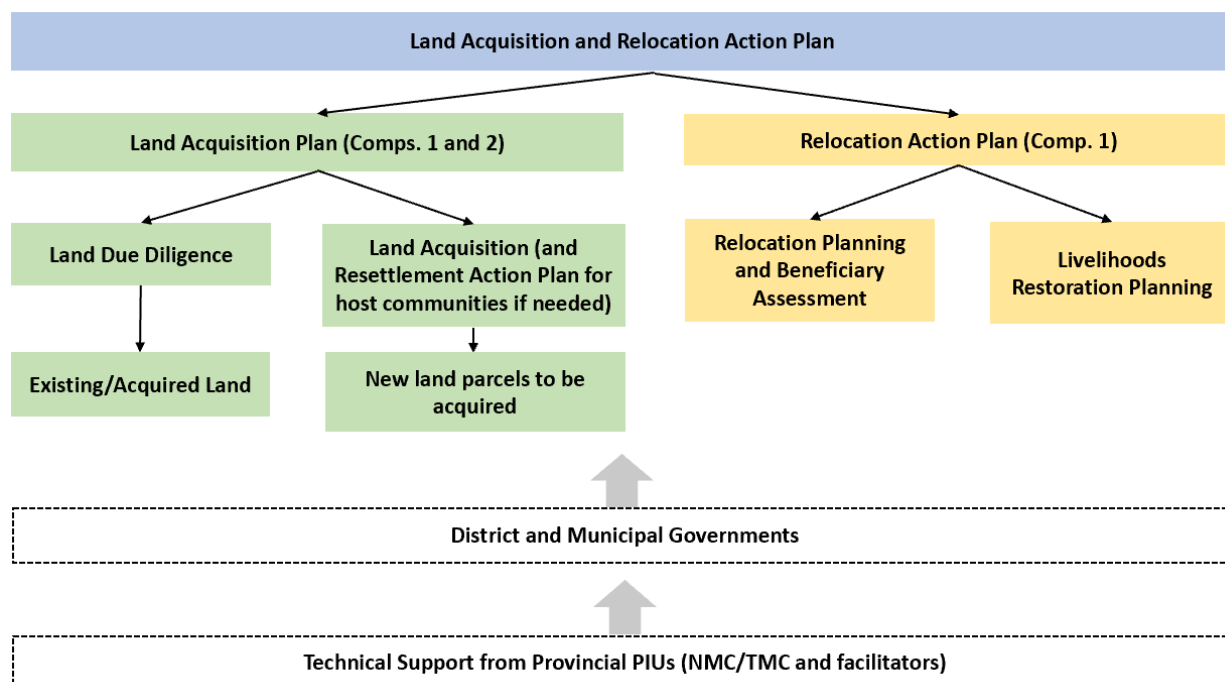
LARAPs will be based on up-to-date and reliable information about i) the proposed project and its potential impacts on the displaced persons and other adversely affected groups; ii) target beneficiaries’ preferences pertaining to relocation based on consultations and engagement; iii) appropriate and feasible mitigation measures; and iii) the legal and institutional arrangements required for effective implementation of resettlement measures.

The following chart illustrates the main components of the LARAP:

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<sup>9</sup> Associated facilities are facilities or activities that are not funded as part of the project and, in the judgment of the Bank, are: (a) directly and significantly related to the project; (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed or expanded if the project did not exist.



**Figure 2: LARAP Components**

## C LAND ACQUISITION PLANNING

Land acquisition is expected to be required for the establishment of settlement sites (Component 1) and new sites for public facilities (Component 2). Such land acquisition falls under the responsibility of the respective municipal and district governments, who are responsible for Land Acquisition (and Resettlement Plans if any) in consultation and coordination with landowners/users as well as other potentially affected stakeholders.

### Scope of Application

This land acquisition framework applies for the following situation:

- a. Impacts caused by subprojects resulting in involuntary land acquisition, relocation, loss of assets or loss of access to assets, loss of income sources or means of livelihood whether or not the PAPs must move to another location; resulting in the involuntary restriction of access to legally designated parks and protected areas that would result in adverse impacts on the livelihoods of the PAPs.
- b. Activities resulting in involuntary land acquisition and resettlement in linked activities, regardless of financing sources that are:
  - Directly and significantly related to the CSRRP subproject;
  - Necessary to achieve the objectives of the subproject; and
  - Carried out, or planned to be carried out contemporaneously with the subproject

Identification of the PAPs will be done during the preparation of LARAP (Land Acquisition and Relocation Action Plan) through the census survey. However, this framework anticipates that there would be two general categories of PAPs:

## ESMF - CSRRP

- a. Persons affected by the acquisition of privately-owned land. They have formal legal rights to land or assets are those who have formal documentation under national law to prove their rights or are specifically recognized in national law as not requiring documentation. In the simplest case, an area is registered in the name of individuals or communities. In other cases, persons may have a lease on the land and therefore have legal rights.
- b. Persons affected who have lived on the government (state or local government)'s land but do not own the occupied land. This consists of six types of PAPs: (1) persons who own and occupy dwellings and other structures built on state or government land without any recognizable legal right or claim to the land they occupy; (2) sharecroppers; (3) squatters; (4) renters of dwellings and other structures built on state or government land without any recognizable legal right or claim to the land they occupy; (5) encroachers, i.e., persons who aggrandize or extend their personal holdings by encroaching adjacent state or government land; (6) squatter landlords, i.e. persons who derive illegal rents from structures built on state or government land, but do not occupy such structures.

PAPs eligible for compensation for the affected assets are identified when the subproject location is formally defined by the Governor Decree, are those (a) who have land rights ownership; (b) who have land management/use ownership; (c) who have "nadzir" for the donated land of "*wakaf*"; (d) land owners for land that used to be owned by *adat*; (e) "*masyarakat hukum adat*" (MHA or *Adat* Community); (f) those who occupy or use state land with good intention/faith; (g) those who hold basic control of land; and/or (h) those who own building/structure, plants and other things related to the land.

Affected persons who are occupying land in violation of applicable laws are not eligible for compensation for land but are eligible for resettlement and livelihood assistance and compensation for assets.

### Schemes

The project anticipates that there will be three types of land acquisition in CSRRP, namely voluntary land donation, direct purchase, and involuntary land acquisition and resettlement.

#### a. Voluntary Land Donation

Voluntary donation of land for a subproject means that there is a transfer of ownership rights from the land donor(s) to subproject proponents (beneficiaries, community group, local government, or others, depending on the agreement between the land donor and the project). Voluntary in this context means the donation or granting of land and other assets with the full knowledge of the purposes for which the asset is being made available and the economic, social and legal consequences that such an act would have on the person providing the asset. Furthermore, the act must be exercised freely and voluntarily, without any type of coercion. Land acquired by voluntary donation should be supported by "akta hibah" endorsed by a notary or a PPAT.

Voluntary land donation for a subproject will be an acceptable option if:

- The land donor receives direct benefit from the sub-project and will not be worse-off after the land is taken;
- The land donor has been informed clearly of their right to compensation at a public meeting prior to the decision on contributing the land voluntarily, but nevertheless he or she is still willing to donate his/her land without any pressure;
- There is an option to adjust the subproject design or location in the case that the landowners refuse to donate their land;

## ESMF - CSRRP

- The land is identified by beneficiary communities and confirmed by technical staff to be suitable for the subproject and free from any environmental or health risks;
- The impact on the landowners is insignificant and does not result in displacement of households, or cause loss of households' incomes and livelihoods;
- The donated land is free from any ownership disputes or any other encumbrances;
- Consultations with the land donors or beneficiaries are conducted in a well-informed, free and transparent manner in the presence of community leaders and facilitators, and they are willing to donate the land without pressure; and
- Land donors have the right to refuse to donate their land and therefore there should be alternative sites for subprojects.

### *Procedures and requirements of VLD*

The process of obtaining land through voluntary land contribution is as follows:

- Subject proponent submits a proposal to the facilitator and PIU for review and approval. One item included in the proposal is the identification of the land needed and how the land will be obtained. In the case that the proposed sub-project requires land through voluntary contribution, the proposal should provide information that land will be made available through voluntary contribution from the donor.
- The facilitator and PIU perform field verification and ensure that:
  - Land donors have voluntarily agreed to donate his/her/their land for the proposed sub-project. They also need to ensure that land contribution decision was made by both spouses (husband and wife) or heirs and through participatory mechanisms;
  - The proposal includes a statement letter signed by the community member(s) who are donating the land (signed by both spouses or heirs as relevant) and witnessed by the chairperson of the community ("kepala dusun/RT/RW") or head of wards/village and signed by heirs and other witnesses. The letter contains, among others, name and address of land contributor(s); current use, location and size of the donated land; the purpose of land donation; map of the location of the land; specification whether part of the land rights are donated or permit for use or permit for passage. Once a subproject proposal is approved by the facilitator, the land owner who contributes the land identifies on the ground the donated land and site where facility would be built.
- There is clear information on to whom the land is donated, and the project should follow-up on the legal process of the status of the donated land as necessary. If part of the land rights are donated to the village or government, the project should facilitate the follow-up on the legal processing of the status of the donated land. If the land is donated to the community, the facilitator should consult with the village administration on how to record this to ensure that the donated land has legal status.
- Processes and results of consultation meetings, grievances and actions taken to address such grievances should be properly documented.
- Donated land should be well recorded and documented in the project document (in the subproject proposal and/or in the site development plan).
- The originals of the donation letter should be kept both by the project (in the sub-project proposal and/or in the site development plan) and by the land donor.

Key information that should be included in the donation letter is presented in **sub-appendix 8.1**.

#### b. Direct Purchase/Negotiated Settlements

## ESMF - CSRRP

The amendment of Presidential Regulation No. 71/2012 on Land Acquisition (Presidential Regulation No. 40/2014) permits land acquisition for an area less than 5 Ha to be carried out directly by the agency requiring the land based on negotiated settlement principles agreed by both parties (buyers and sellers). In this case, the required land should be located in areas/zones that have been declared as safe for development and can be obtained in one fiscal year. The entity requiring the land has to use licensed, independent appraisers to assess the affected assets and other losses.

Land needed for a subproject could be acquired through direct purchase by the community group based on the 'negotiated settlement' principle. Negotiations for direct purchase between the community group who needs the land and landowners should be carried out in a public place and in a transparent manner. All proceedings will be documented, and a final agreement will be signed by the negotiating parties in the presence of facilitator and countersigned by the village head. Documents for land transaction and changes of ownership shall be supported by "*akta jual beli*" (deed of sale and purchase) endorsed by a notary or a "*Pejabat Pembuat Akta Tanah*" (PPAT). Land legal status will have to be confirmed by certification and the project should facilitate the process. Timing for the payment of the agreed amount should be agreed by the negotiating parties during the negotiation. **Sub-appendix 8.2** provides a sample format for documenting the direct purchase by the community group.

### c. Involuntary Land Acquisition and Resettlement

The project anticipates acquiring land for new settlements and reconstruction of public facilities. However, this project is considered as the last resort. Should any sub-project involve any involuntary land acquisition or resettlement carried out by the government using the eminent domain principle, this Policy Framework provides procedures and guidelines for agreeing on compensation for those persons who are affected by the sub-project in order to ensure that they are not unfairly treated by being given low compensation, or benefit unfairly by being given compensation that is significantly higher per square meter than other owners who sell similar nearby land on the free market. Further guidelines for land acquisition under this category are further presented in **Appendix 8.3**.

### **Methods of valuing the affected assets**

As required by Law No. 2/2012 and its implementation regulations, values of affected assets will be assessed by licensed appraisers, who will be assigned by the provincial BPN in accordance with national procurement regulations. The values defined by the licensed appraisers will be used as a basis for negotiation with the PAPs. Types and compensation level will be defined based on the negotiation results between the implementing entity proposing the investment (who needs the land for the subproject) and the land/property owners. Value assessments will be carried out on a per affected land plot basis, which includes land, the space above and beneath land, buildings or structures, plants, things that relate to the affected land, and/or other losses that can be valued (e.g. non-physical loss that can be equivalent with monetary value, loss of jobs or income earning sources, cost for moving, cost for change of profession, and value for remaining property). The remaining property that is no longer physically or economically viable/habitable/usable, can be compensated if the owners prefer to do so.

## ESMF - CSRRP

Land valuation/appraisal by the licensed appraisers will be carried out based on the MAPPI<sup>10</sup> Standards as specified in MAPPI Guidelines<sup>11</sup>. Compensation is comprised of market price plus transaction costs and other costs plus premium, as detailed below:

- a. Physical assets: land, buildings, structures, facilities, plants, and other things related to the land acquired to restore to the owner a property of at least the same quality as that owned prior to the land acquisition;
- b. Non-physical assets: loss of jobs, loss of on-going businesses (business interruption), conversion of profession, emotional loss (solatium), transaction costs, moving costs, other losses of special nature, subjective and difficult to calculate aspects.
- c. Premium/solatium: payment over and above the total. An additional sum in respect of the land owners' psychological attachment or injured feelings due to the unilateral action of the acquiring authority in acquiring or expropriating the land. A premium/solatium is awarded as a percentage of the compensation.

In principle, the details of physical and non-physical valuation methods undertaken by the licensed independent appraisers are presented in **Table 6** below.

**Table 6: Valuation Methods**

Object	Basis for valuation
Land	Market price and/or income lost
Building	The cost of making new building with considering the different between compensating new building and deteriorated building
Plant	Market price: The price of one cycle of harvesting The price in the market based on related institution price standard; Or cost based price: The cost of growing the plant up to present (before harvesting)
Transaction cost	Moving cost, tax, notarial cost
Waiting compensation	Bank deposit/lending interest
Unutilized residual parcel	Market price

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<sup>10</sup> Indonesian Society of Appraisers (ISA)

<sup>11</sup> Indonesian Valuation Standard (SPI) 306 which also refers to International Standards

Object	Basis for valuation
Other damage	Recovery cost
Total	Cannot be less than non-speculation market price and based to the existing regulation Reflecting the real value of the property for the owner (PAP)
Premium cost	Premium cost due to unwilling to sell and considering invaluable cost (20 - 40 % of total physical price estimation)

### Compensation and Benefits for Affected Persons

PUPR will assess means to provide, or facilitate access to, similar resources elsewhere, taking into account the impact at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available. For example, where livelihoods of displaced persons are land-based, or where land is collectively owned, PUPR will offer the displaced persons an option for replacement land, unless it can be demonstrated to the Bank's satisfaction that equivalent replacement land is unavailable. As the nature and objectives of the project may allow, the Borrower will also provide opportunities to displaced communities and persons to derive appropriate development benefits from the project.

Compensation for lost assets are calculated at replacement cost. Replacement cost is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement without depreciation or deduction of salvage materials. 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.

The process used for determining compensation values should be transparent and easily comprehensible to project-affected persons. With regard to land and assets, the calculation of replacement costs takes into account the following:

- a. Agricultural (including fallow) land or pastureland: Land of equal productive use or potential, located in the vicinity of the affected land or the new housing site, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes or customary fees.

## ESMF - CSRRP

- b. Land in urban areas: The market value of land of equivalent area and use, with similar or improved infrastructure and services, preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.
- c. Houses and other structures (including public structures such as schools, clinics, and religious buildings): The cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors' fees; and transaction costs, such as registration, transfer taxes, and moving costs.
- d. Loss of access to natural resources: The market value of the natural resources, which may include, among others, wild medicinal plants, firewood, and other non-timber forest products, meat, or fish. However, cash compensation is seldom an effective way of compensating for lost access to natural resources.

Compensation need to be applied in conjunction with provisions that address the restoration or improvement of livelihoods. Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Compensation rates may be subject to upward adjustment where negotiation strategies are employed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.

The Entitlements Matrix for Project Affected Persons is shown in **Table 7** below:

**Table 7: Entitlements for Project Affected Persons**

Project Affected Persons	Entitlements
Land/asset owners who lose land and/or other assets (including buildings, structures, utilities, trees, etc.) and loss of income	Compensation for loss of land and other assets attached to the lost land, based on value assessment carried out by licensed appraisers
Land/asset owners who lose temporarily or permanently their sources of income or livelihoods	Compensation for the loss of sources of income or livelihoods based on the value assessment for non-physical aspects carried out by licensed appraisers and facilitation for livelihood restoration
Persons who own and occupy dwellings and other structures built on state or government land without any recognizable legal right or claim to the land they occupy	Compensation for loss of dwellings and other structure, for income sources or livelihoods and resettlement assistance, based on the assessment of the licensed appraisers <sup>12</sup>
Owners of perennial and/or seasonal crops	Compensation for loss of trees at replacement cost (taking into account their productivity and age) including livelihoods restoration assistance

<sup>12</sup> There was an issuance of Presidential Regulation 56/2017 (May 31, 2017) on "Handling Social Impacts for the Provision of Land for National Strategic Projects", compensation for those occupying government and state land, recognized having occupied such land for continuously at least ten years, compensation includes cost for dismantling houses, mobilization, house rent and support for income loss, and they are defined based on valuation of an independent party.

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Project Affected Persons	Entitlements
Renters of dwellings and other structures built on state or government land without any recognizable legal right or claim to the land they occupy	The project provides sufficient time (at least 2 months from the cut-off date/at the time of census survey) for the renters to find another place or other assistance agreed by renters and agency/entity which may include moving allowance and transition allowance and livelihood assistance
Sharecroppers	Assistance to livelihood restoration
Encroachers, i.e., persons who aggrandize or extend their personal holdings by encroaching adjacent state or government land	Compensation for building and structures. Assistance to livelihood restoration and facilitation to access public housing and transition and moving allowance as well as improvement to site.
Squatters	Compensation for building and structures. Assistance to livelihood restoration and facilitation to access public housing and transition and moving allowance as well as improvement to site.
Encroachers who entered the project area after the publicly announced cut-off date	Not entitled to any compensation

*Forms of compensation:* Compensation may take several forms: (a) cash; (b) land replacement/swap; (c) resettlement to other site; (d) shares ownership; or (e) other forms of compensation that are agreed both by the PAPs and the agency requiring the land. Compensation forms depend on the preference of the PAPs and compensation may take combination of these depending on the agreements between the PAPs and the agency requiring the land.

*Cut-off date:* a cut-off date of eligibility refers to date when cadastral measurement of the proposed sites is completed. The date must be publicly disseminated and affected communities are aware of the terms and conditions. The cut-off date set the time limits to determine eligibility of persons living and/or with assets or interests inside the sites proposed for the project activities. People who encroach the project area after the cut off-date will not be entitled to compensation. The cut-off date may be revisited if there is a significant time lapse between land acquisition and civil works.

## D LAND DUE DILLIGENCE

In case the Gol has acquired land for permanent housing development and relocation of public facilities, the project is required to carry out a due diligence process to ensure that the proposed land is safe and technically feasible for settlement areas and public facilities (refer to **Appendix 4**), legal transfer processes are complete, as well as potential risks related to informal land use and occupation are identified. This assessment focuses on both the legal and actual “ground-truthing” of the proposed locations to be financed under the project. Further guideline for the land due diligence is provided in **Sub-appendix 8.5**.

## E RELOCATION PLANNING

Under Component 1, participatory and community driven relocation is promoted for disaster-affected persons whose original land is no longer habitable; selection of new sites will be



discussed and agreed with them. Options for the relocation sites will be decided during project implementation once the policies of the local (and central) government on the regional/district spatial development plan that defines the areas that can/cannot be developed are confirmed.

Gol is considering several relocation schemes, including relocation to the three designated sites, small-scale “satellite” relocation (between 50 and 70 households) to sites selected by the target communities, as well as individual cash assistance support for relocation, provided that the proposed relocation sites are deemed safe. These schemes are expected to enable communities to make informed decisions based on their preferences, maintaining the consultative and community-driven principle of the project. An assessment of community preferences is currently being undertaken by the district and municipal governments.

### **Basic Principles**

The project will only support relocation of the disaster affected persons who are the beneficiaries of the project. Relocation under the project is acceptable when:

- a. Relocation of displaced people and households occupying the red-zones is conceived and executed as development programs, providing sufficient investment resources to enable relocated people to recover and build back better in safer locations.
- b. Relocated households are well-informed on how their original locations are no longer habitable or no longer safe from future disasters, based on government policies, and consequently the associated risks. Relocated households will be provided with options for relocating to safer places or for not relocating to safer places with full knowledge and awareness of the conditions in the new places, or the risks associated with not relocating.
- c. Relocated households will be assisted in their efforts to recover and improve their livelihoods and standards of living.
- d. Community preferences for siting and site-plans (both in the designated locations and 'satellite' locations) will carefully consider livelihoods options, access to previous livelihoods activities and other land-use activities (such as evacuation areas, green spaces, and recreational opportunities), environmental sustainability considerations, public safety (including pedestrian safety), and social, cultural and psychological attachments of the relocated and host populations.
- e. Settlement planning follows good practices in urban design and planning including sustainable environmental design, inclusive practices (such as universal design), and resilient measures (“building back better” utilizing resilience standards, particularly for seismic and flood hazards).
- f. Relocation activities will address the needs of the most vulnerable population groups in the post-disaster contexts (i.e., internally displaced people who are currently occupying temporary shelters and camps, people with disabilities, and women) and hence the following basic principles must be respected.
- g. Relocation must be conducted on a voluntary basis resulting from consensus and willingness to move based on complete and transparent information received by the DAPs prior and during consultations. Information provided should at least cover the consequences if they do not relocate due to potential disasters. The facilities and infrastructure available at the destination sites, rights and responsibility of the DAPs, legal status of the land plots and houses, process of relocation, assistance provided, etc. DAPs should be provided opportunities to visit the relocation sites prior to their moving. Prior facilitation and awareness raising will be included as part of the overall project activities.
- h. Relocated households should be able to access their previous livelihoods activities or recover their livelihoods in the event that new livelihoods sources are being envisaged.

## ESMF - CSRRP

- i. New housing units and necessary basic infrastructure must be designed and constructed in a safe and resilient manner to minimize the impacts of future disasters. Investments in community awareness and capacity building for disaster risk prevention and management will be integral to the project's approach.
- j. Targeted households will receive facilitation to enable access to available temporary livelihoods assistance during the transition process as well as longer-term livelihoods restoration support following relocation. Livelihoods-related risks will be carefully considered in a participatory manner in the location selection as well as site planning to minimize such risks.
- k. Relocated households have clear information on their rights and responsibility if they have to relocate to the new areas or not to relocate and remain in the original site
- l. Relocated households are not under any kind of pressures that enforce them to relocate.

The following table provides basic indicators of developing new settlements.

**Table 8: Successful vs. Unsuccessful Settlements<sup>13</sup>**

Successful settlement planning	Unsuccessful settlement planning
Beneficiaries are involved in the decision-making process as well as implementation of the project/program (e.g., identification of basic needs, settlement planning, housing designs, and implementation process).	Beneficiaries are not a part of the decision-making or implementation process as a result their needs may be overlooked. Lack of participation also means that there is no sense of ownership.
The site is well connected by public transportation and is in close proximity to health services, markets, schools and has access to water and electricity.  Violence protection and response mechanisms and a means for reporting breaches are in place.	The site is not easily accessible and/ or well connected by public transport. It is far from critical infrastructure such as hospitals, schools and markets.  Water and/or electricity supply is in- adequate. There is no adequate means of addressing violence and conflict that may arise between and within communities.
Beneficiaries are trained and acquire new skill sets if they have to change their means of livelihood.	Beneficiaries find it difficult to maintain their livelihoods. They do not have adequate skill sets to pursue new employment opportunities.
Beneficiaries from the same community are settled together in a new site. In situations where this is not possible, beneficiaries should be trained and sensitized with respect to diversity, negotiation, communications and mediation skills.	Potential tension and conflicts as a result of moving communities with different ethnic, religious, or social backgrounds into close proximity. Beneficiaries cannot integrate with host community. Hostilities may crop up if host communities may not have been consulted and/or do not benefit from the settlement project/program but all the same have to share their resources with the new settlers.
Housing designs, settlement layouts and community facilities are in sync with the community's way of life.	Designs used in developing housing do not conform to local needs, for example, there is a lack of privacy since houses are built too close to one another with no boundaries demarking where one plot finishes and the neighbor's starts.

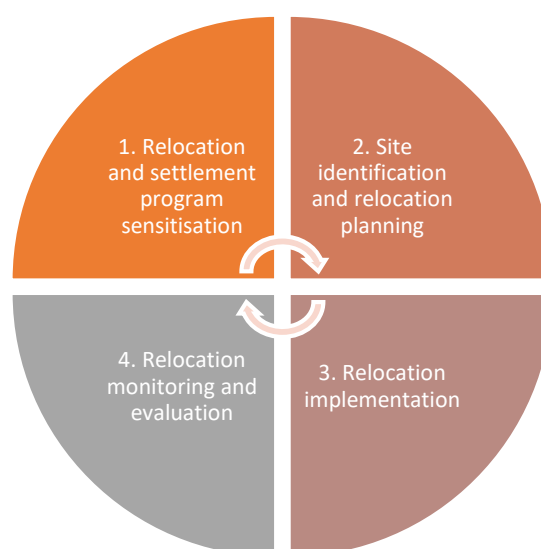
<sup>13</sup> Source: IFRC/RCS 2012

## ESMF - CSRRP

Places of worship are close to the new site and easily accessible.	No provisions are made for places of worship.
Regular communications channels with the Community Based Organizations (CBOs) and beneficiaries are maintained.	CBOs and beneficiaries are not kept abreast of delays or developments.
Effective grievance mechanisms are in place.	There are no mechanisms in place for the beneficiaries to air their grievances.

## Process and Procedures

A team of facilitators will be mobilized to assist municipal and district governments in planning, consultations, community mobilization and organizing. Target households should participate in the self-assessment community mapping and preparation of the relocation action plan. Facilitators should support these households with information during the decision-making process that would support their decision to relocate. Any government policies, regulations and plans that will influence the decision to relocate or not to relocate should be socialized to the beneficiaries. Step-by-step procedures are outlined as follows. However, changes and modification of these steps will be anticipated due to the dynamic context of post-disaster situations.



## Preparation

- Confirm information on displaced people
  - Consolidation and review of existing data (including identifying gaps)
  - Identify priority areas/communities for relocation
- Conduct social, environmental and urban planning review of draft detailed design documents, and update/or provide options for responding to review recommendations
- Develop plan for gender and socially inclusive consultation and information dissemination for relocation and settlement planning and implementation (including clearly outlined methods and tools for engagement across the communication relocation cycle (refer above))

## Community Relocation Cycle

1. Relocation and Settlement Program Sensitisation
  - a. Provide information on the relocation program (timeline, options), challenges (land, time, cost), settlement operation and maintenance and how it will work (and how do you want it to work – i.e. allocation criteria)
  - b. Establish community governance structure (how does the community want to organise itself)

## ESMF - CSRRP

- c. Verify registration data/gap filling (census survey) on displaced households (confirm numbers of HHs and basic demographic information – numbers, age, sex, vulnerability, livelihood, ethnicity/religion) and preferences
  - d. Identify needs, and confirm relocation preferences
  - e. Source input on design/site layout (initial) in preference groups
2. Site identification and relocation planning
  - a. Community led beneficiary selection
  - b. Confirm arrangements for operation of the settlement area (i.e. services, governance, livelihoods)
  - c. Confirm plot allocation and house/plot design preferences
  - d. Develop relocation schedule
  - e. Confirm livelihood restoration and support activities
3. Relocation Implementation
  - a. Provide settlement orientation (community health and safety, transport & connectivity etc.) and house readiness
  - b. Provision of legal title
  - c. Support move and establishment at settlement site (logistics)
  - d. Community-led livelihood restoration support activities (skills development, product/market training, linking to other livelihood programs, etc)
  - e. Process the legal transfer of the land to beneficiaries and building permit to respective local governments.
4. Relocation Monitoring & Evaluation
  - a. Monitoring and reporting program (i.e. checking correct process, managing grievances etc.)
  - b. Beneficiary satisfaction (pre and post relocation – short-term/long-term)
  - c. Livelihood restoration
  - d. Infrastructure performance monitoring

An outline for the development of relocation action plans can be referenced in **Sub-appendix 8.6**.

### Opportunities for Strengthening Socio-economic Considerations in Detailed Designs

Socio-economic considerations for settlement design should be informed by socio-economic data and gender/socially inclusive consultations with disaster affected people.

**Table 9: Design Considerations and Examples**

Design Considerations	Actions/Examples
Household demographics	<ul style="list-style-type: none"> <li>Collect basic demographics (number of dependents, age of dependents) to understand floor area needs (present and future) of target beneficiaries</li> </ul> <p>For example:</p> <ul style="list-style-type: none"> <li>Optional 'extra room' design and/or house footprint siting options to create room for additional construction</li> </ul>
Gender sensitive design	<ul style="list-style-type: none"> <li>Collect gender-disaggregated socio-economic data, conduct a specific gender analysis and collaborate with local women in planning design innovations that reduce or simplify women's workloads or that improve living and working conditions for them and their families.</li> </ul>

Design Considerations	Actions/Examples
	<p>For example:</p> <ul style="list-style-type: none"> <li>House design: consider options for outdoor kitchen/verandah; external drinking water tap etc.</li> <li>House siting: consider siting options to allow for onsite livelihood activities for women (see below)</li> <li>Public infrastructure and siting: consider women meeting spaces, safety and security of proposed public infrastructure (i.e. markets/WASH facilities etc..)</li> </ul>
Universal access	<ul style="list-style-type: none"> <li>Collect information on numbers and needs of disabled people within disaster displaced communities. Collaborate with disabled people in planning design innovations that meet their specific needs.</li> </ul> <p>For example:</p> <ul style="list-style-type: none"> <li>House design: consider additional furnishings (i.e. ambulant toilet design)</li> <li>Public infrastructure and siting (i.e. access to key infrastructure/services)</li> </ul>
Livelihoods needs	<ul style="list-style-type: none"> <li>Collect information on livelihood needs of women and men. Collaborate with women and men on design and settlement planning to maximize livelihood opportunities.</li> </ul> <p>For example:</p> <ul style="list-style-type: none"> <li>House footprint siting options to create room for on-site livelihood activities (i.e. area for small street stalls at front of house)</li> <li>Settlement infrastructure and land-use planning which provides opportunities for livelihood recovery (i.e. grouping of houses with street stalls at front, market area, community market garden site, provision of agriculture land)</li> <li>Use of red-zone areas for livelihood activities (i.e. agriculture, market area etc.)</li> </ul>

## F COMMUNITY-BASED RECONSTRUCTION PLANNING

Implementation of grants for community-based reconstruction will follow the same principles as outlined in this relocation planning guideline. The project will support communities in reconstruction of housing units that meet seismic risk mitigation standards in safer locations. This sub-component will be triggered as per request of the Government should its implementation be required.

The following relocation planning framework is based on the previous REKOMPAK<sup>14</sup> processes and may be adjusted to respond to existing conditions and circumstances which may change when the project is being implemented.

### 1. Community mapping and profile

<sup>14</sup> REKOMPAK stands for *Rehabilitasi dan Rekonstruksi Masyarakat dan Permukiman Berbasis Masyarakat* or Community-based Settlement Rehabilitation and Reconstruction. The project was implemented by DGHS of MPWH to support relocation of tsunami-affected communities in Aceh and communities affected by volcano eruptions in Yogyakarta (Merapi) and North Sumatera (Sinabung).

## ESMF - CSRRP

- a. Community-led assessments on target beneficiaries, demographic profile, livelihoods, land ownership and assets, access to basic services, living conditions, etc.
  - b. Collection of supporting documents, such as maps, copies of civil identification and evidence of land and asset ownership, etc.
  - c. Community consensus on eligibility criteria, rights and responsibilities, terms and conditions and entitlements.
2. Beneficiary selection and verification
  - a. Community led beneficiary selection based on agreed eligibility criteria.
  - b. Verification of beneficiaries. This includes verification of registration data/gap filling (census survey) on displaced households (confirm numbers of HHs and basic demographic information – numbers, age, sex, vulnerability, livelihood, ethnicity/religion) and preferences.
3. Settlement and Relocation Planning
  - a. Establishment of community groups based on agreed eligibility criteria and nomination of focal points/group leaders (how does the community want to organise itself).
  - b. Community-led identification of relocation and settlement preferences and design options, including community contributions (i.e. labour, construction materials, etc.).
  - c. Relocation site identification and site feasibility assessment. This may involve expertise to determine safety and feasibility of the proposed locations, environmental and social risks, and community assessments on livelihoods aspects.
  - d. Land acquisition. These include agreements on budgeting mechanisms and funding sources.
  - e. Identification of livelihoods potentials and restoration measures and support needed.
  - f. Community-led site planning and design, including budget estimation. Technical facilitators/specialists will be mobilized to support the preparation of the detailed architecture and engineering design.
  - g. Confirmation of plot allocation and house/plot design preferences.
  - h. Agreements on relocation schedule and support needed.
  - i. Arrangements for operation of the settlement area (i.e. services, governance, livelihoods).
4. Relocation Implementation
  - a. Facilitation on settlement orientation (community health and safety, transport and connectivity etc.) and house readiness.
  - b. Provision of legal titles.
  - c. Provision of support move and establishment at settlement site (logistics).
  - d. Community-led livelihood restoration support activities (skills development, product/market training, linking to other livelihood programs, etc).
  - e. Processing of the legal transfer of the land to beneficiaries and building permit to respective local governments.
5. Relocation Monitoring and Evaluation
  - a. Monitoring and reporting program (i.e. checking correct processes, managing grievances etc.).

## ESMF - CSRRP

- b. Beneficiary satisfaction (pre and post relocation – short-term/long-term).
- c. Livelihood restoration implementation.
- d. Infrastructure performance monitoring.

The above process has been designed to allow flexibility to respond to changes in circumstances and preferences as well as budget availability, where the provincial and municipal/district governments are expected to contribute, particularly for the purpose of land acquisition and livelihoods restoration support.

## G CONSULTATION AND DISCLOSURE

Consultations and disclosures for LARAP start from the planning, preparation, and implementation phase. In brief, these consultations should be carried out in the following activities:

- a. For the planning stage, the plan of the location of physical investments, purpose of the development, steps and time frame for land acquisition, roles of licensed appraisers in the asset valuation, forms of incentives or compensation that would be provided for the PAPs, eligible assets or objects for compensation (physical and non-physical including premiums), compensation for community facilities, and responsibility and rights of the eligible PAPs. Consultations will use public meetings, media and information in the closest villages. Consultations will adopt a dialogue approach, and can take place more than one time, depending on the need and agreement reached. The agreement will be put in writing. The defined physical investment location requiring land will be disclosed to public in the media, websites of the provincial and city government as well as in the website of the agency requiring the land.
- b. For relocation planning, consultations and engagement will take place throughout the overall implementation of relocation processes, starting from beneficiary verification, consultations of preferences, need assessments, transitional phase, and post relocation.
- c. For the land due diligence, ATR/BPN will consult with the owners of the asset during the inventory and the identification of the affected assets. Results of the inventory will be disclosed in the village/*kelurahan* (urban ward) and *kecamatan* (sub-district) offices for 14 days to receive complaints.
- d. For land acquisition described in this guideline, results of asset valuation done by the licensed appraisers will be provided to the PAPs and used as the basis for negotiations.
- e. Draft and final LARAPs will be disclosed in the subproject sites requiring land, in the closest *kelurahan*/village where the subproject requiring land acquisition is located, in the websites of the local agency and/or the implementing agency's website. The Relocation Action Plans will also be disclosed on the websites of the local agency and/or the implementing agency's website.

Documentation of the land donation and direct purchase will be available for public in the wards/village office. The landowners who donate and sell their land for the subprojects will have a copy of the documentation of land transfers or transactions.

## H FEEDBACK AND GRIEVANCE REDRESS MECHANISMS (FGRM)

The FGRM presented in this ESMF (see Section 7, Volume I) will apply. This proposed FGRM will be included in the Project manuals and guidelines. Provincial PIUs, NMC, TMC and facilitators will be trained in its implementation. The overall project approach in enabling transparency and consultation should allow solutions to local problems locally, quickly, and effectively. If any affected persons or other community members have a complaint regarding



## ESMF - CSRRP

the framework or its application in practice, the project will use an established system from NSUP to address complaint handling at the ward, municipal/district, provincial and national levels, with dedicated staff in charge of handling and following up on complaints.

Processes, procedures, requirements and timeframes for complaint resolution during the land acquisition process will follow Law No. 2/2012 and its implementing regulations (including amendments). The LARAP should include a clear grievance redress mechanism for the PAPs. It should specify the contact or venue to file complaints that are widely disseminated, service standards to respond to complaints, and documentation.

## **I REPORTING AND MONITORING**

The progress of implementation of any required land acquisition, resettlement, and assistance will be reported to the World Bank regularly (quarterly) by the CPMU. The PIUs and/or NMC will have to monitor the preparation and implementation of the LARAP. Progress of land acquisition will be included in the project report.

The Project shall monitor and measure the progress of implementation of its land acquisition process. The extent of monitoring activities will be commensurate with the Project's risks and impacts. In addition to recording the progress in compensation payment and other resettlement activities, the project will prepare monitoring reports to ensure that the implementation of the resettlement plan has produced the desired outcomes.

External independent experts will be engaged in the project to advise on the overall process under Component 1 as agreed in the ESCP. If any significant relocation issues are identified, a corrective action plan will be prepared to address such issues. Until such planning documents are formulated, disclosed and approved, the Project will not proceed with implementing the specific project components for which adverse impacts are identified.

The purpose of monitoring and reporting is to: (a) comply with national regulation and World Bank's ESS 5; (b) determine effectiveness of institutional arrangements; (c) identify problems and remedial actions if any; (d) identify methods of responding immediately to resolve or mitigate problems; (e) verify if the standard of living of displaced persons are restored or improved; (f) assess sustainability of income restoration program; and (g) determine if human and financial resources allocated are adequate and effective.

Monitoring of the land acquisition and relocation planning implementation will typically focus on the following aspects:

- Verification of compliance of implementation;
- Level and quality of engagement with target communities, including ability of these communities to express grievances;
- Effectiveness of FGRM processes;
- Livelihoods restoration;
- Levels of displaced person's satisfaction;
- Effectiveness of relocation planning which identifies the strengths and weaknesses of the implementation in terms of achieving equitable resettlement outcomes, and benefit to the displaced persons;
- Relocation impacts – includes impacts on the displaced person's social economic situation, on public utilities and on institutions managing the overall relocation programs; and

#### ESMF - CSRRP

- Any pending issues: complaints and/or non-compliance issues. The Project will prepare a semi-annual monitoring report that describes the progress of the implementation of resettlement activities and any compliance issues and livelihood restoration of the relocated households and PAPs affected by land acquisition.

Implementation of Land Acquisition Plans will be monitored based on indicators as specified in the approved plans, which includes among others: (a) consultation process; (b) eligible PAPs; (c) agreed compensation level and forms; (d) payment of compensation and delivery of assistance; (e) follow-up on the legal process of the acquired land/remaining land; (f) the effectiveness of complaint handling mechanisms; (g) number, type of complaints and follow up; (h) disclosures of the plans and transparency during the process of land acquisition; etc.

The PIUs will input the progress of overall LARAP implementation in the MIS system of NSUP and CSRRP. The PMU will consolidate the information from MIS into the Project Monthly Report and upload it in the Project's web-based reporting system.

#### **Funding Mechanism**

CSRRP will finance infrastructure development in the relocation sites, which include permanent housing, public infrastructure and utilities. As part of the overall LARAP support, the project will also finance mobilization of facilitators, technical experts as well as necessary planning and coordination support. Land acquisition, including compensation and mitigation of impacts on PAPs and livelihood restoration programs for relocated households will remain the responsibilities of municipal and district governments of Palu, Sigi and Donggala.

**Sub-appendix 8.1: Sample of Format for Documentation for Land Donation**

1. Name of sub-project proponent (local government, community group, or other, please specify):
2. Brief description of sub-project acquiring land:
3. Size, existing use, and location (with map or sketch) of donated land:
4. Name and identity of land donor(s):
5. Date of the donation:
6. Map/site plan of the donated land:
7. Type of use (for the sub-project) of the donated land:
8. Date and signing of the form:  
(by the sub-project proponent—or authorized representatives in the case of a community group—who received the donated land; land donor; head of village, representative(s) of BKM, heirs of the land donor, and witnesses—at least three people). The land donor should put his/her signature on a legal stamp (*matera*).
9. Attachment of:
  - a. Minutes of consultations, signed by subproject proponent or authorized representatives in the case of a community group, witnesses (NGOs, civil society and/or community leaders), landowners, and consultant/facilitator;
  - b. Attendance list;
  - c. A copy of *akta hibah* or donation deed issued by a notary or PPAT.
10. Certification of the donated land and the remaining land:

**Sub-appendix 8.2: Sample Format for Obtaining Land through Direct Purchase**

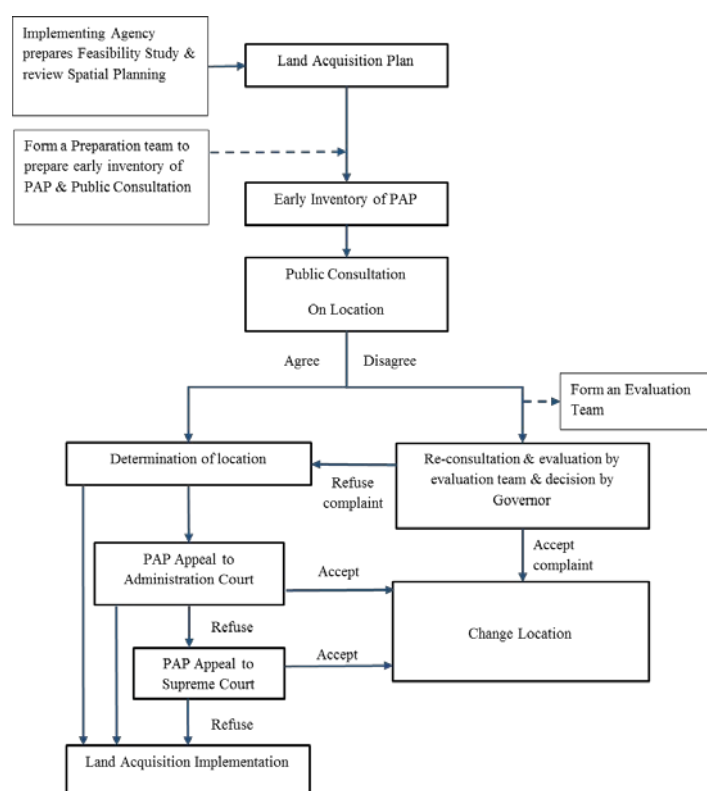
1. Name of sub-project proponent (local government, or community group, or other, please specify):
2. Brief description of sub-project acquiring land:
3. Size, existing use, and location (with map or sketch) of land acquired:
4. Name and identity of landowner(s)/seller(s):
5. Name and identity of land buyer(s):
6. Type of use (sub-project) of the acquired land:
7. Date of land purchase:
8. Land price:
9. Date of payment:
10. Scheme of payment (cash, and/or cash transfers, installment, etc. as applicable):
11. Recipient of payment:
12. Date and signatures of the land owner, representatives of community groups requiring the land, head of village, and PIU representative):
13. Attachment of (a) minutes of negotiation, signed by subproject proponent or authorized representatives in the case of community groups, and witnesses (NGOs, civil society and/or community leaders), land owner(s), and consultant/facilitator; (b) attendance list; (c) receipts of payment; and, (d) a copy of *akta jual beli*/deed of sale and purchase issued by a notary or PPAT.
14. Certification of the purchased land and the remaining land:

### Sub-appendix 8.3: Guidelines for Involuntary Land Acquisition

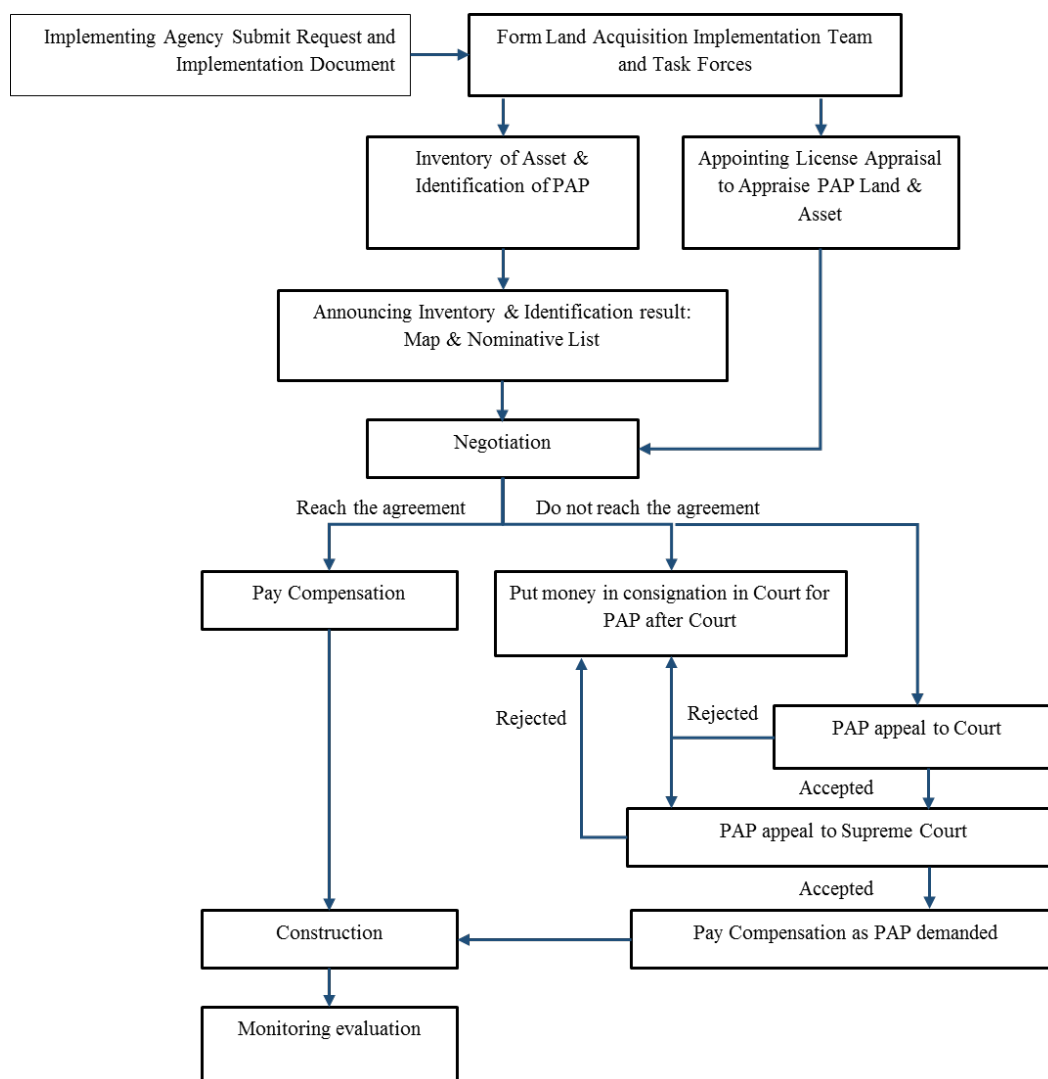
If land acquisition is carried out by the local government under the eminent domain principle, the process, requirements, procedures and institutional arrangements for land acquisition will follow the key national laws and regulations pertaining to land acquisition for the development for public purposes as follows:

- Law No. 2/2012 on Land Acquisition for Development for Public Purposes. For the preparation and implementation stages, see **Figure 3** and **Figure 4** below.
- Presidential Regulation No. 71/2012 on Implementation of Land Acquisition for Development for Public Purposes.
- Presidential Regulation No. 40/2014 on the first amendment of the Presidential Regulation No. 71/2012.
- Presidential Regulation No. 99/2014 on the second amendment of the Presidential Regulation No. 71/2012.
- Presidential Regulation No. 30/2015 on the third amendment of the Presidential Regulation 71/2012.
- Regulation of the Head of the National Land Agency No. 5/2012 on Technical Implementation Guidelines for Land Acquisition for Development for Public Purposes.

**Figure 3: Preparation Stage<sup>15</sup>**



<sup>15</sup> Summarized from the Law No. 2/2012 in the Gap Analysis Study, 2014

**Figure 4: Implementation Stage<sup>16</sup>**

In addition to the land acquisition process, requirements, procedures and institutional arrangements specified in the above law and regulations, the project should pay special attention to and ensure that land acquisition takes into account the following:

- Includes options for compensation (not only cash compensation) including land to land with clear procedures and timeline. Based on agreements reached during negotiations, Project Affected Persons can choose to receive cash compensation, resettlement, or other options. Other options include serviced sites, land [swap] of equal size or equal productive capacity, low cost housing, apartments, real-estate housing with credit facilities, or other schemes. Among those options, Project Affected Persons will be provided the opportunity to have a resettlement site where they do not have to pay more than their present routine expenditure. In all cases, the amount of compensation, resettlement, or other options must be sufficient to achieve the objectives of improving

<sup>16</sup>Summarized from the Law No. 2/2012 in the Gap Analysis Study, 2014

## ESMF - CSRRP

or at least maintaining the pre-project level standard of living, income generation, and production capacity of the Project Affected Persons.

- Eligibility for those without formal legal rights to land or claims to such land that could be recognized under the laws of the country (landless and laborers), provide resettlement assistance in lieu of compensation for land to help improve or at least restore their livelihoods.
- The government who acquires the land needs to compensate squatters and encroaches, if any, as the result of the land taking.
- The acquired land needs to be in line with the Regional or Detailed Spatial Development Plan (RDTR).
- Ensure that Project Affected Persons due to land taking get (i) prompt compensation at full replacement cost for loss of assets attributable to the project; (ii) if there is relocation, assistance during relocation, and residential housing or housing sites, or agricultural sites of equivalent productive potential, as required; (iii) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; and (iv) provision of public infrastructure and community services as required.
- Once fair compensation is given, further consideration and impact mitigation should be elaborated particularly on livelihoods, measures are developed to ensure that Project Affected Persons are (i) offered support after the land taking for a transition period, based on reasonable estimates of the time likely to be needed to restore their livelihoods and standards of living. Such support could take the form of short term jobs, subsistence support, salary maintenance or similar arrangements; and (ii) provided with development assistance in addition to compensation measures described such as land preparation, credit facilities, training and job opportunities.
- Consultations and complaint procedures. Project Affected Persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs; the grievance mechanism should take into account the availability of judicial recourses and community and traditional dispute settlement mechanisms.

A Land Acquisition and Relocation Action Plan (LARAP) should adopt the following measures to ensure that the PAPs are:

- a. Informed about their options and rights pertaining to land acquisition and/or resettlement;
- b. Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
- c. Provided prompt and effective compensation at full replacement costs for losses of assets attributable directly to the project.

If the impacts include physical relocation, a LARAP should also include measures ensuring that the PAPs are:

- a. Provided assistance (such as moving allowance) during relocation; and
- b. Provided with residential housing, or housing sites, or else, as required and agreed with the PAPs, to at least an equivalent situation to the old sites.

Where necessary to achieve the objectives of land acquisition and resettlement, a LARAP should also include measures to ensure that PAPs are:

- a. Offered support after displacement for a transition period, based on a reasonable estimate of the time likely needed to restore livelihoods and standards of living;
- b. Provided with development assistance in addition to compensation measures.

## **Sub-appendix 8.4: Minimum Elements of Resettlement Plan**

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

### **Minimum Elements of a Resettlement Plan:**

1. Description of the project. General description of the project and identification of the project area.
2. Potential impacts. Identification of: (a) the project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project; (b) the zone of impact of such components or activities; (c) the scope and scale of land acquisition and impacts on structures and other fixed assets; (d) any project-imposed restrictions on use of, or access to, land or natural resources; (e) alternatives considered to avoid or minimize displacement and why those were rejected; and (f) the mechanisms established to minimize displacement, to the extent possible, during project implementation
3. Conformity with the regional and national spatial planning and development
4. Objectives. The main objectives of the resettlement program
5. Location of the land and land area needed
6. Census survey and baseline socio-economic studies. The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions:
  - a. Identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
  - b. Information on vulnerable groups or persons for whom special provisions may have to be made;
  - c. Identifying public or community infrastructure, property or services that may be affected;
  - d. Providing a basis for the design of, and budgeting for, the resettlement program;
  - e. In conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance;
  - f. Establishing baseline conditions for monitoring and evaluation purposes.
  - g. As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey;
  - h. Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, nontitle-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
  - i. The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and



- j. Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations – NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
7. Legal framework. The findings of an analysis of the legal framework, covering (a) the scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment; (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project; (c) laws and regulations relating to the agencies responsible for implementing resettlement activities; and (d) gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS 5, and the mechanisms to bridge such gaps.
8. Institutional Framework. The findings of an analysis of the institutional framework covering (a) the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons; (b) an assessment of the institutional capacity of such agencies and NGOs/CSOs; and (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.
9. Eligibility. Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
10. Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.
11. Community participation. Involvement of displaced persons (including host communities, where relevant) (a) a description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities; (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan; (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
12. Implementation schedule. An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
13. Budget plan. Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

## ESMF - CSRRP

14. Grievance redress mechanism. The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
15. Monitoring and evaluation. Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.
16. Arrangements for adaptive management. The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

### **Additional Planning Requirements Where Resettlement Involves Physical Displacement**

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

1. Transitional assistance. The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.
2. Site selection, site preparation, and relocation. When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources; (b) identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services; (c) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites; procedures for physical relocation under the project, including timetables for site preparation and transfer; and (e) legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.
3. Housing, infrastructure, and social services. Plans to provide (or to finance local community provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

## ESMF - CSRRP

4. Environmental protection and management. A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
5. Consultation on relocation arrangements. The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households families or with preexisting communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e.g. places of worship, pilgrimage centers, cemeteries).
6. Integration with host populations. Measures to mitigate the impact of planned relocation sites on any host communities, including (a) consultations with host communities and local governments; (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites; (c) arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites.

### **Additional Planning Requirements Where Resettlement Involves Economic Displacement**

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

1. Direct land replacement. For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.
2. Loss of access to land or resources. For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.
3. Support for alternative livelihoods. For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.
4. Consideration of economic development opportunities. The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for

#### ESMF - CSRRP

financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.

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

**Sub-appendix 8.5: Land Due Diligence Report**

In case GoI has acquired land for permanent housing development and relocation of public facilities, the project is required to carry out a due diligence process to ensure that the proposed land is safe and technically feasible for settlement areas and public facilities (refer to **Appendix 4**), legal transfer processes are complete, as well as potential risks related to informal land use and occupation are identified. This assessment focuses on both the legal and actual “ground-truthing” of the proposed locations to be financed under the project.

**Process:**

- a. The Provincial PIU, with assistance from the NMC/TMC consultants, will review the past processes for land acquisition particularly in the main resettlement sites (i.e. Duyu, Pombewe-Olobuju, Tondo-Talise) and satellite locations;
- b. ‘Ground truthing’ and consultations will be required to identify potential risks associated with informal land use/ownership. This applies to all land parcels regardless of their administrative status of the land transfer processes;
- c. Remedial and/or corrective measures must be agreed by respective district and municipal governments to ensure compliance with the ESS 5;
- d. Submission of the land due diligence assessments to the World Bank for review and approval;
- e. Monitoring of remedial and/or corrective measures.

The following provides the main criteria that need to be covered as part of the overall land due diligence processes:

Criteria	Status	Document references	Analysis
<b>Legal aspects</b>			
Status of land release and registration of the proposed land (in the case of HGU/HGB)			
Legal evidence of land transfer processes (i.e. land release letter, HPL registration under ATR/BPN, etc.)			
Legal status of the land prior to acquisition (i.e. valid, abandoned and/or, expired concessions)			
Overlapping claims and/or land disputes (including status of resolution)			
Negotiation processes/evidence of such negotiation with concession owners			
Litigation or court case documentation (if relevant)			
In the case of willing buyer and willing seller, records of land transaction and payments/compensation (assess whether compensations reflect replacement costs)			
<b>Physical land uses and ownership</b>			
Informal/illegal land uses/ownership (i.e. sharecroppers, cultivators, etc.)			
Resettlement impacts as a result of land acquisition processes			
Presence of conflicts/land disputes			
Presence of emerging land use activities following location announcement (i.e. opportunistic land users/claimants)			
Restrictions of access and land uses			
<b>Acquisition processes</b>			
Consultations with landowners, including with informal/illegal land users			

## ESMF - CSRRP

Information disclosure and dissemination, including sufficient lead time for transition to new locations, including harvesting of productive crops			
Compensations paid to landowners/claimants, including informal land users such as sharecroppers, quarry operators, etc.			
Level of satisfaction amongst landowners/users with the compensations provided and/or negotiation processes			
Implementation of livelihoods restoration measures to address livelihoods displacement and resettlement			
In the case of willing buyer and willing seller, ability of landowners and users to negotiate in good faith (no coercion)			
Legal administrative processes on the remaining of the acquired land parcel for the landowners			
<b>Other documentation</b>			
Minutes of negotiation and consultations			
Records of grievances and complaints			
Evidence or documentation of legal land status			

## Sub-appendix 8.6: Sample Outline for Relocation Action Plan

- A Project Description:** brief description of CSRRP and project components or activities that support relocation.
- B Objectives:** the main objectives of the relocation program.
- C Census survey and baseline socioeconomic studies:** the findings of a household-level census identifying and enumerating affected persons.
  - a. Identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
  - b. The patterns of social interaction in the affected communities, including social networks and social support systems;
  - c. Social and cultural characteristics of displaced communities, including a description of formal and informal institutions—e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)—that may be relevant to the consultation strategy and to designing and implementing the relocation activities;
  - d. Information on vulnerable groups or persons for whom special provisions may have to be made.
- D Legal framework:** analysis of the legal framework covering the applicable legal and administrative procedures, laws and regulations relating to the agencies responsible for implementing resettlement activities; gaps, if any, between local laws and provision of resettlement measures and ESS 5, and the mechanisms to bridge such gaps. This can be referenced from the ESMF.
- E Institutional framework:** the identification of agencies responsible for relocation activities; an assessment of the institutional capacity of such agencies; programs that are proposed to enhance the institutional capacity of agencies responsible for relocation implementation.
- F Eligibility:** definition of displaced persons and criteria for determining their eligibility for relocation.
- G Site selection, site preparation, and relocation:** description and explanation of the considered and selected alternative relocation sites (*this can be referred from the ANDAL/UKL-UPL for each relocation sites*).
- H Housing, infrastructure, and social services:** Plans to provide (or to finance local community provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.
- I Community participation:**
  - a. Strategy for consultation with, and participation of, displaced persons in the design and implementation of the relocation activities; their preferences regarding relocation alternatives available to them, to relocating as individual households' families or with preexisting communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e.g., places of worship, pilgrimage centers, cemeteries);

- b. A summary of the views expressed and how these views were considered in preparing the relocation action plan;
  - c. A review of the relocation alternatives presented, and the choices made by displaced persons regarding options available to them;
  - d. Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
- J Integration with host populations:** measures to mitigate the impact of relocation sites on any host communities, including:
  - a. Consultations with host communities and local governments;
  - b. Arrangements for identifying and addressing any conflict that may arise between those resettled and host communities;
  - c. Any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within relocation sites.
- K Support for livelihoods restoration measures:** description of feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing livelihoods restoration support.
- L Implementation schedule:** anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities.
- M Costs and budget:** cost estimates for all relocation activities, including costs for livelihoods restoration and long-term monitoring.
- N Grievance Redress Mechanism:** description of affordable and accessible procedures for third-party settlement of disputes arising from displacement or relocation; mechanisms should consider the availability of judicial recourse and community and traditional dispute settlement mechanisms.
- O Monitoring and Evaluation:** arrangements for monitoring of relocation activities by the implementing agency, supplemented by third-party monitors to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for relocation activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all relocation activities have been completed.



## Appendix 9: Labor Management Procedures

### A INTRODUCTION

The Labor Management Procedures (LMP) were developed by the Ministry of Public Works and Housing (PUPR) to manage risks under the Central Sulawesi Rehabilitation and Reconstruction Project (P169403). The LMP sets out the Project's approach to meeting national requirements as well as the World Bank's Environmental and Social Framework, particularly ESS 2 on Labor and Working Conditions and ESS 4 on Community Health and Safety.

An initial environmental and social risk screening identified key risks and impacts as being associated with direct project workers, community health and safety as well as the risks associated with mobilization of labor for construction work.

The project has been classified as High Risk, which reflects potential social risks due to the inclusion of planning and resilient construction of new housing settlements (up to 7,000 housing units) as well as associated infrastructure (Component 1). The Project's investments are expected to support relocation of households who have been displaced due to the tsunami and liquefaction and those who are still occupying the red-zones under preventative resettlements. Under Component 2, the Project will finance multiple activities/sub-projects including the rehabilitation and reconstruction of small to medium-scale public infrastructure for disaster-affected people in *Palu*, *Sigi* and *Donggala* (e.g. schools and health facilities). While retrofitting activities will be conducted in situ, reconstruction activities may include re-siting of facilities and hence, may require land acquisition. For both components, a large number and different types of workers will be mobilized to perform various tasks, both physical and non-physical.

The Labor Management Procedure (LMP) has been prepared to guide the PMU and PIUs and contractors in establishing an approach to identifying potential risks to and impacts on project workers and host communities that typically result from construction works. The LMP focuses on the assessment and management of social and environmental risks and impacts, both anticipated and unanticipated, including the risks of labor influxes. It establishes key requirements pertaining to employment relationship, worker protection as well as measures to manage (e.g. avoid, minimize, mitigate and monitor) potential risks and impacts related to Occupational, Health and Safety (OHS) for both project workers and host communities.

### B OVERVIEW OF LABOR USE

The project workforce is expected to be large and diverse including government officers, contractors, primary supply workers and community workers (TBD). The project will involve both physical and non-physical works. For the former, a group of facilitators will be recruited and mobilized to assist sub-national governments in facilitating beneficiary assessment, verification and relocation planning. For the latter, the project workforce will be involved in demolition, site preparation, design and rehabilitation or reconstruction/construction activities.

**Scope:** the scope of the LMP is determined on the basis of the type of employment relationship between the GoI and the project workers. The following categories of project workers are anticipated (see **Table 10** below).

**Table 10: Project Workers**

Category	Definition	Types of workers	Expected Roles
Direct workers	People employed or engaged directly by the PMU or PIU to work specifically in relation to the project	- Project staff (i.e. Central PMU, PMU and PIU staff, National Management Consultants (NMC), Technical Management Consultants (TMC), Oversight Service Providers (OSP);	- Provide day-to-day management of project activities, including technical assistance and oversight support
		- Community facilitators	- Facilitate community engagement, mobilization, and awareness raising, including handling and/or administering community grievances - TA for relocation planning
Contracted workers	People employed or engaged through third parties to perform work related to core functions of the project	- Construction workers employed by selected contractors and sub-contractors for both Component 1 and 2. These may include members of local communities employed by contractors and/or sub-contractors as casual workers.	- Perform works related to construction including planning, site clearance and preparation, civil works, and electrical installation
		- Design and supervision consultants	- Provide technical services for building design, site planning, budget calculation (Bill of Quantity), and supervision during construction.
Primary supply orkers	People employed or engaged by project's primary suppliers (either through contractors or directly by the project)	- Workers employed by construction material suppliers. This includes casual workers	- Provide directly to the project goods or materials essential for the construction works (i.e. stones, gravels, sands, timbers, light steels, cement, etc.)
Community workers	People employed or engaged in providing community labor	At this stage, community workers are currently not envisaged under both components although there is a possibility that beneficiaries of the housing units may provide contributions in terms of labor.	To be further assessed in light of the project's modality in fostering community participation and contributions under C. 1.

**Number of Project Workers:** The actual size of workforce is yet to be determined since the target households, the estimated volume of works, as well as potential locations for specific resettlement sites and public locations are still currently being assessed.

A rough estimate based on potential volumes of construction works is provided (see **Table 11**) below:

**Table 11: Project Workers Size Estimate**

Project activities	Est. number of total workers	Timing of employment
<b>Physical/construction works</b>		
Site clearance and preparation		
a. Duyu	27	By 2020 (tentative)
b. Pombewe	29	By 2020 (tentative)
c. Satellite locations	TBD	TBD
Construction of housing units (Component 1)	1000 – 1400	2020 – 2022 by phases (for all construction)
Construction of public facilities (i.e. community health centers, schools)	400 – 500	2020 – 2022 by phases (for all construction)
<b>Non-physical works</b>		
Project management		
a. Technical Management Consultant	72	2020 – 2022
b. National Management Consultant	114	2020 – 2022
Community facilitation	85	2020 – 2022 (TBD)

**Characteristics of Project Workers:** There is likelihood that construction workers will be sourced from other parts of the island, most likely Makassar in South Sulawesi and Java. The need for foreign workers for construction activities is considered remote. Most of these workers are expected to be adult male workers, except for administrative, cleaning and catering services where female workers may get involved.

Labor influx risk has been assessed as high. There is a shortage of skilled labor for the recovery effort. Early recovery has already involved the sourcing of skilled workforce from other areas of the country. While Palu is a relatively large city, these labor influxes are likely to be concentrated in specific locations (i.e. relocation areas), or at major construction sites, where there may still be activities by patients and school children. Furthermore, some parts of the designated relocation sites are also being used as temporary shelters and hence, may present health and safety risks to households occupying these shelters.

Selected contractors may engage local sub-contractors and primary suppliers who may source raw materials such as gravel and sand from nearby quarries. There could be potential risks where children may get involved in the collection and/or extraction of these materials. However, the extent of current practices and patterns of employment will need to be further assessed during project implementation.

**Timing of Labor Requirements:** The timing and sequencing of labor will depend on the skill requirements and stages of construction works (refer Table 11). Skilled workers, such as mason, plumber, welder, electrician, carpenter may likely be engaged in the longer-term and rotated in and out of different projects and/or employed by multiple contractors. Many of these workers are most likely sourced from other parts of Indonesia and hence, may be retained for an extended period if demand for their services exist. These workers may likely be accommodated in temporary basecamps or rent accommodations from local communities during their period of employment.

Casual workers, such as unskilled and semi-skilled workers, such as helpers or basic masons, may be engaged for shorter timeframes. These workers are likely sourced from local communities and are employed on a project and/or sub-project basis. These workers likely do not require temporary accommodation since their places of employment will usually be in close proximity with their residences.

**Contracted Workers:** the nature of works required from contracted workers will likely be construction related. This includes design and supervision consultants, construction workers employed by selected contractors as well as sub-contractors. A rough estimate of the number of contracted workers is provided in **Table 11**. Such information will be updated once contracts have been awarded to the selected contractors.

**Migrant Workers:** the presence of migrant workers from outside the country is not anticipated. However, many construction workers are likely to be sourced from other parts of the island, such as South Sulawesi and Java. There may also be likelihood that there may be an influx of other people (“followers”) who follow the incoming workforce with the aim of pursuing job or business opportunities.

## C ASSESSMENT OF KEY POTENTIAL LABOR RISKS

**Project Activities:** Under Component 1 on resilient construction of permanent housing units and settlement infrastructure (US\$91.3 million), approximately 7,000 permanent housing units will be established in safe resettlement sites along with related settlement infrastructure and community facilities to relocate disaster-displaced households. Under Component 2 on resilient reconstruction and strengthening of public facilities (US\$31.8 million), the project will finance civil works for rehabilitation, reconstruction, and structural strengthening of public facilities to improve seismic performance and safety, reduce disaster vulnerability, increase climate resilience and improve functionality and service standards. Under both components, pre-construction works may involve site clearance, site preparation and demolition of existing/damaged facilities. OHS and community, health and safety risks are anticipated from the construction activities and mobilization of construction workers.

Non-physical works include mobilization of facilitators and project management, which includes TA support and oversight/supervision.

**Table 12: Risk Assessment**

<b>Risks</b>	<b>Mitigation measures</b>
OHS risk is high due to physical hazards associated with demolition, reconstruction and construction and low awareness/experience/capacity amongst employers/workers to identify and manage risks.	OHS training, provisions of Protective Personal Equipment (PPE) and oversight as further defined in the LMP
Child labor/risk of underage labor (under 15) is considered low with the exception of community workforce <sup>17</sup> and primary supply workers. Participation of youth labor (15-17 years) is likely and there is a risk that they may be involved in hazardous work or experience interruption of education.	Codes of Conduct and age requirements for workforce to be incorporated in bidding documents and worker contracts, labor supervision as further defined in the LMP
Community workforce (housing reconstruction) presents heightened risks in terms of working conditions, OHS, and child labor.	Same as above

<sup>17</sup> Community workforce refers to people employed or engaged in providing community labor. Project activities may include the use of community workers in a number of different circumstances, including where labor is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development.

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Use of third-party contractors, primary suppliers may present OHS risks. Nevertheless, the project's leverage to enforce corrective actions on these types of workers may be limited.	Inclusion of primary supplier requirements in bidding documents and contracts, labor supervision as further defined in the LMP
The influx of workers and service providers into communities may increase the rate of crimes and/or a perception of insecurity by the local community. Such illicit behavior or crimes can include theft, physical assaults, substance abuse, prostitution and human trafficking. Local law enforcement may not be sufficiently equipped to deal with the temporary increase in local population. Specific measures to address labor-influx risks are provided in <b>sub-appendix 9.2</b> .	Construction workforce management as defined in the CESMP, including provisions of health, recreational facilities, and other basic services, labor supervision and contracting requirements (i.e. Codes of Conduct)
The presence of construction workers and service providers (and in some cases family members of either or both) can generate additional demand for the provision of public services, such as water, electricity, and medical services. This is particularly the case when the influx of workers is not accommodated by additional or separate supply systems.	As above
The influx of people may bring communicable diseases to the project area, including sexually transmitted diseases (STDs). Incoming workers may be exposed to diseases to which they have low resistance, particularly in the post-disaster context. This can result in an additional burden on local health resources. Workers with health concerns relating to substance abuse, mental health issues, or STDs may not wish to visit the project's medical facility, and instead go anonymously to local medical providers; thereby placing further stress on local resources. Local health and rescue facilities may also be overwhelmed and/or ill-equipped to address the industrial accidents that may occur.	OHS and communicable health awareness training, labor supervision, provisions of recreational activities and work-life balance arrangements
Separation from families especially among construction workers who are away from home for construction jobs may encourage undesired behaviors, such as exploitative sexual relations, and illicit sexual relations with minors from the local community.	As above and codes of conduct in work contracts, GBV/SEA awareness to both workers and local communities
Delivery of supplies for construction workers and the transportation of workers can lead to an increase in traffic and a rise in accidents.	Traffic management as further defined in the CESMP, FGRM for local communities
Labor influx may lead to temporary local price hikes and/or crowding out of community consumers.	On-going monitoring as part of the E&S monitoring plan.

Such potential risks will continue to be assessed in light of the selection of construction sites (i.e. urban, peri-urban, and rural), size of construction works, and potential impacts on host communities.

## **D BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS**

The main labor legislation in Indonesia is Law No. 13/ 2003 on Manpower, which sets out the primary rules for establishing employment relationships, employment terms and conditions. These include working hours and over time arrangements, workers organization and collective bargaining/labor agreements, and employment termination.

Indonesia has also ratified all of the below ILO fundamental conventions:

- a. Forced Labor Convention
- b. Freedom of Association and Protection of the Right to Organize Convention
- c. Right to Organize and Collective Bargaining Convention
- d. Equal Remuneration Convention
- e. Abolition of Forced Labor Convention
- f. Discrimination (Employment and Occupation) Conventions
- g. Minimum Age Convention
- h. Worst Forms of Child Labor Convention

Law No. 13/2003 on Manpower requires employers to establish consensual terms and conditions with their workers in the form of a contract signed by both parties. These include occupation and types of work, along with agreed job deliverables, duty stations or workplace, amount of wages and method of payment, rights and obligations of the worker and the employer, starting date and duration of the contract, place and date of the work agreement, and hours of work and overtime. Enterprises with ten or more workers are required to establish a company regulation.

In terms of minimum wage, the law acknowledges the rights of workers to earn wages to meet a decent living (*penghidupan yang layak*). The minimum wage rates differ across the geographical locations and by economic sectors, formulated by the Provincial Governor in consultation with provincial and district wage councils, which also represent worker organizations/associations.

Non-permanent workers, including those hired for a specified period or to complete certain outputs are entitled to receive the prevailing district minimum wage for ordinary hours. The law stipulates that workers should be paid on a timely basis and at least once per month, although they may be paid more frequently on a specified date as agreed in the work agreement.

Regular working hours are 40 working hours per week, which can be arranged into five or six working days or other shift arrangements. Employers must pay overtime compensation if the working hours exceed the above with written consent from the employees for all overtime work. Such overtime work can only reach a maximum of three hours in a day and/or 14 hours in a week.

Regarding child labor, Law No. 13/2003 in principle prohibits employing children. However, there are some exceptions where children between the ages of 13 and 15 can be employed to perform light work, that meets certain conditions, as described below:

- a. The job does not disrupt their physical, mental or social development;
- b. The employer signs a work agreement with the parents or guardians and obtains their written permission;
- c. They do not work longer than 3 hours per day;
- d. They only work during the daytime, without disruption to their schooling; and
- e. The employer ensures compliance with occupational safety and health requirements.

## ESMF - CSRRP

Children between 15 and 18 years old can be employed without permission from their parents or custodians but must not be exploited to perform the worst forms of works as stipulated in the Ministry of Manpower and Transmigration Decree No. KEP.235/MEN/2003 on Jobs that Jeopardize the Health, Safety and Morals of Children. Indonesia has ratified the ILO Convention on Minimum Age for Admission to Employment (C138) as well as the ILO Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (C182).

Based on Law No. 40/2004 on the National Security System and Law No. 24/2011 on the National Social Security (BPJS), employers are required to register and participate in social security programs, which include healthcare, pension, work accidents, old age, and death insurance. Detailed arrangements on the implementation and administrative sanctions are set out in several government and presidential regulations. In addition to this, the workers are also entitled to receive religious holiday allowance as stipulated by the Minister of Manpower Regulation No. PER-04/MEN/1994 on Religious Holiday Allowance.

The labor law protects workers from discrimination at the workplace. This encompasses entitlements to equal treatment as well as equal rights and responsibilities with no discrimination based on sex, ethnicity, race, religion, skin color, and/or political orientation. Commitments to enforce this principle are strengthened by the ratification of the ILO Convention on Discrimination in Respect of Employment and Occupation (C111), as stated in Law No. 21/1999 and Law No. 80/1957 on the Ratification of ILO Convention No. 100 Concerning Equal Remuneration for Men and Women for Work of Equal Value.

Law No. 4/1997 on Disabled Persons stipulates that employers must hire at least one disabled person for every 100 employees. The disabled employees must meet the applicable work requirements and qualifications for the given position and are entitled to equal treatment without discrimination, such as, but not limited to, wages, titles and positions.

On the provisions of workers' rights to organize, including rights to collective bargaining, workers have the freedom to choose how they are represented, and employers must not interfere in the process as mandated in Law No. 21/2000 on Trade Unions. The Government of Indonesia has also ratified the ILO Convention on the Application of the Principles of the Right to Organize (C98), as stated in Law No. 18/1956. These laws acknowledge the fundamental right of workers to strike in a legal, orderly, and peaceful fashion as the last resort to resolve disputes if negotiations fail.

## **E OCCUPATIONAL HEALTH AND SAFETY**

Indonesia has comprehensive occupational safety and health laws and regulations designed to protect worker safety. The main law concerning occupational safety and health is Law No. 1/1970 on Work Safety (*Keselamatan dan Kesehatan Kerja, K3*) and covers all workplaces (See K3, Chapter II, paragraph 1). Worker safety and health protection programs therefore are mandated by law. This law also explicitly states that workers have the right to occupational health and safety protection.

Law No. 1/1970 on Work Safety (hereafter the Work Safety Act) requires safe and healthful workplaces, and establishing health and safety committees. It requires employers to report to the various and appropriate government agencies and details regulations regarding government inspections of workplaces. The act was amended with Government Act No. 25/1975 which updated the requirements for Law No. 1/1970. The other act that regulates the compensation system in Indonesia is Law No. 3/1992 on the conduct of *Jaminan Sosial Tenaga Kerja* (Jamsostek). Jamsostek is the social security system for workers in Indonesia. This Law describes and explains the compensation system in Indonesia, which is run by PT.

## ESMF - CSRRP

Jamsostek. Law No. 13/2003 also called the Indonesian Labor Law or the Manpower Act, has several articles laying out the framework for OSH. The law stipulates that every worker has a right to receive OSH (articles 86 – 87). Every enterprise is under an obligation to apply ‘an occupational safety and health management system that shall be integrated into the enterprise’s management system.’ It further adds that rulings concerning the application of the occupational safety and health management system shall be determined and specified with government regulations.

In 2012, the Government of Indonesia issued Government Regulation No. 50/2012 on Occupational Safety and Health (OSH) Management Systems. The regulation mandates the establishment of OSH management systems for every undertaking that employs 100 workers or more, or has a high level of potential hazard, with a view towards protecting the safety and health of workers through the prevention of occupational accidents and diseases. Enterprises with a high level of potential hazard are mandated to review their OHS management systems through regular audits by independent auditors. Given the regulation does not specifically provide a ratio for the number of OHS officers against the size of the workforce, international best practices will be adopted by the project. The OHS standards require appointing a competent OHS officer for every 50 workers.

As stated in Article 2 of Act 3 (1992), every worker has the right to social security. Jamsostek coverage is required for any employer of more than 10 employees (Government Regulation No. 14/1993, Jamsostek implementation, Article 2, Paragraph 3). Furthermore, Chapter I, General Section of the act states that: “The social security program provides protection for workers by supplying monetary compensation for lost or reduced income and employability when the worker experiences an accident, a hospital stay, a pregnancy, the birth of a baby, old age, or death.” Jamsostek includes accident insurance, life insurance (death benefit), old age pension and health insurance for workers (Chapter III, Article 6 of Act 3 1992). The legislation covers many types of workers and mandates coverage specifically for occupational accidents (Article 8, Paragraph 1). The law describes who is covered by the workplace accident insurance program (Article 8, Paragraph 2). Among others, it includes student interns working at a company (whether receiving wages or not) and company contractors, as well as prison inmates working in company internships prior to release.

## F RESPONSIBLE STAFF

The National Management Consultant (NMC) under supervision from the PMU at the provincial level will have the overall responsibility for the oversight of all aspects of the implementation of the LMP, particularly in ensuring compliance amongst contractors. The NMC may mobilize additional technical consultants to review LMP aspects as part of the procurement for construction works, contractor induction, and supervision. The project will mobilize a team of Occupational, Health and Safety (OHS) specialists to provide overall support for labor inspection, documentation and reporting of compliance and coordination with Provincial and District Manpower Agencies during the implementation of construction works.

**Occupational, Health and Safety:** Contractors must engage a minimum of one safety representative for every subproject. Smaller contracts may permit for the safety representative to perform other assignments, depending on the level of risks, subject to approval of the NMC. These safety representatives will be responsible to ensure day-to-day implementation of the LMP with specified safety measures, records any incidents and report to the OHS specialists recruited by the NMC. Minor incidents (no fatalities or major injuries) will require monthly



## ESMF - CSRRP

reporting, whereas major incidents including fatalities will require immediate reporting to the NMC and World Bank (refer **Appendix 10**).

**Labor and Working Conditions:** Contractors will keep records in conjunction with the requirements as established in the LMP. Contractors will keep records in accordance with specifications set out in this LMP. Such records may at any time be requested by the NMC to ensure that labor conditions are met. The Project Management Unit will review records against actuals at a minimum on a monthly basis and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

**Worker Grievances:** Civil servants assigned for the Project will follow the procedure in their respective institution in terms of submitting work-related concerns. Section I of this LMP presents the worker grievance redress mechanism applicable for the direct project workers such as the NMC, TMC, and community facilitators.

Contractors will be required to establish a worker grievance redress mechanism which adhere to the minimum requirements set in this LMP. Relevant personnel from the NMC and the PIU will review the grievance records on a monthly basis and report to the World Bank quarterly. In the event of an unresolved issue, the national system will be used.

**Additional Training:** Contractors are required to have a qualified safety officer at any time throughout the project cycle. The contractors will assess the capacity of the relevant personnel for safety issues and should gaps be found, additional trainings will be conducted as part of the contractors' responsibility. The PIU may conduct mandatory trainings to address risks associated with the labor influx or other relevant topics. Contractors are obligated to send their representatives to attend such trainings.

## G POLICIES AND PROCEDURES

### General Provision

Contractors will be obligated to manage direct environmental and social impacts resulting from the sub-project under their control. The PIU will incorporate standardized environmental and social clauses in the tender documentation and contract documents so the potential bidders are aware of the expected social and environmental performance. A full set of contractual requirements related to environmental and social risks and impact management will be provided in the subprojects' Environmental and Social Impact Assessment. All environmental and social requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the Projects environmental and social instruments.

The contractor is required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the PIU or PIU appointed agents. This will be stated in the core contractual agreements.

The Project (PIU, NMC, TMC), contractors and subcontractors, and suppliers are prohibited to engage forced labour, which includes the practice of the following:

- bonded /indentured labour (working against an impossible debt);
- excessive limitations of freedom of movement;
- excessive notice periods;
- retaining the worker's identity or other government-issued documents or personal belonging;

#### ESMF - CSRRP

- imposition of recruitment or employment fees payable at the commencement of employment;
- loss or delay of wages that impede the workers' right to end employment within their legal rights;
- substantial or inappropriate fine;
- physical punishment;
- use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis.

#### Occupational Health and Safety

The project is committed to:

1. Complying with applicable laws and regulations related to occupational health and safety;
2. Maintaining healthy and safe working conditions;
3. Enabling active participation in OHS risks elimination through the promotion of appropriate skills, knowledge and attitudes towards hazards;
4. Ensuring all workers are competent to do their tasks and giving them adequate training
5. Providing adequate control of health and safety risks arising from all work activities at all of the Project's facilities and sites;
6. Continually improving the OHS management system and performance;
7. Communicating this policy statement to all persons working under the control of the PIU with emphasis on individual OHS responsibilities;
8. Availing this policy statement to all interested parties at all sites.

The project will require contractors to follow all applicable occupational health and safety laws and regulations, including requirements stipulated in the Ministry of Public Work and Housing Regulation No. 5/PRT/M/2014 on Occupational Health and Safety Management System Guidelines in public works construction and the amendment of the same regulation stipulated in the Ministry of Public Works and Housing Regulation no 2/PRT/M/ 2018; Ministry of Manpower and Transmigration Regulation No. PER.15/MEN/VIII/2008 on First Aid at the Workplace. Contractors are responsible and liable for safety of site equipment, labors and daily workers attending to the construction site and safety of citizens for each subproject site, as mandatory measures.

#### Labor Influx and Gender Violence

Contractors are responsible to maintain labour relations with local communities through the code of conduct (CoC), which set out standards behaviour and penalties for non-compliance applicable to all persons engaged by contractors including subcontractors and suppliers and. Penalties include but not limited to non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment. The code of conduct will be explained to and signed by the employees as part of their induction training prior to working assignment.

Contractors will also conduct socialization of the CoC to the surrounding communities through community meetings (where feasible) or at the minimal through the display in a location easily accessible to the community. The code of conduct will be in Bahasa Indonesia and/or local languages.

Contractors must address the risk of gender-based violence, through:

- Mandatory training and awareness raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women;

## ESMF - CSRRP

- Informing workers about national laws that make sexual harassment and gender-based violence a punishable offence that is prosecuted;
- Adopting a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence;
- Developing a system to capture gender-based violence, sexual exploitation and workplace sexual harassment related complaints/issues.

This process will be under the portfolio of the Social Standards Officer who shall identify and engage the relevant stakeholders on GBV as well as HIV and AIDS issues.

Specific measures to address labor influx risks are provided in **sub-appendix 9.2**.

### Workers' Accommodation

Contractors are responsible to provide workers accommodation for non-local workers in accordance with World Bank Group process and standards as described in the Guidance Note by IFC and the EBRD, refer:

[https://www.ebrd.com/downloads/about/sustainability/Workers\\_accomodation.pdf](https://www.ebrd.com/downloads/about/sustainability/Workers_accomodation.pdf).

Requirements for the provision of workers' accommodation include the following:

- Assessing the needs for workers' accommodation
- Assessing impacts of workers' accommodation on communities
- Addressing standards for workers' accommodation (general living facilities, room/dormitory facilities, sanitary and toilet facilities, canteen, cooking and laundry facilities, nutrition and food safety, medical and fire protection facilities, leisure, social and telecommunication facilities)
- Managing/operating workers accommodation

Annex I of the Guidance Note also provides a checklist of the requirements for workers' accommodation which will be applied as relevant to the project.

## **H AGE OF EMPLOYMENT AND WORKING TERMS AND CONDITIONS**

The Project is committed to apply the applicable national labor laws and regulations including the minimum age and employment terms and conditions, as set forth below.

### Direct Workers

The Project's direct workers include civil servants from relevant agencies both at the national level, such as Ministry of Public Works and Housing, and local/regional agencies at the provincial and regency level. Working terms and conditions such as wages, benefits, and working hours of these personnel are regulated by their respective institutions and will remain as they are throughout the Project cycle.

The Project will also recruit consultants both for management and technical purposes to plan and implement the Project in national and regional/ local. The Project will develop terms of reference for each of the positions to be filled with qualified personnel. Based on the typical requirements for these positions, no child labor will be employed for these positions. The working terms and conditions including the working hours, salary and benefits, job description and responsibilities will be stated in a form of a contract, agreed and signed by both parties.

In addition to the above, the Project will to recruit field/community facilitators to support the project implementation for example to facilitate community meetings and gathering data via

## ESMF - CSRRP

community survey and interviews. The requirements to fill this position will be set out in terms of reference. No child labor will be employed. Like the consultants, the terms and conditions of the employment for field facilitators will be detailed in a contract describing the roles and responsibilities, salary, benefits, working hours, and other relevant topics, agreed and signed by both parties. It is noted that the field facilitators will be hired for specific duration only. As such, the wage rates will be calculated in accordance with the applicable regulations and will be consulted to local manpower agency of Palu, Donggala, and Sigi. The wage rates of the field facilitators will be at minimum same with the minimum wage of the respective districts (*Upah Minimum Kabupaten*).

Due to the nature of the assignments (temporary, output-based), the collective agreement is not expected for the direct workers of this Project. However, the Project will establish a worker grievance redress mechanism that is accessible for the workers as an avenue for them to submit any concerns related to the project. The grievance redress mechanism will be socialized to the at least workers during the employment contract signing. All concerns and grievances submitted by the workers will be investigated and resolved in a timely and transparent manner. In case of work-related disputes, deliberation and agreement (*musyawarah dan mufakat*) approach will be applied as the first step, and industrial relation court will be taken as the last resort to resolve such issues.

### Contracted Workers

The project will hire third parties to perform works related to construction, including planning, site clearance and preparation, civil works, and electrical works. The contracted third parties may contract sub-contractors to deliver the agreed deliverables. Third parties are obliged to manage and ensure the terms and working conditions of their and subcontractors' workers (contracted workers) are in accordance with applicable laws and regulations.

No child laborers will be employed in the construction activities as stipulated in the Ministry of Manpower and Transmigration's No. KEP-235/MEN/2003 on Types of Work that Jeopardizes Children's Health, Safety, and Morals. The contractors will be required to submit the data of all workers to the Project proponent. These requirements will be stated in the bidding and contract document.

The workers' grievance redress mechanism will be socialized to the contracted workers as part of the induction and will be refreshed at least every once every six months as relevant. All received grievances will be investigated and resolved in a timely and transparent manner.

The project will conduct regular field inspection to monitor and assess the performance and compliance of the contractors against the labor laws and regulations. The inspection will cover issues include but not limited to child labor, forced labor, workers' health and safety, working hours, compensation and benefits, etc. Findings from the field inspection will be followed up with appropriate mitigation measures to be implemented by the contractors within an agreed timeline. Contractors may receive penalties e.g. warning letter, temporary contract termination, permanent contract termination and black-list, if they fail to address the findings.

### Community Workers

The involvement level of community workers in the Project is expected to be minimal as most of the construction activities will be performed by contractors. The Project will limit involvement of community workers only to do light works (i.e. not involving heavy machines/equipment) in their neighborhood surroundings on a voluntary basis. The time allocated by the community workers will be limited so as not to interfere with their livelihood activities. The community workers arrangements will be documented in a written document signed by the community and the project's representative. The Project, through assigned contractors will oversee the community workers to ensure that health and safety standards are applied.

## ESMF - CSRRP

The community members may be recruited by the contractors and in such case, the contracted workers' working terms and conditions explained above will be applied.

### Primary Suppliers Workers

Primary suppliers are defined as suppliers who provide directly to the Project goods or materials essential for the core functions of the project on an ongoing basis. For the CSRRP, those include construction materials supplies such as stone, gravel, sand, timber, light steel, cement, etc. These suppliers employ workers to run their businesses, called primary suppliers' workers. The Project will make reasonable efforts to procure construction materials from respected suppliers who are expected to comply with the national laws and regulations relevant to labor issues.

In addition, the Project is also committed to optimizing local procurement, including construction materials (e.g. stone, gravel, and sand) to increase local economic benefits. It is understood that the lack of awareness and poor implementation of labor laws and regulations may be found amongst local suppliers. There are potential risks of child labor, health, and safety issues particularly in local quarry businesses.

The Project will require primary suppliers to assess these risks in their businesses and to propose mitigation measures and procedures to address the issues should significant risks be identified. The Project will conduct regular inspection through both administrative and field observations to monitor primary suppliers' performance and compliance regarding labor requirements. Primary suppliers may receive penalties, including a warning letter, temporary contract termination, permanent contract termination or blacklist, if they fail to address the issues.

## **I GRIEVANCE MECHANISM**

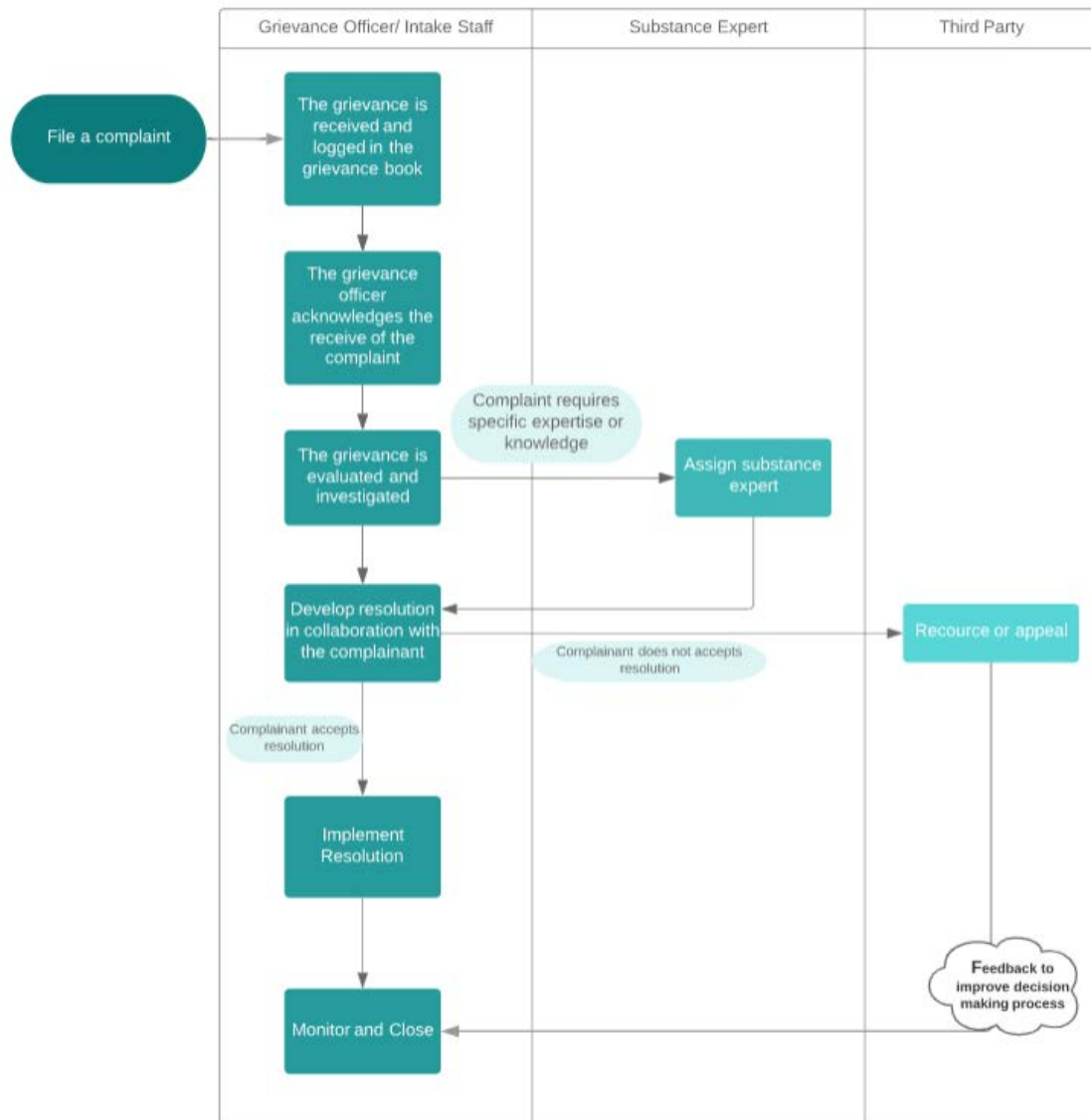
The Project is committed to providing a safe environment for all workers to submit their work-related concerns and file grievances, including anonymous complaints without fear of retaliation or discrimination. All grievances will be treated confidentially, investigated seriously, and responded to in a prompt and appropriate manner. The grievance redress mechanism set out in this LMP does not replace other channels for grievance resolution as defined by law or collective agreements. The contractors are required to apply these principles and will be regularly reviewed and monitored.

The grievance redress process is listed below:

1. The grievance officer/assigned personnel receives a question or complaint and logs the complaint in a grievance logbook. Workers may file complaints through a formal channel provided by their employers (as required in the bidding documents) or informally through their worker representatives, OHS officers in charge or managers.
2. The grievance officer/assigned personnel informs the complainant on the receipt of the complaint within 5 working days
3. The grievance officer evaluates the complaint to determine the relevant personnel/party to resolve the issue.
4. The complaint is investigated in consultation with the complainant and technical expert (if necessary). The investigation form will be filled and used as the basis to propose complaint resolution.
5. If the resolution is accepted by the complainant, it will be implemented. The implementation will be monitored to ensure there is no additional complaint during the implementation and then closed once it's declared clear.
6. If the resolution is not accepted, the grievance officer or the complainant can present it to an appeal committee. The complainant can also use other mechanism such as the legal process. The implementation of the resolution will be monitored and then closed.
7. All the process and outcomes of the grievance handling are evaluated to improve the Project's performance in managing risks and impacts.

The grievance handling mechanism is set out in **Figure 5** and the grievance form is provided in **sub-appendix 10.1**.

**Figure 5: Workers' Grievance Redress Process**



## J CONTRACTOR MANAGEMENT

The contractors are required to monitor the implementation of labour and working conditions as explained in this LMP. Evidence of implementation will be provided through regular reports, which should include the following information:

1. **Labour conditions:** records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements (where applicable);
2. **Safety:** recordable incidents and corresponding root cause analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, etc.).
3. **Workers:** number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child labour is involved, and skill level (unskilled, skilled, supervisory, professional, management).
4. **Training/induction:** dates, number of trainees, and topics.
5. **Details of any security risks:** details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project.
6. **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken—grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

The Project's oversight of contractors is set out in section J of this LMP. The following procedures are will be applied by project implementers and contractors to adhere to LMP provisions:

Issue	Responsible Party	Timeline
1. Ensure that Contractors have valid contracts with clearly defined service level agreement and applicable environmental and social clauses	NMC	Prior to contractor's mobilization
2. Contractor induction to the project standards and LMP	NMC/ PUPR	Prior to contractor's mobilization
3. Report submission of the following topics: a. Incidents and accidents management, incident reporting and investigation procedure b. Contractor employees' records	Contractors	Monthly
4. Site monitoring through field visit	NMC/PUPR	Monthly
5. Concerns or issues tracking using monitoring register	NMC/ assigned specialist depending on issues of concern	Monthly
6. Evaluation of contractor requirements include training, OHS report, certification and other. The evaluation results in Portfolio Reports which include recommendations for contract extension or termination.	NMC	Prior to contractors' end of contract
7. Training needs identification recorded in Contractor Training Schedule	NMC	Monthly



**Sub-appendix 9.1: Grievance Form**

Grievance Number:	
Complainant Information	
Name:	
Job title:	
Date of submission:	
Signature:	
Please provide as detailed information as possible	
Category	Description
Personal Relation	
Contractual Rights	
Human Rights	
Labor Rights	
Customary Rights	
Gender-based Violence	
Sexual Harassment	
For administrative use only	
Received by:	
Name:	
Title:	
Date:	
Signature	

## **Sub-appendix 9.2: Management of Labor Influx Risks**

### **A Project Preparation**

The project will address labor influx through the Construction-Environmental and Social Management Plans (C-ESMPs) by selected contractors.

Such ESMPs will be guided by E&S assessments in the required AMDAL and UKL/UPL processes which identify and, to the extent possible, assess the potential impacts resulting from labor influx.

The specific arrangements for construction are currently not fully known at the preparation stage and will only be confirmed only later once a contractor has been selected. The more specific assessments and mitigation measures will need to be developed as part of the C-ESMPs. Those should reflect findings of the AMDAL and/or UKL-UPL and measures proposed in the RKL/RPL which may need to be updated. The C-ESMP should also be updated when there are changes to the anticipated project area of influence or impact on local communities.

With a view towards the variety of potential impacts stemming from labor influx on the community, it is recommended that enhanced efforts be made to reach out to men and women separately, as well as to different age groups and vulnerable groups.

This ESMF contains an FGRM established for the project and is subject to further assessments to ensure that the mechanism is accessible and inclusive of community members. The project will also require regular monitoring by the E&S specialists within the PIU to assess measures to address labor influx risks having been implemented, including identification of suggested improvements by affected communities.

### **B Project Implementation**

Effective implementation of mitigation measures depends on cooperation and commitment of all parties implementing the project. These include the C-PMU, PIU and its designated consultants and specialists, and selected contractors. To ensure that the mitigation measures are contractually binding and actually implemented by the contractor, the C-PMU and PIU will ensure the following:

- a. Labor influx issues are adequately covered in the contract between PUPR and the construction contractor during the bid submission, bid evaluation and contract awarding. Standard bidding documents and construction works contracts may not fully address all the details or project-specific aspects related to labor influx and associated social and environmental risks, impacts and mitigation measures.
- b. Key measures are included in the bidding document. These include “particular conditions of contract” (PCCs) relating to labor influx; and (ii) ensuring that the key safeguard documents/instruments within the ESMF, Labor Management Procedures and other relevant documents, are included in the bidding document. General guidance for addressing social and environmental aspects in the contract process/stage is summarized in **Table 13**.
- c. Explicit provisions for monitoring environmental and social aspects, including labor-related aspects in the contract between MPWH and the supervision consultants. During construction, the supervision engineer acts on behalf of the MPWH/PIU and is assigned contractual authority on behalf of the MPWH/PIU implementing the project. The terms of reference for the supervision consultant need to be specific with regard to their responsibilities for managing environmental and social risks, in particular labor

## ESMF - CSRRP

influx, and they should have appropriate staff on their team to ensure this is done effectively.

**13** summarizes examples of mitigation measures that can be used to mitigate the impacts of labor influx. This list is not fully inclusive, and project-specific measures are typically established as part of the labor influx assessment. The table is organized according to the type of impact and delineates the different mitigation measures and responsibilities of the contractor, the MPWH/PIU and the Bank. The assignment of responsibilities between the contractor and MPWH/PIU may vary in a specific project to improve effectiveness and efficiency in implementation.

**Table 14: Suggested Mitigation Measures to Address Labor Influx**

Expected Adverse Impact	Potential Mitigation Measures			
	Contractor	MPWH/PMU/PIU		World Bank
		Project-specific with support of the Supervision Consultant	Broader Enabling Environment	
<b>All</b>		<ul style="list-style-type: none"> <li>Establishment and operation of an effective GRM accessible to community members to facilitate early identification of problems and targeted mitigating interventions;</li> <li>Provision of information to communities on how to use the FGRM to report issues;</li> <li>Monitoring and taking appropriate actions to ensure C-ESMP provisions are met;</li> <li>Inclusion of relevant provisions in the C-ESMP;</li> <li>Inclusion of relevant provisions in the contract.</li> </ul>	<ul style="list-style-type: none"> <li>Introduction of a quota for locally-sourced workers (set at a minimum 30 percent of the total workforce)</li> <li>Skills-training for local communities</li> </ul>	<ul style="list-style-type: none"> <li>Inclusion of relevant provisions in the bidding documents;</li> <li>Provision of advice on expected or likely issues based on Bank experience;</li> <li>Implementation support to verify compliance with the C-ESMP;</li> <li>Monitoring of FGRM resolution rates and identification of recurring issues to discuss with MPWH/C-PMU;</li> </ul>
<b>Risk of social conflict</b>	<ul style="list-style-type: none"> <li>Provision of information regarding the Worker Code of Conduct in local language(s);</li> <li>Provision of cultural sensitization training for workers regarding engagement with local community.</li> </ul>	<ul style="list-style-type: none"> <li>Consultations with and involvement of local communities in project planning and implementation;</li> <li>Awareness-raising among local community and workers.</li> </ul>		
<b>Increased risks of illicit behavior and crime (including prostitution, theft,</b>	<ul style="list-style-type: none"> <li>Paying adequate salaries for workers to reduce incentive for theft;</li> </ul>	<ul style="list-style-type: none"> <li>Reinforcement of local law enforcement staff;</li> <li>Enforcement of laws on drug abuse and traffic;</li> </ul>		

ESMF - CSRRP

<b>and substance abuse)</b>	<ul style="list-style-type: none"> <li>• Paying salaries into workers' bank accounts rather than in cash;</li> <li>• Sourcing of local workforce;</li> <li>• Creation of supervised leisure areas in workers' camp;</li> <li>• Cooperation with local law enforcement;</li> <li>• Introduction of sanctions (e.g., dismissal) for workers involved in criminal activities;</li> <li>• Provision of substance abuse prevention and management programs.</li> </ul>	<ul style="list-style-type: none"> <li>• Police monitoring to prevent drugs trafficking;</li> <li>• Sensitization campaigns both for workers and local communities.</li> </ul>		
<b>Adverse impacts on community dynamics</b>	<ul style="list-style-type: none"> <li>• Provision of services in the workers' camp to reduce the need for workers to use local community facilities (internet, sports);</li> <li>• Provision of entertainment and events for workers within camp to reduce incentives for mixing with local community.</li> </ul>	<ul style="list-style-type: none"> <li>• Liaison with civil society organizations to create integrative action plans; provision of upfront information on potentially detrimental impacts on local communities.</li> </ul>	<ul style="list-style-type: none"> <li>• Investment in community participation and engagement programs.</li> </ul>	
<b>Influx of Additional Population ("Followers")</b>	<ul style="list-style-type: none"> <li>• Contractor to hire workers through recruitment offices and/or through a formal hiring process in consultation with ward/village administration and avoid hiring "at the gate" to discourage spontaneous influx of job seekers.</li> </ul>	<ul style="list-style-type: none"> <li>• Communications campaign to manage expectations and discourage spontaneous influx of job seekers;</li> <li>• Sub-national governments to address this additional influx of the "followers" to ensure that no illegal and unsafe settlements develop;</li> <li>• Explore options for orderly accommodation on open space that can be monitored by law enforcement.</li> </ul>		

ESMF - CSRRP

<b>Increased burden on public service provision</b>	<ul style="list-style-type: none"> <li>Workers' camp to include wastewater disposal and septic systems;</li> <li>Identification of authorized water supply source and prohibition of use from other community sources;</li> <li>Separate service providers for community and workers' camp/construction site;</li> <li>Worker Code of Conduct on water and electricity consumption.</li> </ul>	<ul style="list-style-type: none"> <li>Contingency plans for temporary rise in demand for utilities and public service provision.</li> </ul>	<ul style="list-style-type: none"> <li>Investment in and capacity building of local public service providers.</li> </ul>	
<b>Increased risk of communicable diseases (Including STDs and HIV/AIDS)</b>	<ul style="list-style-type: none"> <li>Vaccinating workers against common and locally prevalent diseases;</li> <li>Contracting of an HIV service provider to be available on-site;</li> <li>Implementation of HIV/AIDS education program;</li> <li>Information campaigns on STDs among the workers and local community;</li> <li>Education about the transmission of diseases;</li> <li>Provision of condoms.</li> </ul>	<ul style="list-style-type: none"> <li>Establishment or upgrade of health centers at camp and construction sites (unless designated as contractor responsibility);</li> <li>Free testing facilities;</li> <li>Provision of condoms;</li> <li>Monitoring of local population health data, in particular for transmissible diseases.</li> </ul>	<ul style="list-style-type: none"> <li>Community sensitization campaigns;</li> <li>Awareness raising about public health impacts from labor influx.</li> </ul>	
<b>Gender-based violence, including sexual harassment, child abuse and exploitation</b>	<ul style="list-style-type: none"> <li>Mandatory and regular training for workers on required lawful conduct in host community and legal consequences for failure to comply with laws;</li> <li>Commitment / policy to cooperate with law enforcement agencies investigating perpetrators of gender-based violence;</li> </ul>	<ul style="list-style-type: none"> <li>Instruction and equipping of local law enforcement to act on community complaints;</li> <li>Collaboration with reputable service providers (NGOs) to handle cases;</li> <li>Information and awareness-raising campaigns for community members, specifically women and girls;</li> </ul>	<ul style="list-style-type: none"> <li>Application of long-term community-based approaches to address the issue;</li> <li>Enforcement of laws on sexual violence and human trafficking.</li> <li>Strengthening ward/village/community-level surveillance;</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Creation of partnership with local NGO to report workers' misconduct and complaints/reports on gender-based violence or harassment through the FGRM;</li> <li>• Provision of opportunities for workers to regularly return to their families;</li> <li>• Provision of opportunities for workers to take advantage of entertainment opportunities away from rural host communities.</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of information to host community about the contractor's policies and Worker Code of Conduct (where applicable).</li> </ul>	<ul style="list-style-type: none"> <li>• Reinforcement of police force where needed and deployment of female police officers in project area;</li> </ul>	
<b>Child Labor and school dropout</b>	<ul style="list-style-type: none"> <li>• Ensuring that children and minors are not employed directly or indirectly on the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Communication on hiring criteria, minimum age, and applicable laws.</li> </ul>	<ul style="list-style-type: none"> <li>• Enforcement of legislation on child labor.</li> </ul>	
<b>Local inflation of prices and crowding out of local consumers</b>	<ul style="list-style-type: none"> <li>• Appropriate mix of locally and non-locally procured goods to allow local project benefits while reducing risk of crowding out of and price hikes for local consumers.</li> </ul>		<ul style="list-style-type: none"> <li>• Monitoring of local prices and security of supply.</li> </ul>	
<b>Increased pressure on accommodation and rents</b>	<ul style="list-style-type: none"> <li>• When accommodation supply is limited establishment of workers' camp facilities with sufficient capacity for workers—including sub-contractors—and associated support staff.</li> </ul>	<ul style="list-style-type: none"> <li>• Inclusion in contract of funding for establishment of workers' camp.</li> </ul>		
<b>Increased traffic and rise in accidents</b>	<ul style="list-style-type: none"> <li>• Preparation and implementation of a traffic management plan to be approved by supervision engineer;</li> </ul>	<ul style="list-style-type: none"> <li>• Local government engagement with contractor and communities to identify accident hotspots and formulation of solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Upgrading and maintaining roads affected by project (unless designated as contractor responsibility).</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Building additional/separate roads to project and workers' camp sites;</li> <li>• Organization of commute from camp to project to reduce traffic;</li> <li>• Road safety training and defensive driving training for staff;</li> <li>• Sanctions for reckless driving.</li> </ul>			
<b>Inadequate waste disposal and creation of illegal waste disposal sites</b>	<ul style="list-style-type: none"> <li>• Reduction of waste generation;</li> <li>• Sound practices for waste disposal.</li> </ul>	<ul style="list-style-type: none"> <li>• Inspection of waste disposal arrangements.</li> </ul>		
<b>Wastewater discharges</b>	<ul style="list-style-type: none"> <li>• Ensuring workers' camp and associated facilities are connected to septic tank or other wastewater systems which are appropriate and of sufficient capacity for the number of workers and local conditions.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular inspection to ensure proper functioning.</li> </ul>		
<b>Increased demand on freshwater resources</b>	<ul style="list-style-type: none"> <li>• Water conservation and recycling of water;</li> <li>• Consideration of use of rainwater where feasible;</li> <li>• Avoiding contamination of fresh water sources.</li> </ul>	<ul style="list-style-type: none"> <li>• Inclusion in contract of requirement for rainwater capture, use of non-potable water for construction works, etc.</li> </ul>		
<b>Camp related land use, access roads, noise and lights</b>	<ul style="list-style-type: none"> <li>• Placement of workers' camp away from environmentally sensitive areas to avoid impacts on the local wildlife;</li> <li>• Routing of new access routes for workers' camp to avoid/minimize environmentally sensitive areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Inclusion in contract of requirements for camp locations.</li> </ul>		



## Appendix 10: Incident Reporting Toolkit

### Introduction

The E&S incident response procedure is prepared to guide the C-PMU/PIU and the World Bank on how to respond to incidents in terms of internal reporting; where contractors and C-PMU and World Bank's staff can seek additional support and the respective contractors; the roles of C-PMU/PIU and the World Bank in relation to on the ground remedies. This procedure was developed in alignment with the World Bank's Safeguards Incident Reporting Toolkit (SIRT), which is an internal guideline for the World Bank's staff in the event of incidents that occur as the result of the World Bank investments.

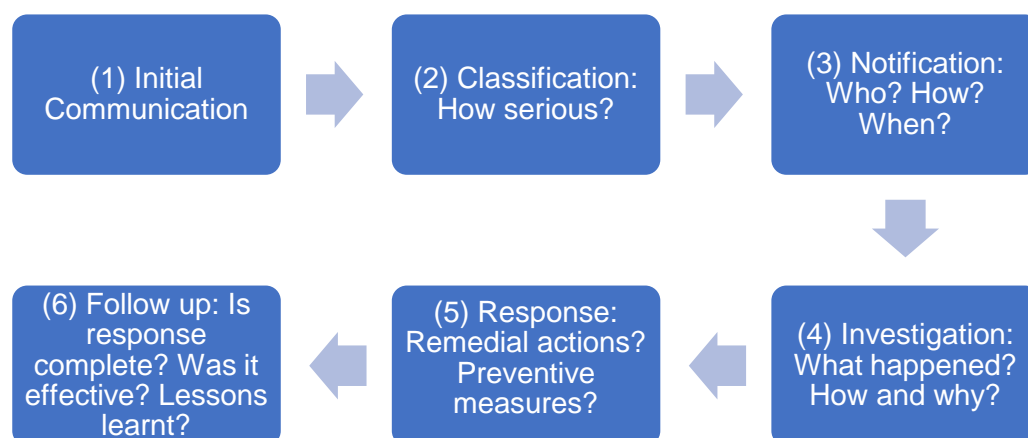
An incident is defined as an accident, incident or negative event resulting from failure to comply with the Project's ESS requirements, or conditions that occur as the result of unexpected or unforeseen risks or impacts during project implementation. Examples of such incidents include: fatalities, serious accidents and injuries, social impacts from labor influx, sexual exploitation and abuse (SEA) or other forms of gender-based violence (GBV), major environmental contamination, child labor, loss of biodiversity or critical habitat, loss of physical cultural resources and loss of access to community resources. The procedure is concerned with accidents involving communities, construction workers, supervision consultants, suppliers, as well as C-PMU/PIU staff.

### Management and Reporting Process

The overarching incident management and reporting process comprises six steps (see **Figure 6**). Details on activities for each step as well as the roles of the respective parties are provided in **Table 14**.

The incident response procedure may not apply beyond initial reporting and review when the project is completed, and the constructed and/or rehabilitated assets are transferred to the legal owner and/or local governments. Any subsequent incidents after the transfer will not be considered as a project related incident. These incidents are clearly outside the control of the project and while they can be documented, are not considered as a project related incident.

**Figure 6: Overarching Incident Management and Reporting Process**



**Table 15: Incident Reporting Procedure**

Incident Reporting Stage	Activities	Role of Relevant Parties		Tools
		C-PMU/PIU	World Bank	
1. Incident occurs: Initial Communication	PMU to provide relevant information to WB	Inform the Bank, inform appropriate authorities in compliance with local regulations, secure the safety of workers and public, and provide immediate care	Ensure TTL is aware, advise C-PMU and/or government counterparts if not aware, and launch the SIRT process	Written report answering above questions through email, letter or social media messaging services
2. Classify incident	Incident classification within 24 hours of receipt of the information; If it cannot be fully classified due to missing information, preliminary classification should be provided and confirmed as details become available	Promptly provide information about the incident to the Bank	TTL with support of E&S specialists classifies incident(s) to determine severity	Incident classification and communication (see <b>sub-appendix 10.1</b> )
3. Notification	Communication process internally within the C-PMU/PIU and relevant officers at the PUPR and the Bank according to level of severity of the incident	C-PMU/PIU prepares incident report (within 24 hours) and circulates internally within MPWH and notifies the World Bank (through the Task Team Leader and Environmental and Social Specialists as per-Classification and Notification Guide.	Depending on the level of severity of the incident, take necessary actions to address the incident and inform the World Bank's Senior Management if the incident is classified as Serious or Severe.	Incident Report (see <b>sub-appendix 10.2</b> ) Incident Classification and communication (see <b>sub-appendix 10.1</b> )
4. Investigation	Field investigation to understand facts on the ground;	Provide information requested by the Bank and facilitate incident site visit	Join the field investigation and provide expertise required to conduct proper field investigations	
		Undertake root cause analysis (RCA) with the Bank to understand and	Support the PMU to carry out RCA. An RCA or equivalent	ToRs for consultant(s) retained by PMU to

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		document the root cause(s) of the incident. RCA should be completed as soon as possible, ideally within 10 days	analysis will be required for all serious and severe incidents	undertake RCA and other analyses ( <b>See sub-appendix 10.3</b> )
		C-PMU/PIU Manager communicates to the Minister and/or DG as relevant	CD communicates to relevant Minister and/or DG (MPWH) orally and/or in writing to discuss findings of the RCA	
5. Respond	Develop Incident Corrective Action Plan (ICAP)	Agree on ICAP with Bank, including own actions, responsibilities and timelines for implementation, and C-PMU/PIU monitoring program	Work with the C-PMU/PIU to design and agree an appropriate ICAP	Example of the types of measures that can be included in an ICAP are included in sub-appendix 10.4
6. Follow-up	ICAP implementation	Implement ICAP and ensure that contractors and sub-contractors follow and implement key action items in the ICAP	Monitor ICAP implementation and provide on-going technical support if necessary	ICAP template (sub-appendix 10.4)
		Conduct internal documentation and provide sections in the E&S performance report on the implementation of the ICAP	TTL reflects incident in Implementation Status Report (or interim ISR); ISR section relating to incident is reviewed by Country Lawyer	ICAP template (sub-appendix 10.4)
		For Serious and Severe cases, conduct a third-party (independent) monitoring and supervision of the ICAP	Monitor ICAP implementation and provide on-going technical support if necessary	

### Sub-appendix 10.1: Incident Classification and Communication

Three levels of classification include indicative, serious and severe. Each of these classifications is briefly described as follows:

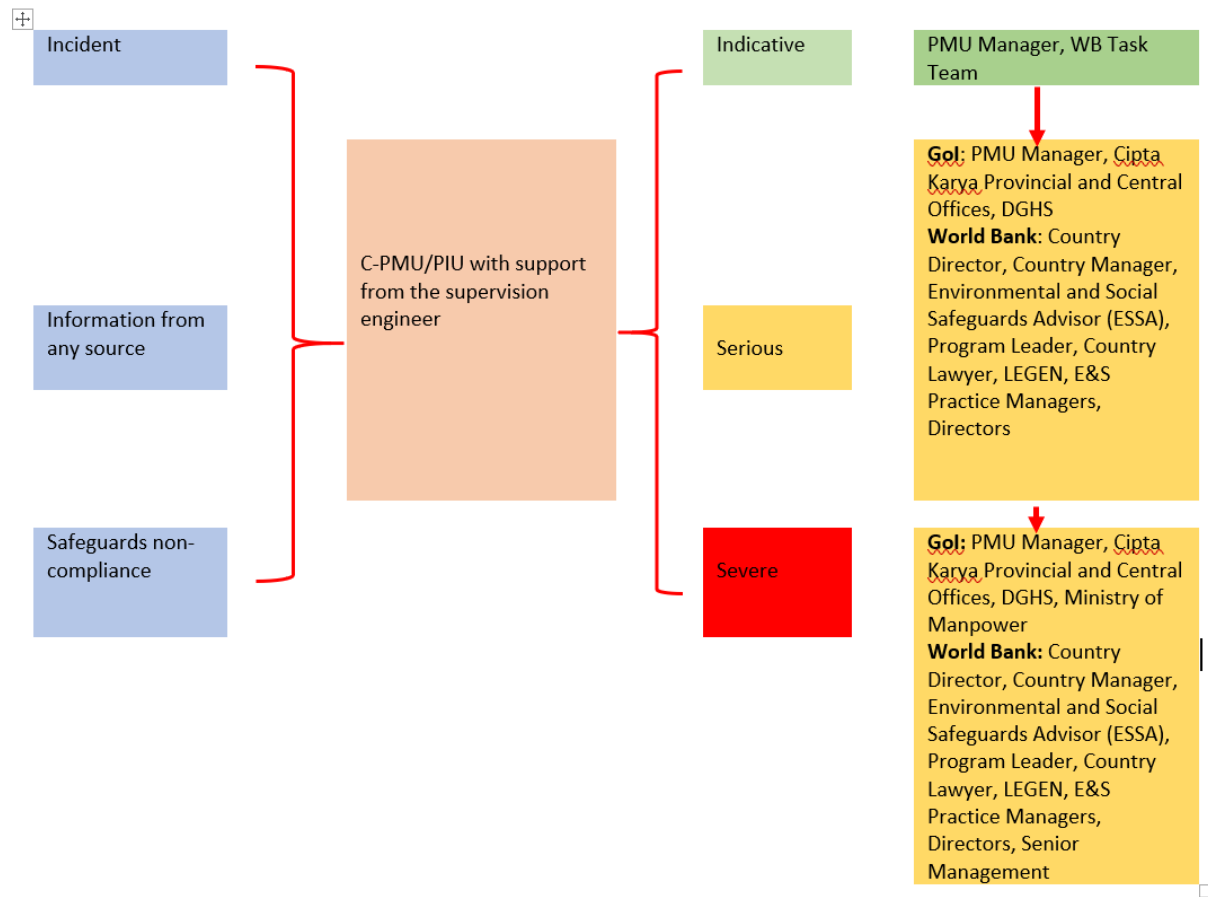
**Indicative** - A relatively minor and small-scale incident or non-compliance that is limited in its immediate effects but may be indicative of wider-scale issues within a project that could lead to serious or severe incidents. These may be escalated to serious or severe incidents, when, for example, there is recurrence of the incident within a six-month period, increasing severity of impact of the incident, or inability or unwillingness of the contractors to rectify the condition within the agreed timeframe.

**Serious** - An incident that is causing or will cause significant harm to the environment, workers, communities, or natural or cultural resources, is complex and/or costly to reverse and may result in some level of lasting damage or injury. This may include repeated non-compliance, injuries to workers that require off-site medical attention and result in lost time, improper treatment of vulnerable groups, inadequate consultation, consistent lack of OHS plans in a civil works environment, and medium-scale deforestation. These types of incidents require an urgent response.

**Severe** - An incident or repeated pattern of non-compliance of sufficient seriousness that it may, in addition to the actual or potential harm caused, pose a corporate risk to the Bank. A severe incident is complex and expensive to remedy, and likely irreversible. A fatality is automatically classified as severe, as are large-scale deforestation, major contamination, forced or child labor, human rights abuses of community members by security forces or other project workers, including GBV, violent community protests against a project, kidnapping, and trafficking in endangered species.

If documented circumstances and relevant discussions between the C-PMU/PIU, contractors, supervision engineer and within the Bank team confirm that the incident is **Indicative**, **Serious**, or **Severe**, then a one to two-page Incident Report (IR) (see **sub-appendix 10.2**) should be prepared and issued by the C-PMU Manager/Director, which shall be then forwarded to the WB Task Team (through Task Team Leader) within 24 hours of receipt of the information, with the support of the Project's E&S specialist(s), for internal communication.

**Figure 7: Classification and Communication of E&S Incident**



### **Sub-appendix 10.2: Template for Incident Report**

Following classification as either Indicative, Serious or Severe, the C-PMU/PIU Manager is responsible for issuing an Incident Report for distribution according to the classification and notification guide (see **Figure 7**). The incident report should be 1 – 2 pages and include, at a minimum, the following information:

- a. Country, name of project, name of C-PMU/PIU Manager and Environmental and Social Specialists in the PMU.
- b. Preliminary classification of the incident
- c. What was the incident? What actually happened? To what or to whom?
- d. Where and when did the incident occur?
- e. How did we find out about it and when?
- f. Are the basic facts of the incident clear and uncontested, or are there conflicting versions?
- g. What are those versions?
- h. What were the conditions or circumstances under which the incident occurred (if known at this stage?
- i. Is the incident still ongoing or is it contained?
- j. Is loss of life or severe harm involved?
- k. What measures have been or are being implemented?
- l. Has anyone in the PMU or other government agencies been informed? If so, how specifically? What has response to date been?

### **Sub-appendix 10.3: Samples of Terms of References**

#### **Sample 1: Terms of Reference for Consultant to Carry Out a Root Cause Analysis for a Workplace Accident**

##### **Background**

The Project was approved by the Bank's board in (...) and was effective in (...). Construction Works started on (...) and are currently ongoing. The Project closing date is (...).

Environmental and Social Impact Assessments (ESIAs – or equivalent) (...) including Environmental and Social Management Plans (ESMPs – or equivalent) were prepared. All E&S documents included measures for mitigating Occupational Health and Safety (OHS) risks. The ESMP requires that workers should be trained to recognize potential hazards and use safe work practices (...).

According to preliminary information, a serious accident occurred during Construction Works in one of the Project sites (...) on (...). By way of background, according to the verbal report communicated by the PMU/PIU, *Description of event*.

The objectives of these TORs are to: 1) identify the root cause of the accident; 2) identify immediate measures to be taken to improve the safety at the site and at other Project sites throughout the Project; and 3) identify effective preventive measures to be implemented to reduce OHS risks.

##### **Scope of work**

- Conduct a Root-Cause Analysis of the incident and identify the sequence of events and factual circumstances. The analysis should identify what failing(s) led to the accident, what safety measures were in place, and the risk information/training provided to workers on site. The level of supervision of unskilled labor should also be assessed.
- Recommend actions to be taken to rectify the failure(s) that led to the incident.
- Review the safety procedures at different sites and identify the health and safety measures to be taken to minimize the risks of future accidents both to workers and to local residents. Site visits should be carried out to a representative sample of construction sites, activities, regions and contractors as applicable. Health and safety representatives of the contractors and implementing agencies, as well as other technical counterparts as necessary should be interviewed to gain a comprehensive understanding about health and safety management.
- Review the OHS measures in E&S instruments and plans in construction contracts and recommend enhancements as needed. The assessment should identify what the existing procedures for safe performance of construction activities (excavation, scaffolding, working at heights, welding, etc.) are and should recommend appropriate procedures should the existing ones have gaps.
- Review the capacity of Contractors and supervision consultants to implement OHS standards. The assessment should review the training plans for skilled and unskilled labor for effectiveness and propose improvements to the training and communication program so that workers are adequately guided to safely perform their work.
- Review the existing arrangements for recruiting labor and what type of insurance (life or injuries and occupational health risks) and compensations are provided.
- Review compliance to the Labor Law and other international treaties by contractors or subcontractors.

#### ESMF - CSRRP

- Assess the sufficiency of the measures that the contractors take to minimize risk on the local communities and communicate with them. Recommend improvements as necessary.

#### **Consultant Qualifications**

- Extensive experience in conducting social analysis and social impact assessment in the Project's sector(s) and country/region.
- Extensive experience in measurement and evaluation of development projects in the Project's sector(s). Focus on social performance and demand-side indicators.
- Established reputation and proven track record in carrying out activities related to OHS, labor, including forced or child labor.
- Experience with the design and implementation of feedback mechanisms in development projects.
- Robust quantitative and qualitative analysis capacity with strong quality control. Excellent track record on interviewing respondents in local communities, conducting surveys, random sampling, designing focus group discussions, etc.
- Robust staffing, including familiarity with country context, fluency in local languages, independence and knowledge of international standards.
- Extensive experience of collaborating with a diverse range of stakeholders involved in development projects (including governmental authorities, local and international civil society, international development agencies etc.)

#### **Outputs**

The consultant shall prepare the following outputs:

- A root-cause incident investigation report for the accident, including the recommended measures to improve OHS conditions at the site
- A diagnostic analysis of OHS measures and recommended measures for improvements

#### **Timing**

The draft incident investigation and OHS diagnostic analysis reports should be submitted within (...) days from commencement. The final report should be submitted within (...) days of receipt of comments on the draft.

#### **Confidentiality**

All documents provided to the consultant for carrying out this task should be considered confidential except if otherwise indicated.



## **Sample 2: Terms of Reference - Legal Consultant (Labor) for an Incident or Accident**

### **Background**

The (...) Project was approved by the Bank's board in (...) and was effective in (...). The Project Development Objective is to (...). The Project consists of (...) in (...). construction works started on (...) and are currently ongoing. The Project's closing date is (...).

An Environmental and Social Impact Assessment (ESIA – or equivalent) including Environmental and Social Management Plans (ESMPs – or equivalent), was prepared for each location (*adapt as necessary*). All E&S documents include measures for preventing and reducing Occupational Health and Safety (OHS) risks. The ESMP requires (*summarize relevant measures here*).

According to preliminary information, (*summarize what is known about the incident/accident*).

### **Objectives and activities**

The objective of this consultancy is to provide an overview of the local legal context and institutions, as relevant to the incident or accident, as well as recommendations to ensure adequate, immediate responses as well as compensation and longer-term adjustments to the Project's legal arrangements.

The Legal Consultant will be part of a team of independent consultants (*if applicable*). The Legal Consultant will review documents, and conduct site visits, interviews, and any other activities and research deemed necessary.

### ***Key responsibilities of the Legal Consultant in relation to the incident or accident:***

- Identify key labor aspects and issues in the contracts between the PMU or implementing agency and the contractor, and between the contractor and the subcontractor(s), as applicable, and examine them against local laws. This must include, but should not be limited to, examining the employment agreements (nature of employment); wages; health; social, life and accident insurance for workers; age of workers; workers' qualifications against the needed tasks; and the information and training provided to skilled and unskilled workers to enable them to carry out the various tasks.
- Examine the contract between the PMU or implementing agency and the supervision engineer and identify any labor-related issues that the latter is mandated to follow up on.
- Assess the adequacy of labor conditions of the workers and provide background information on local practices, laws and enforcement mechanisms (e.g., level of skills needed for the job, capacity for carrying out the job, contractual relationship, etc.)
- Examine the sufficiency of the actions taken in response to the incident or accident and provide background information on local practice in similar situations (e.g., provision of compensation).
- Provide any immediate recommendation(s) as needed in response for the case.

### ***Key responsibilities in relation to the systematic analysis for the Project at large:***

- A systematic analysis should be conducted by the Legal Consultant for a representative sample of the contracts (e.g., different locations, different sizes, public and private contractor) to cover the points 1 and 2 above. The consultant should also verify what is stipulated in the contracts against the actual practices on the ground using different sources.

#### ESMF - CSRRP

- The consultant should provide analysis on the key findings, areas for improvement, and an action plan for the improvements to ensure that the contracts comply with the GoI laws.

#### **Consultant Qualifications**

- Legal background particularly in labor and OHS legal frameworks;
- Established reputation and proven track record in carrying out activities related to labor and OHS;
- Experience with legal processes, contract management and the design and implementation of feedback mechanisms in development projects.
- Robust quantitative and qualitative analysis capacity with strong quality control. Excellent track record on interviewing respondents in local communities, conducting surveys, random sampling, designing focus group discussions, etc.
- Familiarity with country context, fluency in local languages, independence and knowledge of international standards.
- Extensive experience of collaborating with a diverse range of stakeholders involved in development projects (including governmental authorities, local and international civil society, international development agencies etc.)

#### **Outputs**

The consultant shall prepare the following outputs:

- Report covering the legal aspects of the incident or accident
- Report covering the systematic legal analysis of the project at large

#### **Timing**

The draft incident or accident legal report should be submitted within (...) days from commencement. The final report should be submitted within (...) days of receipt of comments on the draft.

The draft legal report covering the entire Project should be submitted within (...) weeks of commencement. The final report should be submitted within (...) weeks of receipt of comments.

#### **Confidentiality**

All documents provided to the consultant for carrying out this task should be considered as confidential except if otherwise indicated.

### **Sample 3: Terms of Reference for Independent Monitoring for Potential Forced or Child Labor**

#### **Background**

The (...) Project was approved by the Bank's board in (...) and was effective in (...). The Project Development Objective is to (...). The Project consists of (...) in (...). construction works started on (...) and are currently ongoing. The Project's closing date is (...).

An Environmental and Social Impact Assessment (ESIA – or equivalent) and associated Environmental and Social Management Plans (ESMPs – or equivalent) were prepared for Project Appraisal (*adapt as necessary*). All E&S documents include measures for preventing and reducing Environmental, Social and Occupational Health and Safety (OHS) risks, including the potential for forced adult, or child labor. The ESMP requires (*summarize relevant measures here*).

#### **Description of issue or allegation as applicable**

Independent monitoring will be used to improve the development outcome of the project by providing timely and results-oriented information about project implementation to the PMU and World Bank. The objective is to monitor the project (or portfolio of projects) by regularly monitoring any issues related to the potential use of child or forced adult labor (as defined by international conventions and national legislation).

An independent firm or consultant will be engaged to periodically monitor any issues related to the potential use of child or forced adult labor in specific project areas. The consultant/firm will also design and manage a feedback system that will collect and scrutinize all reports on matters related to forced labor that might be associated with the project(s). The consultant or firm will prepare periodic reports and assessments to track any potential evidence of the use of forced labor in connection to the project(s) and provide recommendations on whether and how measures undertaken by the project(s) in this respect could be strengthened.

#### **Activities**

- Preparation phase: (i) description of project activities including work site, recruitment, human resources function for the relevant work sites or project areas under consideration; (ii) diagnostic analysis of labor practices and recommended measures for improvement, including areas where forced adult or child labor practices may be of concern; (iii) develop detailed methodologies and materials that will be used to implement a monitoring program and gather feedback.
- Site visits: (i) In collaboration with implementing agency(ies), identify possible areas where forced adult and/or child labor may be present; (ii) conduct announced site visits to gather feedback and any other evidence on the potential use of forced adult or child labor in specific project areas.
- Periodic assessment of local context and conditions: (i) develop a methodology for random selection of sites that will be visited as part of each mission; (ii) conduct in-depth interviews with local stakeholders as part of each visit.
- Design and management of a shared feedback mechanism: (i) design and manage a feedback mechanism on forced and child labor for the project(s) including update, processing of reports, investigation of reports and follow-up and (ii) design and lead awareness raising activities both within the project team and with local stakeholders.
- Analysis and reporting: (i) prepare detailed reports after each monitoring mission and (ii) prepare detailed periodic reports on the feedback mechanism process. The reports

## ESMF - CSRRP

will be shared with the World Bank and implementing agency/ies. After the correction of any factual errors the report will be completed and publicly disclosed, if applicable.

The consultant/firm will develop the methodology for the implementation of this assignment in close consultation with the project teams and the implementing agency/ies. This will include a mechanism to distinguish between cases of forced labor and voluntary labor, and of child labor. It will rely on both quantitative and qualitative methods (e.g., surveys, questionnaires, focus groups, in-depth interviews, Information and Communications Technology (ICT)-enabled tools etc.), as appropriate, to gather feedback from project stakeholders who can contribute to the understanding of the potential use of forced or child labor in specific areas. The consultant/firm will also employ a blend of quantitative and qualitative analysis to evaluate the performance of the feedback mechanism.

### **Consultant Qualifications**

- Extensive experience in conducting social analysis and social impact assessment in the Project's sector(s) and country/region.
- Extensive experience in measurement and evaluation of development projects in the Project's sector(s). Focus on social performance and demand-side indicators.
- Established reputation and proven track record in carrying out activities related to forced or child labor.
- Experience with the design and implementation of feedback mechanisms in development projects.
- Robust quantitative and qualitative analysis capacity with strong quality control. Excellent track record on interviewing respondents in local communities, conducting surveys, random sampling, designing focus group discussions, etc.
- Robust staffing, including familiarity with country context, fluency in local languages, independence and knowledge of international standards.
- Extensive experience of collaborating with a diverse range of stakeholders involved in development projects (including governmental authorities, local and international civil society, international development agencies etc.)

### **Outputs**

The consultant shall prepare the following outputs:

- A report that describes relevant project activities including work site, recruitment, human resources function for the relevant work sites or Project areas under consideration.
- A diagnostic analysis of labor practices and recommended measures for improvement, including the potential for forced adult or child labor
- An appropriate monitoring program for forced adult and child labor in the Project areas including a feedback mechanism
- Regular reports based on feedback
- Regular monitoring reports as requested by the Task Team Leader (TTL)

### **Timing**

The draft reports should be submitted on the following timeline: (.....).

### **Confidentiality**

All documents provided to the consultant for carrying out this task should be considered confidential except if otherwise indicated.

#### Sub-appendix 10.4: Example Incident Corrective Action Plan (ICAP) Outline

The contents of the ICAP are driven by the findings of the Root Cause Analysis (RCA), and are specific to the type of incident, its location, severity, and incorporation of necessary measures to strengthen the Project's institutional capacity to implement corrective and preventative measures. The ICAP will be implemented by the C-PMU/PIU for Serious and Severe incidents, with Bank supervision and support.

**Table 16: Possible Section for an ICAP**

<i><b>Example ICAP Sections</b></i>		<i><b>Possible Actions</b></i>
Immediate to near term actions		Stop works, secure the site, provide medical care and counseling, pay compensation, remediate contamination, enforce anti-poaching, notify relevant authorities, design and implement response mechanism etc.
Medium term/ongoing actions	Documentation, monitoring and reporting	Streamline consolidate and review as necessary existing ESHS/OHS monitoring and reporting tools, with a focus on increased monitoring of leading indicators to increase effectiveness.
	Contractual agreements /enforcement	Review bidding/contractual arrangements to determine if existing language is adequate to ensure <u>sufficient onsite presence of qualified</u> and independent E&S professionals for adequate implementation of the health safety plan and identify if any adjustments may be necessary for future agreements.
	Risk assessment, processes, procedures and training plans for managing risks	Update risk assessment and management plans to address: <ul style="list-style-type: none"> <li>• Fire risk and adequate fire extinguishers placement</li> <li>• Electric risk should also be reviewed, and safe work procedures developed for handling, maintaining and checking electric equipment and extension cords.</li> <li>• Permit to work procedures should be developed for high risk activities with daily verification and sign-off of competent health and safety officers or supervisors.</li> </ul>
		Delayed Resettlement Compensation example – update risk assessment and management plans to address: <ul style="list-style-type: none"> <li>• Based on the RCA determination of the reasons for the continued delays in payment of compensation, put in place an effective strategy for addressing them as necessary</li> <li>• Ensure that all outstanding and new claims are appropriately addressed</li> <li>• Determine whether there were impacts that have not previously been considered (livelihoods/loss of business income, vulnerable groups) for which compensation or assistance may be required</li> <li>• Ensure continuing consultation with Project-affected people and a well-functioning feedback and grievance redress mechanism (FGRM)</li> <li>• Monitor implementation and provide fortnightly progress reports</li> <li>• Recruit a separate expert to conduct an audit to confirm satisfactory implementation of the process above</li> </ul>

# ESMF - CSRRP

<b>Example ICAP Sections</b>		<b>Possible Actions</b>
	Competencies, roles and responsibilities:	Onsite staffing resources and organizational arrangements dedicated to E&S, health and safety by the implementer(s) (e.g., construction company and the supervision consultant) should be reviewed considering the updated risk assessment and findings. This may include adjustments in terms of number, competence, onsite presence, organization, communication and reporting, so that project activities may comply with the EHS/OHS plan requirements.
	High level monitoring and evaluation:	Once the monitoring and reporting system is consolidated, the supervision consultant and C-PMU/PIU should be able to monitor leading indicators such as near-misses (e.g., a heavy load that falls near a worker), and deviations with high risk potential (e.g., absence of protective barriers, uninsured workers) based on daily observations by the contractor and the supervision consultant.

### **Sub-appendix 10.5: Example of Response Mechanism following a Fatality**

This example was developed and agreed to by the C-PMU/PIU and Bank following a fatality on a Bank project:

- Monthly site meetings attended by C-PMU/PIU and covering E&S updates
- The supervision consultants' monthly progress report will provide details on C-ESMP implementation status as well as accidents and grievances
- C-PMU/PIU will send to the Bank monthly progress reports within 1 week of receipt from the supervision consultants
- Accidents and grievance log-books are placed in all construction sites
- Any severe injury (requiring off-site medical care) or fatality incident shall be reported to the Bank within 24 hours with basic information and a detailed incident report including the following will be submitted within 10 working days:
  - a. root cause analysis; and
  - b. corrective action plan on
    - i. Immediate mitigation measures in case of continuing danger (e.g. fencing, signboard, guards)
    - ii. Compensation to the affected family based on a clear rational
    - iii. Risk assessment and correct application of ESHS management procedures, and
    - iv. Medium and long-term mitigation measures including enhancement of safety measures, audits, and additional training.

## Appendix 11: Project Strategy and Action Plan for GBV/SEA and VAC

### A Introduction

Gender-based violence (GBV) refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It includes physical, emotional or psychological and sexual violence, and denial of resources or access to services. Violence includes threats of violence and coercion and inflicts harm on women, girls, men and boys, as well as people of diverse gender identities.

CSRRP has been rated as 'Substantial Risk' using the World Bank's GBV Risk Assessment Tool. This GBV Strategy and Action Plan outlines a series of mitigation measures to:

- Reduce the risk of GBV and VAC in connection with CSRRP by providing training for project staff;
- Increase awareness of GBV and VAC and available GBV services among local residents impacted by the project;
- Ensure appropriate services are provided to any survivors who report or are referred to the service provider.

### B Contexts

#### GBV Risk and Prevalence

Thirty-five percent of women worldwide have experienced non-partner sexual violence or physical and/or sexual intimate partner violence (WHO 2013) which are considered as manifestations of Gender-Based Violence (GBV). The risks of GBV can include Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) that exists in an unequal relationship between gender, power or economy. In infrastructure project, major civil works can exacerbate GBV both in public and private spaces. It can take the form of many ways, one of which is in projects with large influx of workers such as in roads or house reconstruction projects.

In Indonesia, the prevalence of gender-based violence is mostly perpetrated by husbands/partners. Unfortunately, there are no official statistics on the various forms of violence against women in Indonesia. However, based on the 2016 Indonesian National Women's Life Experience Survey, around 1 in 3 women (33.4%) aged 15 to 64 years old have experienced physical and/or sexual violence perpetrated by their partner or non-partner in her lifetime. Based on this figure, there is at least one out of ten (9.4%) women experiencing such violence in the last 12 months. In addition, two in five (41.7%) women have experienced at least one of the four types of violence<sup>18</sup> in her lifetime, and around 42.3% of women have experienced violence in the forms of restrictions or limitations to movement and freedom within her lifetime, with 23.3% experiencing such violence the last 12 months.

**Table 17: GBV Prevalence in Indonesia**

	Types of Violence Perpetrated by Husband/Partner			
	Sexual	Physical	Economic	Psychological
During lifetime	10.6%	12.3%	24.5%	20.5%
Past 12 months	3.8%	1.8%	9%	7.5%

Source: UNFPA (2017). Key Findings: 2016 Indonesian National Women's Life Experience Survey

<sup>18</sup> The four types of violence include sexual, physical, economic and psychological violence.



## ESMF - CSRRP

The same survey also documented that physical and/or sexual abuse tend to occur more in urban areas (36,3%) than in rural areas (29,8%). Such abuse was experienced more by women aged 15–64 years old with minimum education (i.e. high school – 39,4%) and unemployment status.

Child marriage is also found in several parts of Indonesia. At least one in four girls currently marry before reaching adulthood, with highest percentage among girls aged 16 and 17 (around 20.2% of marriages in 2008 and 19.3% of marriages in 2015). Child marriage is not only caused by poverty. In some contexts, social and cultural acceptance of such practice is evident across various economic levels and in both rural and urban areas.

In a post disaster situation, infrastructure projects can cause larger GBV risks because they operate in an already vulnerable social condition due to disaster, and multiple unequal relations that exist in the community. Women and girls are prone to sexual exploitation in temporary shelters due to the intimate situation of living conditions. They experience violence and sexual exploitation at the hands of local members of society, or others who can freely access the shelters. When the reconstruction project starts with the influx of workers, they might be exposed to more exploitation because more people will come around their housing complexes.

GBV risks associated with project activities are considered substantial, given existing gender inequalities and the prevalence of GBV incidents in Central Sulawesi before the disaster, and the increased risks during the post disaster/recovery context.

Key issues include:

- Existing gender inequalities due to cultural and religious underlying values. People in Sulawesi live under the influence of patriarchy and gender role in the family is reflected outside the domestic space. Given this social norm, women's education and social role are limited compared to men. During the disaster period, the gender role persisted where at the temporary shelter women needed to look after children and sick family members, while men are not so much required to do so. This role limited women's access to information, support and opportunities from outside the camp.
- Labor influx: in a post disaster situation, infrastructure projects can cause larger GBV risks because it operates in an already vulnerable social condition due to disaster, and multiple unequal relations that exist in the community. The capacity for contractors and to effectively mitigate GBV/SEA risks is likely to be limited
- Temporary and permanent settlements – GBV/SEA risks are increased in temporary and permanent settlement areas where women and children can be exposed to new hazards (i.e. lack of privacy, reduced security, changes to household duties, lack of/changes to livelihood activities, child marriage) and lack access to support networks and services.
- GBV service providers: While service providers exist in Palu and have been supported by various NGOs during response and early recovery. It is understood that resources will remain stretched due to damaged facilities and increased GBV risks inherent in post disaster situations.

**Table 18: Cases Reported in Central Sulawesi (October 2018 - June 2019)**

	District/ City	GBV Type				
		Sexual Harassment and Rape Attempts	Domestic Violence	Sexual Harassment (triggered by access to toilets)	Trafficking	Child Marriage
1	Palu City		6	1	1	5
2	Palu City		4	1		2
3	Palu City	5	8	1		1
4	Sigi District	1	2	2		
5	Sigi District	1	4			2
6	Donggala District		2	1		
		7	26	6	1	10

Source: LIBU Foundation, 2019

**C Definitions**

The following definitions apply:

- a. **Gender-Based Violence (GBV):** is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private. The term GBV is used to underscore systemic inequality between males and females (which exists in every society in the world) and acts as a unifying and foundational characteristic of most forms of violence perpetrated against women and girls. The 1993 United Nations Declaration on the Elimination of Violence Against Women defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women."<sup>19</sup>
- b. **Sexual Exploitation and Abuse (SEA):** Particular forms of gender-based violence that have been reported in humanitarian contexts, specifically alleged against humanitarian workers and other personnel involved in humanitarian projects. These forms of violence are defined by the power relationship between survivor and perpetrator, as well as the circumstances surrounding the incident – not the actual act of violence (i.e. rape or sexual assault).
- c. **Sexual Exploitation:** "Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another."
- d. **Sexual Abuse:** "The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."

<sup>19</sup> It is important to note that women and girls disproportionately experience violence; overall 35 percent of women worldwide have faced physical or sexual violence (WHO, Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence, 2013). Some men and boys also face violence based on their gender and unequal power relationships.

## ESMF - CSRRP

- e. **Gender-Based Violence versus SEA:** GBV is an umbrella term for a wide range of harmful acts that disproportionately affect a group because of the socially ascribed differences between men, women, and people of diverse gender identities. SEA can generally be considered a form of GBV, as victims of SEA are often abused because of their vulnerable status as community women, girls, boys, or, in some circumstances, even men.
- f. **Violence Against Children (VAC):** VAC is defined as physical, sexual, emotional and/or psychological harm, neglect or negligent treatment of minor children (i.e. under the age of 18), including exposure to such harm,<sup>20</sup> that results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. This includes using children for profit, labor<sup>21</sup>, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography.

### Guiding Principles

The CSRRP GBV Strategy and Action Plan is grounded in the following guiding principles, that need to be understood by all staff, especially those who will be interacting with survivors and those managing complaints.

**Safety & Well-Being:** The safety of the survivor shall be ensured at all times including during reporting, investigation, and the provision of victim assistance. Those involved in the management of complaints will need to consider potential dangers and risks to all parties (including the survivor, the complainant if different, the subject of the complaint, and the organizations involved), and streamline ways to prevent additional harm in all the complaint handling process.

The survivor is never to blame for reporting an act of GBV and should never be made to feel 'investigated'. On the contrary, it is important that they feel that their story is heard, believed and valued. The actions and responses of the complaint mechanism will be guided by respect for the choices, needs, rights, and the dignity of the survivor. Furthermore, while pending investigation, the project should make efforts to ensure that the subject of the complaint does not have further contact with the survivor, such as by preventively suspending employment.

**Confidentiality:** The confidentiality of complainants, survivors, and other relevant parties must be respected at all times. All GBV-related information must be kept confidential, identities must be protected, and the personal information on survivors should be collected and shared only with the informed consent of the person concerned and on a strict need-to-know basis.

**Survivor-Centered Approach:** All prevention and response actions will need to balance the respect for due process with the requirements of a survivor-centered approach in which the survivor's choices, needs, safety, and wellbeing remain at the center of all matters and procedures. As such, all actions taken should be guided by respect for choices, needs, rights and dignity of the survivor, whose agency and resilience must be fostered through the complaint process.

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<sup>20</sup> Exposure to GBV is also considered VAC.

<sup>21</sup> The employment of children must comply with all relevant local legislation, including labor laws in relation to child labor and World Bank's safeguard policies on child labor and minimum age. They must also be able to meet the project's Occupational Health and Safety competency standards.

**Transparency:** The functioning of the GBV complaint mechanism shall remain transparent to the community in which it sits. The key to a clear reporting system is that complainants know to whom they should report and what sort of assistance they can expect to receive. All affected communities, including potential and actual survivors of project related GBV, must be informed about how the complaint mechanism works, including the reporting process and the expected duration of the case handling. Complainants and survivors have the right to receive feedback on the development and outcome of their case, and the system will make every effort to maintain lines of communication.

**Accessibility and non-discrimination:** The mechanism must be accessible to all potential complainants, and sufficient information must be given on how to access it, making the complaints process accessible to the largest possible number of people. This includes identifying and instituting various entry points that are both gender and context sensitive. To facilitate incidents reporting and avoid stigmatization, reports from third parties (witnesses, people suspicious or aware of an incident, etc.) must also follow accountability protocols. Additionally, regular consultations with complainants and other community members, including groups most vulnerable to GBV, to gauge their knowledge, trust and satisfaction of the system or other feedbacks and suggestion will be important to strengthen accessibility.

**Considerations regarding children:** All the guiding principles listed above apply to children, including the right to participate in decisions that will affect them. If a decision is taken on behalf of a child, the best interests of the child shall be the overriding guide and children's legal guardian should be associated to this decision whenever possible without exposing a child to further risk.

## **D GBV Mitigation and Management Strategies**

### **GBV Assessment and Management**

In all projects where GBV/SEA is identified as a risk, sub-project E&S assessments must assess such GBV/SEA risks for each context and ensure that relevant measures are reflected in the overall E&S management plan and C-EMSP. A GBV Prevention Monitoring Plan must also be prepared and implemented as part of GBV management.

Potential aspects that will be subject to further assessments cover:

- The transitional period in temporary shelters: since the project will provide community facilitation as part of the overall relocation planning process, capacity building amongst facilitators on GBV/SEA awareness and reporting protocols must be provided. Any incidents reported/identified will need to be reported as per-the guideline, although such incidents are not necessarily related to project activities.
- GBV/SEA risks related to construction activities under both components.
- GBV/SEA informed design/site plans for both components.

In preparing the GBV management, the relevant specialists in the PIU and contractors must follow the key principles:

- Be survivor-centered: approach considerations related to GBV prevention, mitigation and response through a survivor-centered lens, protecting the confidentiality of survivors, recognizing them as principle decision-makers in their own care and treating them with agency, dignity and respect for their needs and wishes.
- Emphasize prevention: adopt risk-based approaches that aim to identify key risks of GBV and undertake measures to prevent or minimize harm.
- Build on existing local knowledge: Engage community partners – local leaders, civil society organizations, gender and child advocates – as resources for knowledge on

## ESMF - CSRRP

local level risks, effective protective factors and mechanisms for support throughout the project cycle.

- Be evidenced-based: Build on existing global research and knowledge on how to address GBV effectively.
- Be adaptable: Operational guidance presented in this note provides the foundation for an effective GBV risk management approach; adapt and adjust mitigation measures to respond to the unique drivers and context in any given setting.
- Enable continuous monitoring and learning: Ensure operations integrate mechanisms for regular monitoring and feedback to track effectiveness and to build internal knowledge of what works to prevent, mitigate and respond to GBV.

### Codes of Conduct

All organizations involved in CSRRP implementation are required to develop and implement codes of conduct for organizations, managers and staff. A key element of the Code of Conduct will be the sanctions that may be applied if an employee is confirmed as a GBV perpetrator. The sanctions need to be proportional to the transgression.

- Company Code of Conduct: commits the company to addressing GBV and VAC issues;
- Manager's Code of Conduct: commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
- Individual Code of Conduct: commits each staff of the project to implement and comply with the Company Code of conduct in addressing GBV and VAC.

In the event of Codes of Conduct are violated, employers should place the worker on an administrative leave pending a full and fair review to determine the veracity of said allegation(s). Examples of potential sanctions include the following:

- Informal warning;
- Formal warning;
- Additional training;
- Loss of up to one week's salary;
- Suspension of employment (either administrative leave as above or without payment of salary), for a minimum period of one month up to a maximum of six months;
- Termination of employment; and/or,
- Referral to the police or other authorities as warranted.

### Staff Training

All staff in direct contact with communities, particularly facilitators, will attend induction training addressing root causes of GBV and its impact on survivors and communities before beginning work, and additional refresher training on a regular basis. Training will be led by a qualified GBV Service Provider with the coordination of project Implementing agencies and support of Contractor and Supervision Consultant management.

At a minimum, all CSRRP staff/workers should be trained in:

- What GBV is, including SEA and sexual harassment, and the Project's and national commitments in place to fight it;
- Individual CSRRP actors' roles and responsibilities on prevention of GBV and SEA;
- Appropriate conduct of CSRRP staff and prohibited actions, in line with the standards set by the codes of conduct;
- GBV incident reporting, the duty of investigation, and referral procedures;

## ESMF - CSRRP

- Survivors' needs and available services.

Training should focus on the role that each individual can play to prevent GBV and report it when it occurs. Managers and supervisors should be required (and evaluated on their ability) to promote and foster respect for the standards outlined in the codes of conduct to their subordinates.

### Community Awareness Raising

Awareness-raising activities for the whole community (the affected communities, those most vulnerable to risks of GBV, other protection actors, government agencies, etc.) should be conducted in parallel to the setting up of the complaint management system in order to develop a comprehensive response to GBV.

At a minimum, beneficiaries and communities affected by the project have a right to know:

- The standards of conduct for CSRRP workers;
- The definition of GBV and sexual exploitation and abuse, and the provisions specifically prohibiting GBV and SEA;
- That they have a right to benefit from the Project without being subjected to GBV/SEA;
- Where to report GBV/SEA incidents;
- What services are available to survivors, and how to access them;
- What to expect after making a complaint, including potential referrals, timeframes, and the roles, responsibilities, and any limitations of actors involved, and;
- What steps the GRM and CSRRP will take to ensure safety and confidentiality.

Awareness-raising for CSRRP activities will be conducted by a qualified GBV service provider.

### GBV Response Protocol and Information Flow

The CSRRP GBV Response Protocol provides a mechanism for receiving and responding to GBV grievances/incidents (refer **sub-appendix 11.2**). This protocol should be implemented by MPWH, sub-national agencies, and contractors involved in CSRRP implementation.

## **E Implementing Arrangements**

PUPR will be responsible for the following:

### GBV Service Provider

A qualified GBV service provider will be contracted to:

- Prepare community mapping and referral pathways in communities impacted by the construction work. The mapping will collect data among service providers and those working with high risk populations. This community mapping will be accompanied by a referral pathway diagram, including the contact details of relevant GBV service providers (case management, counselling, safe shelter, healthcare, police/security services).
- Deliver an appropriate GBV and SEA, including VAC training program with activities aimed to sensitize employees on GBV, SEA, VAC and the related risks.
- Design and deliver an appropriate community awareness-raising strategy based on a community mapping of high-risk areas and populations. The training should aim to

## ESMF - CSRRP

sensitize the surrounding communities affected by the construction works on the risks related to GBV, SEA and VAC and available services.

- Provide appropriate case management, counselling and referral/support services to any survivors that report or are referred to them.
- Participate in the project GBV, SEA, and VAC Complaints Team (GCT).

### GBV and VAC Complaints Team' (GCT).

The project shall establish a 'GBV and VAC Complaints Team' (GCT). The GCT will include the following representatives ('Focal Points') as follows:

- i. A social/GBV specialist from the Provincial PIUs/NMC;
- ii. A representative from the Provincial PIUs, NMC and TMC
- iii. The occupational health and safety manager from the contractor<sup>22</sup>, or someone else tasked with the responsibility for addressing GBV, SEA and VAC with the time and seniority to devote to the position;
- iv. A representative from the GBV Service Provider which includes local stakeholders/partners who deal with GBV cases (i.e. local government offices, NGOs/CSOs – refer **Appendix 11.1**).

It will be the duty of the GCT with support from the management of the contractor to inform workers about the activities and responsibilities of the GCT. To effectively serve on the GCT, members must undergo training by the local service provider prior to the commencement of their assignment to ensure that they are sensitized on GBV, SEA and Child Protection. The GCT will be required to:

- Approve any changes to this GBV/SEA and VAC Action Plan, including the Codes of Conduct contained in this ESMF, with clearances from the World Bank for any such changes.
- Receive, investigate, recommend and monitor resolutions and sanctions regarding complaints received related to GBV/SEA and VAC associated with the Project.
- Investigate, recommend and monitor resolutions and sanctions regarding complaints received related to GBV and VAC associated with the project.
- Work with local GBV prevention and service provider in handling the cases.
- Ensure that GBV/SEA and VAC statistics in the GRM are up to date and included in the regular project reports.
- Hold quarterly update meetings to discuss ways to strengthen resources and GBV and VAC support for employees and community members.

It is extremely important that members of the management committee clearly understand the limitations of their mandate. Through the verification of complaints, their role will be to establish whether complaints are sufficiently credible to be able to suggest disciplinary measures of other corrective actions. They **WILL NOT** establish criminal responsibility of any individual, as this remain the sole prerogative of the national justice system.

The GCT shall confirm that all complaints related to GBV/SEA or VAC have been referred to the World Bank by the FGRM officer.

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<sup>22</sup> Where there are multiple contractors working on the project, each shall nominate a representative as appropriate.

## ESMF - CSRRP

The GCT shall consider all GBV/SEA and VAC complaints and agree on a plan for resolution. The appropriate Focal Point will be tasked with implementing the plan (i.e. issues with contractor's staff will be for the contractor to resolve, consultant's staff the consultant and client staff the client). The Focal Point will advise the GCT on resolution, including referral to the Police if necessary. They will be assisted by the Service Provider as appropriate.

All the Focal Points on the GCT must be trained and empowered to resolve GBV/SEA and VAC issues. It is essential that all staff of the FGRM and GCT understand the guiding principles and ethical requirement of dealing with survivors of GBV and VAC. All reports should be kept confidential and referred immediately to the Service Provider represented on the GCT<sup>23</sup>. In GBV and VAC cases warranting police action, the Focal Points must appropriately refer the complaints to: (i) the authorities; (ii) the service provider; and, (iii) management for further action. The client and the World Bank are to be immediately notified.

### Monitoring and Reporting

It is understood that GBV risks and cases change overtime, thus the Implementing Agency must monitor them from time to time. They must follow up of GBV cases that have been reported and maintain all reported cases in a confidential and secure location. Monitoring must be done in collaboration with GCT and local government/stakeholders where the project is implemented and include the number of cases that have been reported and actions taken on these cases (i.e. referral to services, sanctions for perpetrators).

The PUPR C-PMU and Provincial PIUs must also monitor the following:

- Number of trainings held, individuals trained (disaggregated by Contractor/Supervision Engineer/IA and by sex), and this number as a percentage of overall staff numbers.
- Number of community awareness-raising sessions held, by location.
- Number of individuals participating in awareness-raising sessions, disaggregated by sex.

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<sup>23</sup> Survivors of GBV and VAC may need access to police, justice, health, psychosocial support, safe shelter and livelihood services to begin on a path of healing from their experience of violence.



**Sub-appendix 11.1: Service Provider Mapping (as of July 2019)**

No	Location	District	(Nearest) Services Available	Type of Service
1	Palu City	Pantoloan Ova	Women Friendly Space (WFS) Pantoloan Ova	Case reporting, advocacy, mental support
			Reproductive Health Tent Layana	Immediate health support
			<i>Adat</i> , Religious, Community, Mass Leader (Member of Unit for Community Order or K5)	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> ) (Serving as Head of K5)	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers (Member of K5)	Mediation at community level
			<i>Puskesmas Pantoloan</i>	Health support
			NGOs (LIBU Foundation)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level
			P2TP2A / Integrated Service Center for Women Empowerment and Children Protection Palu	Governmental integrated support for Women and Children at District level (including legal and psychosocial support)
		Petobo	Women Friendly Space (WFS) Petobo	Case Reporting, Advocacy, Mental Support
			Reproductive Health Post Petobo	Immediate Health Support
			Youth Friendly Space (YFS) Petobo	Youth Empowerment, Life skills and Advocacy
			<i>Adat</i> , Religious, Community, Mass Leader (Member of Unit for Community Order or K5)	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> ) (Serving as Head of K5)	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers (Member of K5)	Mediation at community level
			<i>Puskesmas Kawatuna</i>	Health Support
			NGOs (LIBU Foundation)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial Level

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			P2TP2A / Integrated Service Center for Women Empowerment and Children Protection Palu	Governmental integrated support for women and children at district level (including legal and psychosocial support)
		Balaroa	Women Friendly Space (WFS) Balaroa	Case reporting, advocacy, mental Support
			Reproductive Health Tent Balaroa	Immediate health support
			Youth Friendly Space (YFS) Balaroa	Youth empowerment, life skills and advocacy
			<i>Adat</i> , religious, community, mass leader (member of Unit for Community Order or K5)	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> ) (Serving as Head of K5)	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers (Member of K5)	Mediation at community level
			Puskesmas Duyu/Sangurara	Health Support
			NGOs (LIBU Foundation)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level
			P2TP2A/Integrated Service Center for Women Empowerment and Children Protection Palu	Governmental integrated support for women and children at district level (including legal and psychosocial support)
		Gawalise	Women Friendly Space (WFS) Gawalise	Case reporting, advocacy, and mental support
			Reproductive Health Post Gawalise	Immediate health support
			Youth Friendly Space (YFS) Gawalise	Youth Empowerment, life skills and advocacy
			<i>Adat</i> , religious, community, mass leader (member of Unit for Community Order or K5)	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> ) (Serving as Head of K5)	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers (Member of K5)	Mediation at community level
			Puskesmas Duyu/Sangurara	Health support

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2	Sigi District		NGOs (LIBU Foundation)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level
			P2TP2A/Integrated Service Center for Women Empowerment and Children Protection Sigi	Governmental integrated support for women and children at district level (including legal and psychosocial support)
		Pombewe	Women Friendly Space (WFS) Pombewe	Case reporting, advocacy, and mental support
			Reproductive Health Post Mpanau Village	Immediate health support
			<i>Adat</i> , religious, community, mass leader	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> )	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers	Mediation at community level
			<i>Puskesmas</i> Sigi Biromaru	Health support
			NGOs (LIBU Foundation, KPKPST)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level
			P2TP2A/Integrated Service Center for Women Empowerment and Children Protection Sigi	Governmental integrated support for women and children at district level (including legal and psychosocial support)
		Sibalaya	Women Friendly Space (WFS) Silabaya Utara	Case reporting, advocacy, mental support
			Reproductive Health Post Sibalaya Selatan	Immediate health support
			Youth Friendly Space (YFS) Sibalaya Selatan	Youth empowerment, life skills and advocacy
			<i>Adat</i> , Religious, Community, Mass Leader	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> )	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers	Mediation at community level
			<i>Puskesmas</i> Kamaipura	Health support
			NGOs (LIBU Foundation, KPKPST)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level

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			P2TP2A / Integrated Service Center for Women Empowerment and Children Protection Sigi	Governmental integrated support for women and children at district level (including legal and psychosocial support)
		Lolu Biromaru	Women Friendly Space (WFS) Lolu Biromaru	Case reporting, advocacy, mental support
			Reproductive Health Pos Mpanau Village	Immediate health support
			Adat, Religious, Community, Mass Leader	Mediation at community level
			Head of Hamlet (Lurah)	Mediation at community level
			Babinsa or Indonesian military village supervisory non-commissioned officers	Mediation at community level
			Puskesmas Sigi Biromaru	Health support
			NGOs (LIBU Foundation, KPKPST)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level
			P2TP2A/Integrated Service Center for Women Empowerment and Children Protection Sigi	Governmental integrated support for women and children at district level (including legal and psychosocial support)
		Walatana	Women Friendly Space (WFS) Walatana	Case reporting, advocacy, mental support
			Reproductive Health Pos Bangga	Immediate health support
			Youth Friendly Space (YFS) Bangga	Youth empowerment, life skills, and advocacy
			Adat, Religious, Community, Mass Leader	Mediation at community level
			Head of Hamlet (Lurah)	Mediation at community level
			Babinsa or Indonesian military village supervisory non-commissioned officers	Mediation at community level
			Puskesmas Baluase	Health support
			NGOs (LIBU Foundation, KPKPST)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level

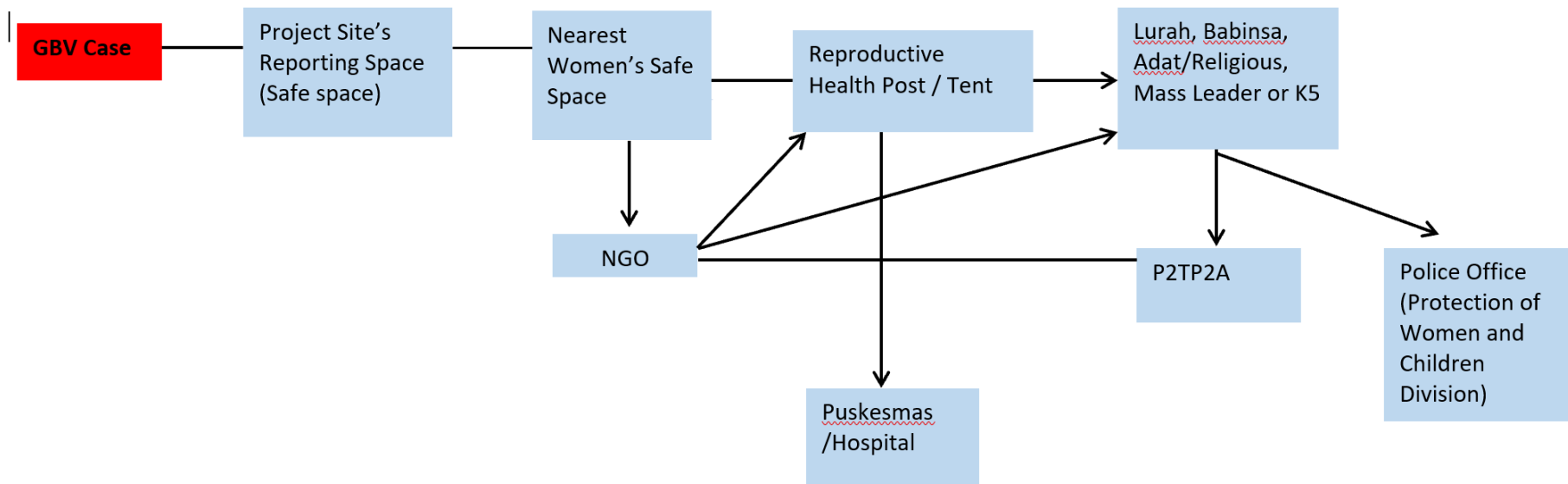
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			P2TP2A / Integrated Service Center for Women Empowerment and Children Protection Sigi	Governmental integrated support for women and children at district level (including legal and psychosocial support)
3	Donggala District	Gunung Bale	Women Friendly Space (WFS) Gunung Bale	Case reporting, advocacy, mental support
			Reproductive Health Tent Delatope	Immediate health support
			<i>Adat</i> , Religious, Community, Mass Leader	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> )	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers	Mediation at community level
			Puskesmas Donggala	Health support
			NGOs (KPKPST)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level
			P2TP2A/Integrated Service Center for Women Empowerment and Children Protection Donggala	Governmental integrated support for women and children at district level (including legal and psychosocial support)
		Loli Pesua	Women Friendly Space (WFS) Loli Pesua	Case reporting, advocacy, mental support
			Youth Friendly Space (YFS) Loli Pesua	Youth empowerment, life skills and advocacy
			<i>Adat</i> , Religious, Community, Mass Leader	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> )	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers	Mediation at community level
			Pustu Tasiburi	Health support
			NGOs (KPKPST)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level

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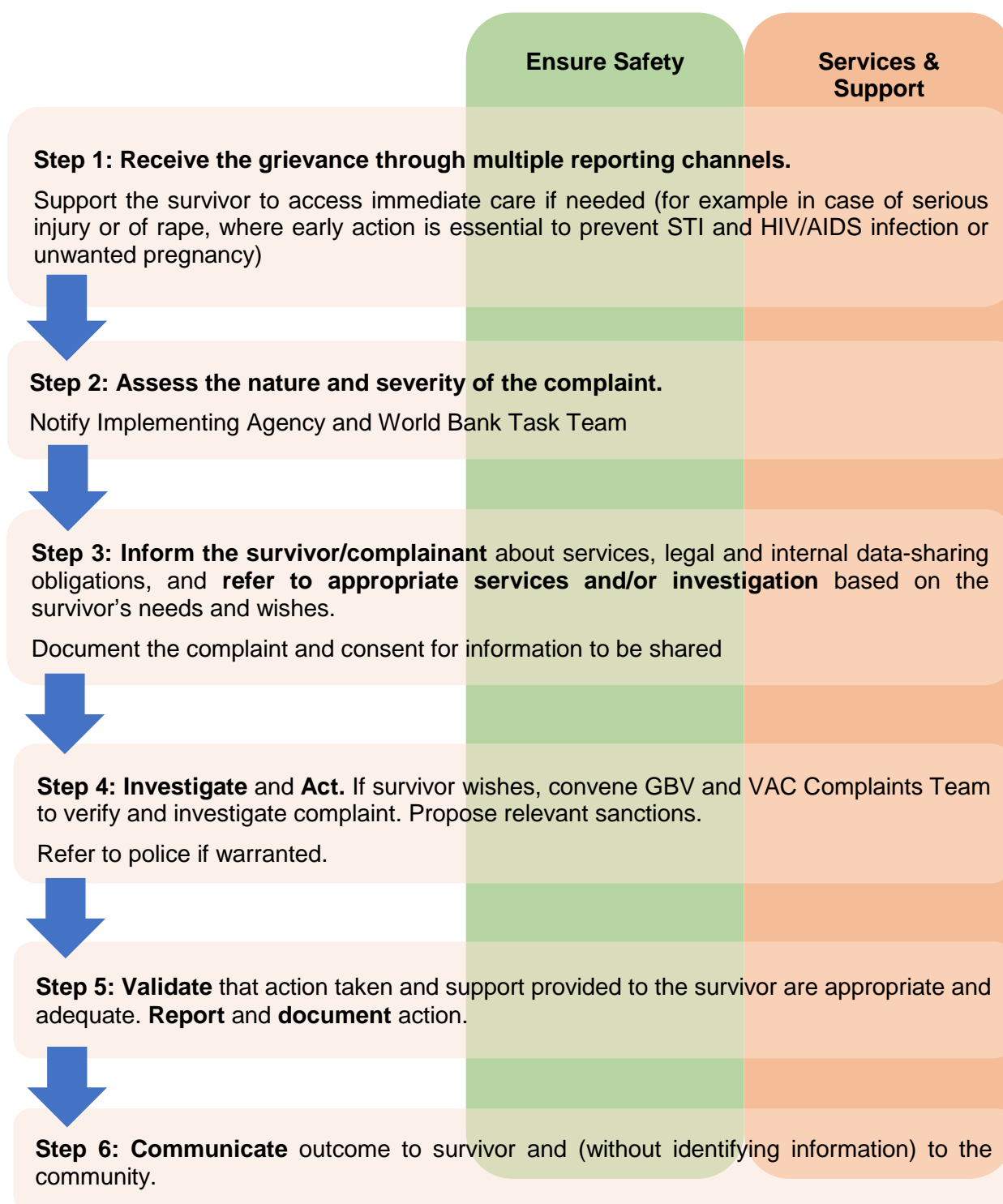
			P2TP2A/Integrated Service Center for Women Empowerment and Children Protection Donggala	Governmental integrated support for women and children at district level (including legal and psychosocial support)
		Wombo Kalonggo	Women Friendly Space (WFS) Wombo Kalonggo	Case reporting, advocacy, mental support
			<i>Adat</i> , Religious, Community, Mass Leader	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> )	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers	Mediation at community level
			Puskesmas Wani	Health support
			NGOs (KPKPST)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level
			P2TP2A/Integrated Service Center for Women Empowerment and Children Protection Donggala	Governmental integrated support for women and children at district level (including legal and psychosocial support)
		Balentuma	Women Friendly Space (WFS) Balentuma	Case reporting, advocacy, mental support
			Youth Friendly Space (YFS) Wombo	Youth empowerment, life skills and advocacy
			Reproductive Health Tent Tompe	Immediate health support
			<i>Adat</i> , Religious, Community, Mass Leader	Mediation at community level
			Head of Hamlet ( <i>Lurah</i> )	Mediation at community level
			<i>Babinsa</i> or Indonesian military village supervisory non-commissioned officers	Mediation at community level
			Puskesmas Tompe	Health support
			NGOs (KPKPST)	Legal, paralegal and psychosocial support
			Police station (Women and Children Protection Unit)	Legal support at district and provincial level
			P2TP2A/Integrated Service Center for Women Empowerment and Children Protection Donggala	Governmental integrated support for women and children at district level (including legal and psychosocial support)

**Sub-appendix 11.2: Feedback and Grievance Redress Mechanism (FGRM) and Response Protocol for GBV/SEA and VAC cases**



The response chart in the first part of this sub-appendix summarizes actions to be taken in response to a GBV incident if it is first received by the Project. The following sections outline each area of response in greater detail.

**Figure 8: Summary Response Chart:**





Step 1: Receive the Complaint

The project operates a feedback and grievance redress mechanism (FGRM) which is managed by the Provincial PIUs. To ensure that survivors feel confident to disclose their experience of GBV/SEA or VAC, they can report cases of GBV/SEA or VAC through multiple channels: (i) online, (ii) phone, (iii) in-person (for example at the site with facilitators, safe space workers, etc.), (iv) the local service provider, (v) the manager(s), (vi) village councils, or, (vii) the police. Complaints can also be made by another individual on behalf of the survivor (known as a complainant) or a witness. The primary project focal point for receiving GBV complaints is the Project's social/gender specialist; however, complaints may also be received by the Contractor or Supervision Consultant.

A GBV complaint may also be received directly by GBV service providers, who will then refer to the FGRM (IA) if the incident is deemed to be project-related and the survivor agrees to share information in order to make a complaint. If not, only metadata will be shared for monitoring purposes.

All staff, volunteers, consultants and sub-contractors are encouraged to report suspected or actual GBV/SEA or VAC cases. Managers are required to report suspected or actual GBV and/or VAC cases as they have responsibilities to uphold company commitments and they hold their direct reports accountable for complying with the Individual Code of Conduct.

Project staff may use any of the reporting channels available to the affected population, but the main point of contact should be the established focal points. Oral or written allegations may be lodged with supervisors, managers, or directly with the IA E&S specialist.

Information that is captured during intake needs to be as clear and detailed as possible, so that it may be used in verification and disciplinary action. Complete records on intake also help ensure that the survivor/complainant will not have to be subjected to repeated questioning on the incident. The interview should record as much relevant information as is possible and stay as true as possible to the survivor/complainant's words, while recalling that this is not part of an investigative process. Minimum intake questions should capture:

- Complaint reference code<sup>24</sup>.
- Age and sex of the survivor.
- The correct names of all persons involved in the incident and the confirmation that, in the complainant's view, they are linked to the Project.
- The identity of witnesses where appropriate.
- Times, locations, and dates of incident given by the survivor/complainant.
- An accurate account of what was said by the survivor/complainant in their own words.
- Whether anyone else knows or has been given the reported information.
- Any relevant observations made by the person receiving the complaint.

The person receiving the complaint must be compassionate, and empathetic, following the guidelines below:

- Treat the survivor/complainant with respect and make them feel as comfortable as possible.
- Do not judge the survivor/complainant or say anything that might indicate that they are to be blamed for the violence they experienced (e.g. do not ask them why they were in a particular place, what they were wearing, etc.)
- Address issues of confidentiality, explaining that there are limits to ensuring confidentiality to the extent that agency staff are obliged to report complaints, while

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<sup>24</sup> Complaints or incidents may be assigned with a unique code to protect confidentiality and allow tracking.

reassuring the complainant that information will only be shared on a “need to know” basis.

- Avoid asking questions that are not relevant (for example, the status of the virginity of the survivor is not relevant and should not be discussed). Ask only the number of questions required to gain a clear understanding of the complaint as outlined in the complaint intake form so that it can be referred to the complaint management committee.
- Reporting should not be rushed, and complainants should be allowed to fully articulate the situation in their own words before clarifications are sought.
- Ensure that all information is well-documented during the in-person interview, so that the allegation can be immediately referred to the investigating agency.
- Ask the survivor/complainant how they would prefer to receive further communications from the FGRM.
- Make a written record of the complaint using a standard complaint intake form developed for this purpose.

If the survivor gives consent to sharing information about the case, the GBV grievance entry point refers the survivor to the FGRM officer at the PIUs.

When the survivor’s identity is unknown, for various reasons (e.g. the case is reported by a third party, or the complaint is made anonymously, if allowed), allegation referrals will still be made to the complaint management committee who will determine if an investigation is initiated, such as if sufficient evidentiary detail has been provided, as well as independent corroborating evidence on the allegation exists.

### Step 2: Assess

The project complaint mechanism should receive all eligible concerns, both related to GBV and not. If a complaint is received by a GBV service provider, they will need to assess whether the complaint alleges a breach of GBV-related policies and codes of conducts and whether there is enough information to refer the complaint. If the complaint appears to relate to a GBV incident and the complainant provides their informed consent, the GBV focal point should immediately, and within 24 hours from intake, refer the complaint to the FGRM officer. The FGRM officer should establish the nature and severity of the grievance.<sup>25</sup>

It is not the responsibility of the GBV service providers to verify the alleged incidents or to establish whether enough evidence is available to start an investigation. If complaints are not related to a breach of provisions on GBV, the GBV service provider will refer the complaint to the CSRRP complaint system through normal channels.

The effectiveness of this referral mechanisms is particularly important to foster overall accountability, but also because practice has shown that beneficiaries are more inclined to make a complaint through a broader, more comprehensive system rather than reporting concerns to systems that target only sensitive issues such as GBV.<sup>26</sup>

The C-PMU and PIUs must notify the World Bank Task Team of the GBV incident as soon as it becomes known. Three key pieces of data need to be shared: (1) Nature of the case; (2) Project related (Y/N); and, (3) Age and/or Sex (if available). No further information, including name and address of the survivor or alleged perpetrator should be shared with the WB (or anyone else, except in the context of referral for services or investigation, with the consent of the survivor).

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<sup>25</sup> E.g. Rape, sexual assault, physical assault, psychological/emotional abuse.

<sup>26</sup> IASC, PSEA Compendium of Practices on Community-Based Complaints Mechanisms, 2012

Step 3: Inform and Refer

The GBV GRM officer or facilitators receiving GBV grievances should provide honest, clear and complete information about services available from different agencies that may be able to assist the survivor as well as details on how to access these. The GBV GRM officer or facilitators should inform the survivor of their legal rights and of the costs and benefits of choosing various referral options. For example, that the officer would like to refer them to the GBV Service Provider, who can explain in more detail and help them access any other services they may need. Ultimately, it is up to the survivor, and only the survivor, whether to take up the proposed referrals.

The GRM operator or facilitators must explain to the survivor their right to control whether and how information about the case is shared with other agencies or individuals and any implications of sharing information about the case with other actors. The survivor should be given adequate information in order to give their informed consent and should understand that they have the right to place limitations on the type(s) of information to be shared, and to specify which organizations can and cannot be given the information. The GRM operator informs the survivor of any other limits of confidentiality, such as the obligation to share some level of (meta)data about the GBV case with the implementing agency and the World Bank, in accordance with the severity of the incident.

The GRM operator documents the complaint and the consent to refer, using the standardized incident intake and consent form (see **sub-appendix 11.3**), and records the key elements of the incident (not including identifying information) in the Grievance and Complaints Logging System. The incident intake form is then stored in a locked cabinet, ensuring that only a limited and controlled number of staff should have access.

Step 4: Investigate and Act

The GRM officer or facilitators will, with the informed consent of the survivor, share details of the incident confidentially and safely within 24 hours from intake to the GBV Complaint Team. The GRM officer or facilitators will convene a meeting of the GBV Complaint Team to review the complaint and define an investigation process (according to a standard of proof to be established by CSRRP in accordance with GBV guiding principles, the presumption of innocence and the standards of proof required by labor law and other applicable regulations). **The goal of the investigation will be to recommend disciplinary measures towards the alleged perpetrator of GBV, if the complaint is found to be credible through the investigation process. This process will not establish criminal responsibility of an individual, which remains the sole prerogative of the national justice system.**

During the investigation, the committee should also consider the adoption of cautionary disciplinary measures, both to protect the survivor from interactions with the alleged perpetrator during the verification process and to ensure that risks of ongoing harm against the same or other survivors are mitigated.<sup>27</sup> The investigation process will need to keep the needs of the survivor at the forefront of any investigation action, while at the same time being thorough. Both parties (complainant and alleged perpetrator) should have the right to participate by identifying witnesses and identifying and/or providing relevant information to the complaint management committee. The committee should equally seek out both inculpatory and exculpatory evidence. Investigation steps and meetings must be documented.

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<sup>27</sup> This may include, for instance: changing the perpetrator's or survivor's span of hours or pattern of hours and/or shift patterns; redesigning or changing the perpetrator or survivor's duties; relocating the survivor or perpetrator to another work site/alternative premises, etc.

During the process of investigation, the identity of the survivor/complainant will be kept confidential, and the GBV Service Provider will be in charge of liaising with the survivor if further information is needed. The committee will interview the survivor only if strictly needed, with their consent, and after receiving a GBV briefing, which will include how to interview GBV survivors. When deemed necessary, any interaction with the survivor needs to be organized in a manner that avoids further stigmatization and revictimization of the survivor and protects their confidentiality. In the case of a complaint filed by a third party, the committee should seek to safely and confidentially identify and/or approach the survivor. The GBV service provider will play a role as victim's advocate in the GBV Complaint Team, helping maintain the survivor's confidentiality and advising all steps of the investigation to ensure they adhere to GBV guiding principles.

**The investigation process should start within a week from the reception of the complaint and last for a maximum of 8 weeks. In the case of a sexual misconduct allegation, it is essential that the GBV actors refer the survivor for evidence gathering and medical care within 72 hours from the intake, including to inform the investigation.**

If the survivor decides to file a complaint in court, GBV service providers will accompany them with adequate legal assistance (either directly or through referrals). The GBV Complaint Team may decide to suspend the complaint investigation to wait for a court's judgment if a survivor decides to pursue formal justice. However, it is important that complaints are also investigated even if the survivor chooses not to file a formal complaint in court.

To verify facts, the committee should first proceed to evaluate the quality of all the available evidence, regardless of who provided it. Any evidence found to be of high quality (such as, for instance, any existing medical evidence of sexual misconducts or available proof of paternity) should be given more weight than any evidence of low quality. In fact, quantity alone should not be the basis for decision-making: the testimony of a single party or witness or the availability of one-piece of medical proof may be sufficient to satisfactorily establish the veracity of a complaint.

After assessing the quality of the evidence, the committee members should find the alleged perpetrator responsible for the misconduct if the evidence convinces them to reasonably conclude that a finding of responsibility is justified. In other words, the committee should find that there is sufficient evidence that is relevant, probable, and persuasive to convince them that the staff engaged in the alleged misconduct, and that the evidence supporting a finding of responsibility outweighs any evidence that the respondent is not responsible for the alleged misconduct. Such a decision should be taken by the committee unanimously.

If GBV allegations are confirmed, the appropriate party (i.e. the employer of the perpetrator) implements the adequate remedy (e.g. disciplinary action) in accordance with local legislation, the employment contract and the code of conduct. Internal disciplinary measures that the employer's managers may decide to enact are meant to be separate from any charges or sanctions that the official investigation may result into (e.g. monetary fines, detention etc.). Sanctions applied by the perpetrator's employer may include for example:

1. Informal warning;
2. Formal warning;
3. Additional training;
4. Loss of up to one week's salary;
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months;
6. Termination of employment;
7. Referral to the police or other authorities as warranted.

Sanctions should be proportional to the nature and severity of the incident; for instance, verbal sexual harassment (e.g. catcalling at a work site) should not be treated with the same level of severity in response as a case of sexual assault.

#### Step 5: Validate and Report

The GBV Complaint Team will hold regular meetings if a case is currently being managed, confirming that the survivor has received appropriate support, that the investigation is proceeding in the appropriate manner and that recommended sanctions/disciplinary actions have been carried out by the relevant party.

If (i) the survivor has been referred to the relevant GBV service providers, received adequate assistance and no longer requires support, and (ii) appropriate actions have been taken against perpetrators or the survivor does not wish to place an official complaint with the employer, the GRM operator can be informed that the case is closed.

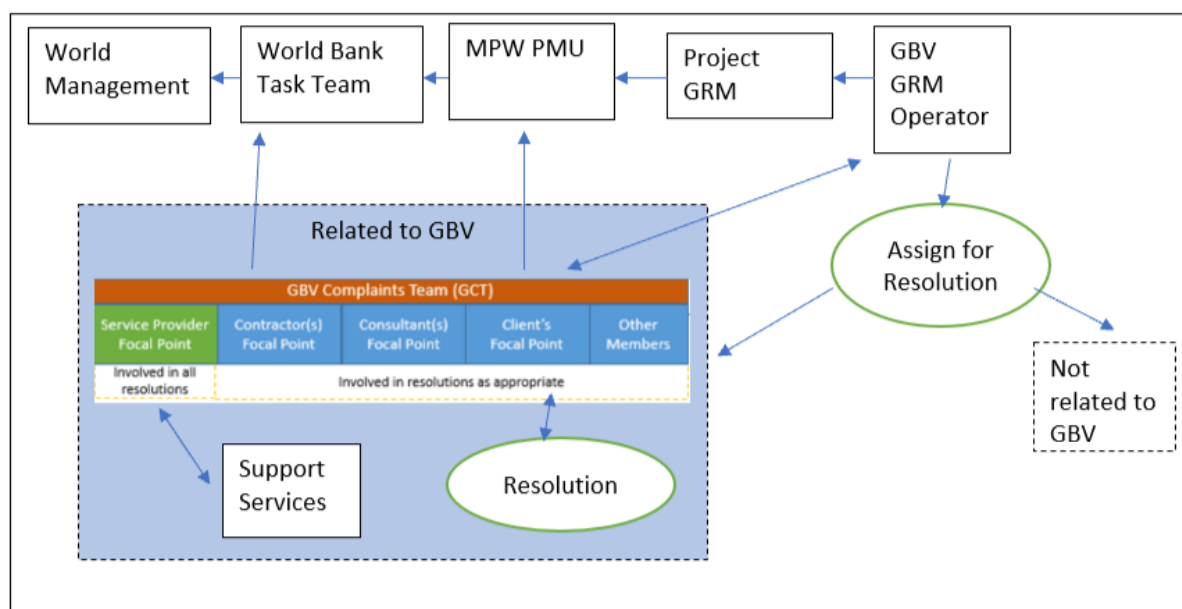
The GRM officer or facilitators record the resolution of the incident, the date it was resolved, and marks it as closed. The World Bank is notified that the case is closed.

#### Step 6: Communicate

Practice has shown that the lack of transparency to affected populations, especially to complainants/survivors, during case verification is an ongoing concern. Leaving complainants to feel as if their complaint has gone unaddressed is an accountability failure and will undermine confidence in the GRM and harm beneficiary relations with all humanitarian and development agencies operating on site.<sup>28</sup>

The GRM operator will, upon resolution, advise the complainant of the outcome, unless it was made anonymously. The GBV service provider should also remain accessible to the survivor/complainant to answer questions as needed.

**Figure 9: Flow of Response Protocol (including actors)**



<sup>28</sup> PSEA Best Practice Guide: Inter-Agency Community-Based Complaint Mechanisms. Protection against Sexual Exploitation and Abuse.

### Survivor Support and Services

Services for the survivor and/or the complainant should be made available as early as possible in the complaint management process, and for as long as needed. The following services are key in cases of GBV:

**Health/medical support service providing agencies** are typically health care center(s) and medical organizations. The main services they provide are medical stabilization; treatment of acute pain or injuries; medical documentation and forensic evidence collection; testing and preventive care for STIs/HIV-AIDS (post-exposure prophylaxis); contraceptive counseling; psychological/mental health services; prenatal care; referrals and transport for hospital care, surgery, etc.

**Psychosocial support service providing agencies** are typically peer support groups, women's organizations, religious leaders, etc. The main services they provide are counselling, psychological/emotional/spiritual support, case management, advocacy to assist survivors in accessing needed services, and assistance with social re-integration.

**Safety and security-related service providing agencies** are typically police/security services, safe shelters and protection officers. The main services they provide are guarantees of safety and security for survivors and their families (e.g. by providing temporary protection or accompanying the survivor to relevant authorities), referrals to national justice systems, and provision of safe places to stay.

**Legal and justice-related service providing agencies** are typically organizations that are specialized in legal assistance and advice for survivors (e.g. paralegals or attorneys), courts (prosecutors, judges, and officers), and/or traditional justice actors such as elders or community leaders. The main services they provide are legal counseling, aid and support as well as legal representation when the GBV survivor wishes to press charges against the perpetrator.

**Organizations that provide economic empowerment opportunities** for survivors are typically women's centers and women's or girls' peer support group. The main services they provide are the provision of economic opportunities to reduce survivor's vulnerability through skills training programs, income generation projects, small loan programs and rehabilitation programs (also known as social re-integration programs).

### Confidentiality and Safety

Safety is an essential part of the management of a GBV complaint. The safety of the survivor/complainant, as well as any project staff, service providers, and the alleged perpetrator (for example from community retaliation), must be protected at all times. The specific actions to be taken to ensure safety will depend on the nature of the case but may include changing work hours or patterns (as outlined in the previous section), providing transport, or conducting any interviews in safe locations. It is important to coordinate with GBV service providers on this issue.

Confidentiality is an important aspect of survivor safety. All reports of GBV/SEA or VAC shall be handled in a confidential manner to protect the rights of all involved. The client, contractor and consultant must maintain the confidentiality of employees who notify any acts or threats of violence, and of any employees accused of engaging in any acts or threats of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law). Specific measures must be taken in order to safeguard confidentiality at all times. Hard copies of complaint intake and referral forms shall be stored in a locked cabinet, with access strictly limited.

The names of all parties to a complaint are confidential. The identity of the subject of the complaint/alleged perpetrator must be protected, out of considerations of due process, fear of

retaliation, and presumption of innocence. It is imperative that the name of the survivor, and/or complainant if different from the survivor, not be released to the subject of the complaint/alleged perpetrator. GBV service providers will maintain the only access to the survivor/complainant's identify, disclosing it with other members of the GBV Complaint Team only if strictly necessary for the verification process and with the survivor/complainant's consent.

Disciplinary action may be taken, including and up to dismissal, against those who breach survivor's confidentiality (this is unless a breach of confidentiality is necessary to protect the survivor or another person from serious harm, or where required by law).

### *Special Concerns for Child Complainants*

When the complainant is a child, they must be given all the information needed to make an informed decision using child-friendly techniques that encourage the child to express their self. A child's ability to provide consent on the use of the information and the credibility of the information will depend on their age, maturity, and ability to express him/herself freely.

Best practice generally dictates that parents (or guardians/caregivers) should be informed as they are in the best position to provide support and protection to the child. In some circumstances however, it may be in the best interest of the child not to inform the parents (e.g. where a parent is suspected of facilitating the GBV/SEA; the child could be subjected to retaliation, including physical or emotional abuse, expulsion from home, or have their well-being compromised; the child does not want parental involvement and is competent to take such decision; or the child is unaccompanied.)

The above considerations and procedures may also apply to complainants/survivors with mental health issues or intellectual disabilities. As in all cases, the wishes of the complainant/survivor must be respected as far as reasonably possible.

Sub-appendix 11.3: GBV Complaint Consent and Intake Form

**CONFIDENTIAL**  
**GBV COMPLAINT INTAKE FORM**  
**PART 1: CONSENT FORM**

**Instructions:** This section of the form should be filled by a GBV service provider or GBV focal point receiving a GBV incident linked to CSRRP. Before beginning the interview, the GBV perpetrators should remind the survivor/complainant that all information given will be kept confidential and treated carefully. They may choose to decline to answer any of the following questions.

This form should be read to the survivor/complainant in their first language. It should be clearly explained to the client so that they can choose any or none of the options listed.

I, \_\_\_\_\_, give my permission for (**Name of Organization**) to share information about the incident I have reported to them as explained below:

I give authorization to (**Name of Organization**) to share the specific case information from my incident report with the agency or service providers I have indicated, so that I can receive support or make a complaint.

I understand that shared information will be treated with confidentiality and respect and shared only with those involved in the management of the complaint and response.

I understand that releasing this information means that a person from the agency or service provider may come to talk to me. At any point, I have the right to change my mind about sharing information with any agency or service.

I would like information to be released to the following:

- ☐ CSRRP or hereafter project (in order to make a complaint)
- ☐ Security Services (specify): \_\_\_\_\_
- ☐ Psychosocial Services (specify): \_\_\_\_\_
- ☐ Health/Medical Services (specify): \_\_\_\_\_
- ☐ Safe House / Shelter(specify): \_\_\_\_\_
- ☐ Legal Assistance Services (specify): \_\_\_\_\_
- ☐ Livelihoods Services (specify): \_\_\_\_\_
- ☐ Other (specify type of service, name, and agency): \_\_\_\_\_



**Consent to be marked by survivor/complainant:** ☐ Yes ☐ No

*(or parent/guardian if under 18)*

I have been informed and understand that some non-identifiable information may also be shared for reporting. Any information shared will not be specific to me or the incident. There will be no way for someone to identify me based on the information that is shared. I understand that shared information will be treated with confidentiality and respect.

**Consent to be marked by survivor/complainant:** ☐ Yes ☐ No

*(or parent/guardian if under 18)*

**Signature/thumbprint of survivor/complainant:** \_\_\_\_\_

*(or parent/guardian if complainant is under 18)*

Date: \_\_\_\_\_

Name of the survivor/complainant: \_\_\_\_\_

Incident number (generated by the Grievance Officer): \_\_\_\_\_

Address of the survivor/complainant: \_\_\_\_\_

\_\_\_\_\_

Contact number: \_\_\_\_\_

**This information should be filed separately from the second section of the GBV complaint intake form, in a safely locked cupboard.**

## CONFIDENTIAL

### GBV COMPLAINT INTAKE FORM

#### PART 2: INCIDENT DETAILS

**Instructions:**

*This section of the form should be filled by a GBV service provider or GBV focal point in receipt of a GBV incident linked to CSRRP. Before beginning the interview, the GBV perpetrators should remind their client that all information given will be kept confidential and treated carefully. This information will be shared, based upon their consent, with the CSRRP GBV Complaints Team. They may choose to decline to answer any of the following questions.*

**Did the individual consent to be referred to the CSRRP complaint mechanism?**

**YES**

**NO**

**If YES**, please fill the entire form in all its sections.

**If NO**, ask for complainant's consent to only share their complaint code and type of incident (form of GBV) they reported, anonymously.

Explain that this information will only be used by the program to gather information on risks created by the project to the safety and wellbeing of members of their community and will not result in any actions against them. No identifiable information specific to their incident (including anyone's identify, location, etc.) will be shared with anyone at any time.

**Did the individual consent to share the complaint code and form of GBV they reported?**

**YES**

**NO**

**If YES**, please fill in the complaint code and form of GBV only

**If NO**, please do not fill out this form

Date of complaint intake (day, month, year): \_\_\_\_\_

Incident number (generated by the Grievance Officer): \_\_\_\_\_

Age and sex of the survivor: \_\_\_\_\_

Village where the incident took place: \_\_\_\_\_

Is the name/nickname of the alleged perpetrator known? ☐ Known ☐ Unknown

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Name, if known: \_\_\_\_\_

Function, if known: \_\_\_\_\_

Is the alleged perpetrator(s) linked to the project, in the complainant's opinion?

☐ Yes ☐ No ☐ Unknown

Please include a physical description of the alleged perpetrator, if possible:

The identity of witnesses, where appropriate:

Times, locations, and dates of incident given by the survivor/complainant:

Account of what was said by the survivor/complainant in their own words, as far as possible:

Form(s) of GBV reported

- ☐ Rape
- ☐ Sexual assault
- ☐ Physical assault
- ☐ Psychological/emotional violence
- ☐ Forced marriage
- ☐ Denial of services, resources or opportunities

Has information about the incident been shared with anyone else?

☐ Yes. Give details: \_\_\_\_\_

☐ No

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Did the complainant receive services (including referrals to other service providers)?

☐ Yes. Services received:

- ☐ Medical
- ☐ Counselling/Psychosocial
- ☐ Legal
- ☐ Safety/security
- ☐ Other. Please specify:

☐ No

Did the survivor, if different from the complainant, receive services (including referrals to other service providers)?

☐ Yes. Services received:

- ☐ Medical
- ☐ Counselling/Psychosocial
- ☐ Legal
- ☐ Safety/security
- ☐ Other. Please specify:

☐ No

Any relevant observations made by the person receiving the complaint:

**This information should be filed separately from the first section of the GBV complaint intake form, in a safely locked cupboard**

## **Sub-appendix 11.4: Codes of Conduct**

### **Project Code of Conduct**

#### **Preventing Gender Based Violence and Violence Against Children**

The contractors are committed to ensuring that the Project is implemented in such a way that minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the environmental, social, health and safety (ESHS) standards, and ensuring appropriate occupational health and safety (OHS) standards are met. The company is also committed to creating and maintaining an environment in which gender-based violence (GBV) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, sub-contractor, supplier, associate, or representative of the contractors.

Therefore, to ensure that all those engaged in the project are aware of this commitment, the company commits to the following core principles and minimum standards of behavior that will apply to all company employees, associates, and representatives, including sub-contractors and suppliers, without exception:

#### **General**

1. The contractors – and therefore all employees, associates, representatives, sub-contractors and suppliers – commit to complying with all relevant national laws, rules and regulations.
2. The contractors commit to fully implementing their Contractors' Environmental and Social Management Plan (CESMP).
3. The contractors commit to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
4. The company shall ensure that interactions with local community members are done with respect and non-discrimination.
5. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and representatives, including sub-contractors and suppliers.
6. The contractors will follow all reasonable work instructions (including regarding environmental and social norms).
7. The contractors will protect and ensure proper use of property (for example, to prohibit theft, carelessness or waste).

#### **Health and Safety**

1. The contractors will ensure that the Project's occupational health and safety (OHS) Management Plan is effectively implemented by company staff, as well as sub-contractors and suppliers.
2. The contractors will ensure that all persons on-site wear prescribed and appropriate personal protective equipment, preventing avoidable accidents and reporting conditions or practices that pose a safety hazard or threaten the environment.
3. The contractors will:
  - i. prohibit the use of alcohol during work activities.
  - ii. prohibit the use of narcotics or other substances which can impair faculties at all times.

4. The contractors will ensure that adequate sanitation facilities are available on site and at any worker accommodations provided to those working on the project.

### **Gender Based Violence and Violence Against Children**

1. Acts of GBV/SEA or VAC constitute gross misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment, and if appropriate referral to the Police for further action.
2. All forms of GBV/SEA and VAC, including grooming, are unacceptable, regardless of whether they take place on the work site, the work site's surroundings, at workers' camps or within the local community.
  - i. Sexual Harassment – for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior – is prohibited.
  - ii. Sexual favors – for instance, making promises or favorable treatment dependent on sexual acts – or other forms of humiliating, degrading or exploitative behavior, are prohibited.
  - iii. Sexual contact or activity with children under 18 – including through digital media – is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
3. Unless there is full consent<sup>29</sup> by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the workplace are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
4. In addition to company sanctions, legal prosecution of those who commit acts of GBV/SEA or VAC will be pursued if appropriate.
5. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV/SEA and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with project's GBV and VAC Allegation Procedures.
6. Managers are required to report and act to address suspected or actual acts of GBV/SEA and VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.

### **Implementation**

To ensure that the above principles are implemented effectively the contractors commit to ensuring that:

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<sup>29</sup> Consent is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

## ESMF - CSRRP

1. All managers sign the Project's 'Manager's Code of Conduct' detailing their responsibilities for implementing the company's commitments and enforcing the responsibilities in the 'Individual Code of Conduct'.
2. All employees sign the project's 'Individual Code of Conduct' confirming their agreement to comply with ESHS and OHS standards, and not to engage in activities resulting in GBV/SEA or VAC.
3. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
4. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
5. An appropriate person is nominated as the company's 'Focal Point' for addressing GBV/SEA and VAC issues, including representing the company on the GBV/SEA and VAC Complaints Team (GCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local service provider(s).
6. Ensuring that the GBV/SEA and VAC Action Plan is effectively implemented and revised as needed.
7. That the contractors effectively implement the agreed final GBV/SEA and VAC Action Plan, providing feedback to the Project's FGRM for improvements and updates as appropriate.
8. All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments to ESHS and OHS standards, and the Project's GBV/SEA and VAC Codes of Conduct.
9. All employees attend a mandatory training course prior to commencement of work to reinforce the understanding of the project's ESHS and OHS standards and the GBV/SEA and VAC Code of Conduct, as well as refresher training as relevant.

*I do hereby acknowledge that I have read the foregoing Contractor Code of Conduct, and on behalf of the company agree to comply with the standards contained therein. I understand my role and responsibilities to support the project's OHS and ESHS standards, and to prevent and respond to GBV/SEA and VAC. I understand that any action inconsistent with this Company Code of Conduct or failure to act mandated by this Company Code of Conduct may result in disciplinary action.*

Company name: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **Manager's Code of Conduct**

### **Preventing Gender Based Violence and Violence Against Children**

Managers at all levels have a responsibility to uphold the company's commitment to implementing the ESHS and OHS standards, and preventing and addressing GBV and VAC. This means that managers have an acute responsibility to create and maintain an environment that respects these standards and prevents GBV/SEA and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere to this Manager's Code of Conduct and sign the Individual Code of Conduct. This commits them to supporting the implementation of the CESMP and the OHS Management Plan and developing systems that facilitate the implementation of the GBV/SEA and VAC Action Plan. They need to maintain a safe workplace, as well as a GBV-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

#### **Implementation**

1. To ensure maximum effectiveness of the Contractor and Individual Codes of Conduct:
  - i. Prominently displaying the Contractor and Individual Codes of Conduct in clear view at workers' camps, offices, and in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
  - ii. Ensuring all posted and distributed copies of the Contractor and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
2. Verbally and in writing explain the Contractor and Individual Codes of Conduct to all staff.
3. Ensure that:
  - i. All direct reports sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.
  - ii. Staff lists and signed copies of the Individual Code of Conduct are provided to the OHS Coordinator, the Grievance officer, and the PIU Manager/E&S team.
  - iii. Participate in training and ensure that staff also participate as outlined below.
  - iv. Put in place a mechanism for staff to:
    - (a) Report concerns on ESHS or OHS compliance; and,
    - (b) Confidentially report GBV/SEA or VAC incidents through the Grievance Redress Mechanism (GRM)
  - v. Staff are encouraged to report suspected or actual ESHS, OHS, GBV or VAC issues, emphasizing the staff's responsibility to the Company and the country hosting their employment, and emphasizing the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed. Use background and criminal reference checks for all employees.
5. Ensure that when engaging a partnership, sub-contractor, supplier or similar agreements, these agreements:
  - i. Incorporate the ESHS, OHS, GBV/SEA and VAC Codes of Conduct as an attachment.
  - ii. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
  - iii. Expressly state that the failure of those entities or individuals, as appropriate, to ensure compliance with the ESHS and OHS standards, take preventive measures against GBV/SEA and VAC, to investigate allegations thereof, or to take corrective actions when GBV/SEA or VAC has occurred, shall not only constitute grounds for



## ESMF - CSRRP

sanctions and penalties in accordance with the Individual Codes of Conduct but also termination of agreements to work on or supply the project.

6. Provide support and resources to the Grievance Complaint Team to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the GBV/SEA and VAC Action Plan.
7. Ensure that any GBV/SEA or VAC issue warranting police action is reported to the police, the PIU and the World Bank immediately.
8. Report and act according to the response protocol (see **sub-appendix 11.2**) any suspected or actual acts of GBV/SEA and/or VAC, as managers have a responsibility to uphold company commitments and hold their direct reports responsible.
9. Ensure that any major ESHS or OHS incidents are reported to the client and the supervision engineer immediately.

## Training

1. The managers are responsible to:
  - i. Ensure that the OHS Management Plan is implemented, with suitable training required for all staff, including sub-contractors and suppliers; and,
  - ii. Ensure that staff have a suitable understanding of the C-ESMP and are trained as appropriate to implement the CESMP requirements.
2. All managers are required to attend an induction manager training course prior to commencing work on site to ensure that they are familiar with their roles and responsibilities in upholding the GBV/SEA and VAC elements of these Codes of Conduct. This training will be separate from the induction training course required of all employees and will provide managers with the necessary understanding and technical support to address GBV/SEA and VAC issues.
3. Managers are required to attend and assist with the project-facilitated training courses for all employees. Managers will be required to introduce the trainings and announce the self-evaluations, including collecting satisfaction surveys to evaluate training experiences and provide advice on improving the effectiveness of training.
4. Ensure that time is provided during work hours and that staff prior to commencing work on site attend the mandatory project facilitated induction training on:
  - i. OHS and ESHS; and,
  - ii. GBV/SEA and VAC required of all employees.

## Response

1. Managers will be required to take appropriate actions to address any ESHS or OHS incidents.
2. With regard to GBV/SEA and VAC:
  - i. Provide input to the GBV/SEA and VAC Action Plan as needed.
  - ii. Once adopted by the contractors, managers will uphold the measures set out in the GBV/SEA and VAC Action Plan to maintain the confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV/SEA and VAC (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).
  - iii. If a manager develops concerns or suspicions regarding any form of GBV/SEA or VAC by one of their direct reports, or by an employee working for another contractor on the same work site, they are required to report the case using the FGRM.
  - iv. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made.

#### ESMF - CSRRP

- v. If a Manager has a conflict of interest due to personal or familial relationships with the survivor and/or perpetrator, they must notify the respective company and the GBV Complaint Team. The Company will be required to appoint another manager without a conflict of interest to respond to complaints.
  - vi. Ensure that any GBV/SEA or VAC issue warranting police action is reported to the police, PIU and the World Bank immediately
3. Managers failing to address ESHS or OHS incidents or failing to report or comply with the GBV and VAC provisions may be subject to disciplinary measures, to be determined and enacted by the company's CEO, Managing Director or equivalent highest-ranking manager. Those measures may include:
- i. Informal warning
  - ii. Formal warning
  - iii. Additional training
  - iv. Loss of up to one week's salary
  - v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months
  - vi. Termination of employment
4. Ultimately, failure to effectively respond to ESHS, OHS, GBV/SEA and VAC cases on the work site by the company's managers or CEO may provide grounds for legal actions by authorities.

*I do hereby acknowledge that I have read the foregoing Manager's Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC requirements. I understand that any action inconsistent with this Manager's Code of Conduct or failure to act mandated by this Manager's Code of Conduct may result in disciplinary action.*

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Individual Code of Conduct**  
**Preventing Gender Based Violence and Violence Against Children**

I, \_\_\_\_\_, acknowledge that adhering to environmental, social health and safety (ESHS) standards, following the Project's occupational health and safety (OHS) requirements, and preventing Gender-based Violence (GBV) and violence against children (VAC) is important.

The contractor (\_\_\_\_\_) considers failure to follow ESHS and OHS standards, or to commit GBV or VAC—be it on the work site, the work site's surroundings, at workers' camps, in workers' homes, or the surrounding communities—to be gross misconduct and grounds for sanctions, penalties or potential termination of employment. Prosecution by the police of those who commit GBV or VAC may be pursued if appropriate.

**I agree that while working on the Project I will:**

1. Attend and actively participate in training courses related to ESHS, OHS, HIV/AIDS, GBV/SEA and VAC as requested by my employer.
2. Will wear my personal protective equipment (PPE) at all times when at the work site or engaged in project related activities.
3. Take all practical steps to implement the Contractor's Environmental and Social Management plan (CESMP).
4. Implement the OHS Management Plan.
5. Not drink alcohol or use narcotics or other substances which can impair faculties before or during work activities.
6. Consent to a police background check.
7. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
8. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
9. Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior (e.g. looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life; etc.)
10. Not engage in sexual favors—for instance, making promises of favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
11. Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
12. Unless there is the full consent<sup>30</sup> by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the

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<sup>30</sup> Consent is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by

## ESMF - CSRRP

withholding or promise of actual provision of benefits (monetary or non-monetary) to community members in exchange for sex – such sexual activity is considered “non-consensual” within the scope of this Code.

13. Report through the FGRM or to my manager any suspected or actual GBV/SEA or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

### **With regard to children under the age of 18, I will:**

1. Wherever possible, ensure that another adult is present when working in the proximity of children.
2. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
3. Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography (see also “Use of children’s images for work related purposes” below).
4. Refrain from physical punishment or discipline of children.
5. Refrain from hiring children for domestic or other labor below the minimum age of 14 unless national law specifies a higher age, or which places them at significant risk of injury.
6. Comply with all relevant local legislation, including labor laws in relation to child labor and the World Bank’s safeguard policies on child labor and minimum age.
7. Take appropriate caution when photographing or filming children.

### **Use of children's images for work related purposes**

When photographing or filming a child for work related purposes, I must:

1. Before photographing or filming a child, assess and comply with local traditions or restrictions for reproducing personal images.
2. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
3. Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
4. Ensure images are honest representations of the context and the facts.
5. Ensure file labels do not reveal identifying information about a child when sending images electronically.

### **Sanctions**

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

1. Informal warning.
2. Formal warning.
3. Additional Training.
4. Loss of up to one week’s salary.
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
6. Termination of employment.

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children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

ESMF - CSRRP

7. Report to the Police if warranted.

*I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met, and that I will adhere to the Occupational Health and Safety Management plan. I will avoid actions or behaviors that could be construed as GBV/SEA or VAC. Any such actions will be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV/SEA and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.*

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### **Sub-appendix 11.5: Required Clause for Bid Documents**

The Contractor shall prepare a GBV sub-plan in accordance with requirements of the Project's GBV Strategy and Action Plan and Response Protocol (refer to this guideline in the ESMF)

The Contractor will ensure that all contract workers and managers attend GBV induction training prior to beginning works and that time spent on trainings is paid (and must be allocated at times when workers are alert – e.g. not immediately after completing a night shift).

The Contractor shall conduct regular community awareness-raising sessions to share information on GBV, available services, Codes of Conduct (CoC) content and Feedback and Grievance Redress Mechanism reporting channels. This can be combined or coordinated with HIV/AIDS training, but adequate time and attention must be given to GBV/SEA and VAC issues. Awareness-raising sessions should be supported by Information, Education, Communication (IEC) materials for display in worksites, workers' camps and communities;

The Contractor's GBV sub plan will include:

- Codes of Conduct – commitment to adopt and implement codes of conduct for company, managers and individuals (refer to templates provided in the GBV Action Plan);
- Staff training – GBV training program including inductions and refresher trainings for all workers and managers led by a GBV service provider;
- Community awareness raising – GBV community awareness program conducted by a GBV service provider and in parallel to the establishment of the project's FGRM;
- Managing Communities' and Survivors' Expectations – a clear approach to communicating the scope of the project's GBV management measures;
- Feedback and Grievance Redress Mechanism – outline FGRM with multiple channels to initiate a GBV complaint and ensure safe and confidential handling of cases.

The Contractor shall adopt and implement the project's GBV Response Protocol (refer to this guideline in the ESMF) including the development an effective feedback and grievance redress mechanism (FGRM) with multiple channels to initiate a GBV complaint and ensure safe and confidential handling of cases. The Contractor will ensure that the contractor's E&S officer and contractor's GBV service provider are represented and fulfil their responsibilities on the GBV Complaints Team. The Contractor's management team will support the GBV Complaints Team to manage GBV related complaints and ensure that all complaints related have been referred to PUPR (C-PMU and PIUs) and the World Bank.

## **Appendix 12: Indigenous Peoples Planning Framework**

### **A Objective**

The Kaili people are understood to be an original population group of the Palu valley and remain as the dominant group in the project area. They are expected to be the overwhelming majority of direct project beneficiaries/affected people. Non-indigenous groups from across Indonesia are present in the project area, as a result of government transmigration programs, and will also benefit from the project.

The presence of Indigenous Peoples as per ESS 7 will remain to be determined once specific locations for both Components 1 and 2 have been confirmed. For the main relocation sites in *Duyu*, *Pombewe-Olobuju* and *Tondo-Talise*, no impacts on Indigenous Peoples are envisaged. There are several tribes, who may have Indigenous Peoples' characteristics (per ESS 5), in the mountainous areas around Palu, Sigi and Donggala, including the Da'a tribe in Donggala and Sigi. However at this stage they are not expected to be directly impacted by project activities.

Under these circumstances, an Indigenous Peoples Planning framework (IPPF) will be prepared to guide the screening, consultations and engagement and management of impacts on Indigenous Peoples if they are present and/or will be affected by the project activities.

Under ESS 7, the project implementers are required to engage in a process of meaningful consultations with Indigenous Peoples whenever they are present and/or impacted by project and sub-project activities.

### **B Scope of Application**

The IPPF covers all Indigenous Peoples and vulnerable communities as characterized by the ESS 5, irrespective of formal recognition by the GoI. The scope of the measures required under the IPPF is defined based on the nature of risks and impacts and specific provisions may be required depending on the nature of the anticipated impacts. These are described in the following sections:

#### Identification Criteria

In the context of Indonesia, Indigenous Peoples are often referred to as *Masyarakat Adat* (Customary Communities). However, the application of the ESS 5 will equally apply to other vulnerable groups who may not necessarily identify themselves and/or meet the requirements of *Masyarakat Adat* under the GoI's framework but qualify for policy coverage under ESS 5. Such a rationale was adopted to recognize the diversity and complexity of socio, cultural, and traditional characteristics, vulnerability, and relationships with land and natural resources amongst communities in Central Sulawesi.

Under ESS 5, the term "Indigenous Peoples" is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees:

- Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;
- Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
- A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

## ESMF - CSRRP

The IPPF also applies to communities or groups of Indigenous Peoples who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area, because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area. This IPPF also applies to forest dwellers, hunter-gatherers, pastoralists or other nomadic groups, subject to satisfaction of the criteria established in this framework.

### Site Screening

Site screening will commence in consultations with community representatives, local organizations, including Adat organizations or other community organizations, relevant government agencies, academics, etc. of affected Indigenous Peoples and Masyarakat Adat, their leaders and recognized institutions.

Site screening will refer to the identification criteria and be led by relevant social specialists in the NMC, assisted by facilitators and other expert consultants. This screening will inform further engagement processes, including consultation approaches which seek to promote participation of women, youth and other vulnerable members of the affected communities.

Such screening will not only be limited to the immediate project footprints but also cover potential areas where raw materials, such as timber and water supplies will be sourced. In the event that potential impacts are envisaged, due consultations and consent will be required before sub-activities which cause such impacts can commence.

### Consultations and Engagement

On the basis of screening, project implementers with assistance from the NMC and/or expert consultants will engage in a process of meaningful consultations with affected Indigenous Peoples and/or *Masyarakat Adat*. Such consultations are expected to be an iterative process until certain agreements have been reached, including equitable benefit sharing (i.e. access to water if supplies are sourced from springs owned by these groups).

The extent, frequency and degree of engagement required by the consultation process should be commensurate with the identified potential risks and concerns raised by respective Indigenous Peoples and *Masyarakat Adat*. Meaningful consultations are built on mutually accepted process by community representatives and their legitimate leaders. These consultations serve at least two purposes:

- Provide a platform to enable community participation to express their concerns, views on the project's benefits, risks, impacts, and mitigation measures and explore ways to ensure project implementation is culturally and socially acceptable; and
- Enable decision making processes based on local/customary mechanisms.

Community participation needs to be based on gender-sensitive and inter-generationally inclusive approaches. Effective consultations are built upon a two-way process that should:

- Involve members of affected communities and their recognized representative bodies and organizations in good faith;
- Capture the views and concerns of men, women and vulnerable community segments including the elderly, youth, displaced persons, children, people with special needs, etc., about impacts, mitigation mechanisms, and benefits where appropriate. If necessary, separate forums or engagements need to be conducted based on their preferences;
- Begin early in the process of identification of environmental and social risks and impacts and continue on an ongoing basis as risks and impacts arise;



## ESMF - CSRRP

- Be based upon the prior disclosure and dissemination/socialization of relevant, transparent, objective, meaningful, and easily accessible information that is in a culturally appropriate language(s) and format and is understandable for affected communities. In designing consultation methods and use of media, special attention needs to be paid to include the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits;
- Place greater emphasis on inclusive engagement for people directly affected by the project, rather than people affected indirectly;
- Ensure that the consultation processes are free of external manipulation, interference, coercion and/or intimidation. The consultations' design should create enabling environments for meaningful participation, where applicable. In addition to the language(s) and media used, the timing, venues, participation composition need to be carefully thought through to ensure everyone could express their views without repercussions; and
- Be documented.

### Free, Prior and Informed Consent

In recognition of vulnerability of Indigenous Peoples and/or *Masyarakat Adat*, in addition to the consultation requirements as above, the project implementers will obtain Free, Prior and Informed Consent (FPIC) from the affected groups. FPIC is required for the following circumstances:

- Activities/sub-activities have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation;
- Activities/sub-activities cause relocation of Indigenous Peoples and/or *Masyarakat Adat* from land and natural resources subject to traditional ownership or under customary use or occupation; or
- Activities/sub-activities have significant impacts on Indigenous Peoples and/or *Masyarakat Adat*'s cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples and/or *Masyarakat Adat*.

Under CSRRP, project and sub-project activities that lead to significant adverse impacts will not be financed. In the event that water or raw materials will be sourced from areas subject to traditional/customary occupation and ownership, further impact assessments in the UKL/UPL and/or AMDAL process will identify potential risks on the current environmental carrying capacity as well as seek equitable benefit sharing with affected communities. FPIC will be required in such circumstances.

There is no universally accepted definition of FPIC. For the purposes of this framework, FPIC is established as follows:

- The scope of FPIC applies to project design, implementation arrangements and expected outcomes related to risks and impacts on the affected Indigenous Peoples and/or *Masyarakat Adat*;
- FPIC builds on and expands the process of meaningful consultations as above and will be established through good faith negotiation between the project implementers and affected communities;
- The Borrower will document: (i) the mutually accepted process to carry out good faith negotiations and (ii) the outcome of the good faith negotiations between the project implementers and the affected Indigenous Peoples and/or *Masyarakat Adat*, including all agreements reached as well as dissenting views; and

## ESMF - CSRRP

- FPIC does not require unanimity and may be achieved even when individuals or groups within or among the affected Indigenous Peoples and/or *Masyarakat Adat*, explicitly disagree.

For the purposes of the IPPF, consent refers to the collective support of the affected Indigenous Peoples and/or *Masyarakat Adat* for the project activities that affect them, reached through a culturally appropriate process. It may exist even if some individuals or groups object to such project activities.

When FPIC cannot be ascertained, aspects of the project/sub-project activities requiring FPIC cannot be processed further.

### Social Assessment

Commensurate to the potential risks and impacts, social assessments will be required as part of the UKL/UPL and/or AMDAL process to identify the presence and understand the nature of project's impacts on Indigenous Peoples and/or *Masyarakat Adat*. A standalone assessment may not be required, unless adverse impacts which warrant FPIC are envisaged.

The assessment is expected to provide a more informed understanding and analysis of risks as well as opportunities through which mitigation measures can be tailored to specific contexts and needs. Both qualitative and quantitative data will inform the assessment, including baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples and *Masyarakat Adat*, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.

Main areas to be covered include:

- Nature of vulnerability and attachments to land and natural resources;
- Specific risks and potential adverse impacts as a result of project and/or sub-project implementation;
- Level of community acceptance to the activities and/or initiatives supported by the project and/or sub-project activities;
- Analysis of relevant stakeholders, either who will be impacted or who have interest to the activities in question and the elaboration of a culturally appropriate process for consulting with the Indigenous Peoples and *Masyarakat Adat* at each stage of activity preparation and implementation;
- Opportunities to enhance participation of the communities concerned as well as benefit sharing arrangements; and
- Approach to participation, including specific measures to promote participation and inclusion of vulnerable groups in risk management and overall project implementation.

The approach and engagement with affected communities for the social assessment purposes are based on meaningful consultations in good faith. Such consultations will be oversighted by social specialists in the NMC.

### Indigenous Peoples Plan (IPP)

Depending on the nature and scale of potential risks and impacts, an Indigenous Peoples Plan (IPP) or Community Development Plan, which may be integrated under the Land Acquisition and Resettlement Planning processes will be developed by project implementers.

Such a planning instrument will be prepared in a flexible and pragmatic manner and its level of detail varies depending on the specific activities and nature of risks. IPPs will reflect key agreements reached during the consultations, main findings of the social assessments, proposed risk mitigation measures and time-bound action plans, including measures to

## ESMF - CSRRP

promote community participation, related costs and resources needed to implement the IPPs and FGRM arrangements.

These IPPs will be developed by respective district and/or municipal governments with assistance from relevant specialists at the NMC. The IPPs will be reviewed and cleared by the World Bank during project implementation. A guideline for the development of an IPP can be found in **sub-appendix 12.1**.

### Institutional Arrangement

Implementation of the IPPF will follow the project's institutional arrangement (see section 5, Volume I). The project's social specialists will be responsible for the overall implementation with ground support from the facilitators and/or expert consultants. An independent expert will be called for based on needs and where circumstances requiring FPIC are envisaged under the project and/or sub-project activities.

### Monitoring and Grievance Handling

The Terms of References for social specialists in the NMC and facilitators include the responsibility for monitoring of the project's potential risks and impacts on Indigenous Peoples and *Masyarakat Adat*.

Where these communities are identified to be present in the project areas or their resources and/or access to land and resources will be disturbed by project activities, the social specialists in NMC and facilitators will be required to ensure due implementation of the IPPF. Grievance handling will follow the proposed processes in the ESMF, although some tailored approaches to grievance identification through direct communication with the affected communities may be called for depending on the level and nature of risks and impacts.

### Disclosure

The IPP will be disclosed in respective project sites where Indigenous Peoples and/or *Masyarakat Adat* are affected, and if necessary, a summary of key agreements will be prepared and/or communicated in language(s) accessible to the affected communities. At the project level, IPPs and other relevant documents will also be disclosed on the project's website.

## Sub-appendix 12.1: Outline of an Indigenous Peoples Plan

Depending on the scale and nature of potential risks and impacts on Indigenous Peoples and/or *Adat* Communities, an Indigenous Peoples Plan (IPP), or elements of such a planning instrument, is required for all project and sub-project activities with impacts on Indigenous Peoples and/or Masyarakat Adat.

The following provides the key elements of a full-blown IPP. In circumstances where Indigenous Peoples and/or *Masyarakat Adat* benefit from project and/sub-project activities and/or minor impacts are envisaged, elements of an IPP can be integrated in other instruments such as Land Acquisition and Relocation Plans or Environmental and Social Management Plans (ESMPs). These elements include:

- a. **IPP Executive Summary.** This section concisely describes the critical facts, significant findings, and recommended actions (required for a standalone IPP);
- b. **Assessments of project and/or sub-project activities with impacts on Indigenous Peoples and/or *Masyarakat Adat*.** This section provides analysis of the nature and scale of such impacts, should:
  - i. Review the legal and institutional framework applicable to Indigenous Peoples and/or *Masyarakat Adat* in the project context.
  - ii. Provide baseline information on the demographic, social, cultural, and political characteristics of the affected communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
  - iii. Identify key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with Indigenous Peoples and/or *Masyarakat Adat* at each stage of project preparation and implementation, taking the review and baseline information into account.
  - iv. Assess, based on meaningful consultation with the affected communities, the potential adverse and positive effects of the project and sub-project activities. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples and/or *Masyarakat Adat*, given their circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
  - v. Include a gender-sensitive assessment of the affected Indigenous Peoples and/or *Masyarakat Adat*'s perceptions about the project and its impact on their social, economic, and cultural status.
  - vi. Identify and recommend, based on meaningful consultation with the affected communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identify measures to minimize, mitigate, and/or compensate for such effects and to ensure that Indigenous Peoples and/or *Masyarakat Adat* receive culturally appropriate benefits under the project.
- c. **Assessments of circumstances requiring FPIC and alternative project design/siting to avoid adverse impacts (refer to the Section on Free, Prior and Informed Consent).**
- d. **Information disclosure, consultation and participation.** This section should:
  - i. Describes the information disclosure, consultation and participation process with the affected communities that can be carried out during project preparation;

- ii. Summarize their comments on the results of the social impact assessment and identify concerns raised during consultation and how these have been addressed in project design;
  - iii. In the case of project activities requiring FPIC, document the process and outcome of consultations with affected communities and any agreement resulting from such consultations for the project activities and risk management measures addressing the impacts of such activities;
  - iv. Describe consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples and/or *Masyarakat Adat* participation during implementation; and
  - v. Confirm disclosure of the draft and final documents to the affected Indigenous Peoples and/or *Masyarakat Adat*;
- e. **Benefit sharing arrangements.** this section specifies the measures to ensure that the affected communities receive social and economic benefits that are culturally appropriate, and gender responsive.
- f. **Mitigation measures.** this section specifies the measures to avoid adverse impacts on Indigenous Peoples and/or *Masyarakat Adat*, and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected community.
- g. **Capacity building.** this section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples and/or *Masyarakat Adat*'s issues in the project area; and (b) affected communities' organizations in the project area to enable them to represent their communities more effectively and participate in the management of risks and impacts.
- h. **Grievance Redress Mechanism.** this section describes the procedures to redress grievances by affected Indigenous Peoples and/or *Masyarakat Adat* communities. It also explains how the procedures are accessible to Indigenous Peoples and/or *Masyarakat Adat*' and culturally appropriate and gender sensitive.
- i. **Monitoring, reporting and evaluation.** this section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected Indigenous Peoples and/or *Masyarakat Adat* in the preparation and validation of monitoring, and evaluation reports.
- j. **Institutional arrangements.** this section describes institutional arrangement responsibilities and mechanisms for carrying out the various mitigation measures in the IPP. It also describes the process of including relevant local organizations and/or NGOs in carrying out the measures of the IPP.
- k. **Budget and financing.** This section provides an itemized budget for all activities described in the IPP.

## **Appendix 13: Chance Finds Procedure**

**Definition:** a chance find is an archaeological, historical, cultural, or remain material, encountered unexpectedly during project construction or operation. A chance find procedure is a project-specific procedure that will be followed if previously unknown cultural heritage is encountered during project activities. This type of procedure generally includes a requirement to notify relevant authorities of found objects or sites by cultural heritage experts; fence off the area of finds or sites to avoid further disturbance; conduct an assessment of found objects or sites by cultural heritage experts; to identify and implement actions consistent with the requirements of the World Bank and Indonesian law; and to train project personnel and project workers on chance find procedures.

### **Objectives:**

- a. To protect physical cultural resources from the adverse impacts of project activities and support their preservation.
- b. To promote the equitable sharing of benefits from the use of PCR.

**Procedure:** If there is a discovery of archeological sites, historical sites, remains and/or objects, including graveyards and/or individual graves during excavation or construction, due to sub-project activities, the sub-project shall:

1. Halt the construction activities in the area of the chance find.
2. Delineate and fence the discovered site or area.
3. Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be arranged until the responsible local authorities or the District/Provincial Department of Culture, or the local Institute of Archaeology, if available, can take over.
4. Forbid any taking of the objects by the workers or other parties.
5. Notify all subproject personnel of the finding and take preliminary precautions of protection.
6. Record the chance find objects and the preliminary actions.
7. Notify the responsible local authorities and the relevant Institute of Archaeology immediately (within 24 hours or less).
8. Responsible local authorities should be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the local Institute of Archaeology. The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage, including the aesthetic, historic, scientific or research, social and economic values.
9. Decisions on how to handle the finding shall be taken by the responsible authorities. This could include changes in the subproject layout (such as when finding an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage.
10. Implementation of the authority decision concerning the management of the findings shall be communicated in writing by relevant local authorities.
11. The mitigation measures could include changing the subproject design/layout, protection, conservation, restoration, and/or preservation of the sites and/or objects.
12. Construction work at the site can resume only after permission is given from the responsible local authorities concerning safeguarding the heritage.
13. The subproject proponents are responsible for cooperating with the relevant local authorities to monitor all construction activities and ensure the adequate preservation actions already taken and hence the heritage sites protected.

**Appendix 14: Minutes of Consultations**

<b>Dates</b>	<b>Participants</b>	<b>Meeting Notes</b>
24 July 2019	PUPR, BNPB, Central Sulawesi Provincial Government, Representatives of local government of Palu, Sigi, and Donggala	<ol style="list-style-type: none"> <li>1. Community consultation and socio-cultural analysis prior to project implementation are essential to ensure the sustainability of the program, maximizing benefits for the people.</li> <li>2. Prior to any action, it is critical to engage in discussions and assessments on socio-cultural characteristics of the affected communities to ensure that the relocation process and construction of new settlements are appropriate and address their needs and preferences.</li> <li>3. Target communities need to be engaged in the overall planning process, i.e. building designs, livelihoods, etc. Otherwise, there could be risks of misuse and waste of resources.</li> <li>4. It is important to synchronize data at all levels to avoid overlaps. There is a strong case to develop an open data base to enable collaboration. PUSDATINA of Central Sulawesi has the basic infrastructure to develop such a web database but require support to improve the infrastructure as well as strengthen the current personnel/human resources.</li> <li>5. Mobilization of community facilitators is urgent to allow mapping of community needs, verification of beneficiaries and assessments of available resources. However, it is crucial to note that these facilitators must be neutral to ensure the process is fair and transparent.</li> <li>6. Decisions on red zones and their utilization will need to be clarified as these will affect the scope of recovery and reconstruction works (i.e. re-siting of public infrastructure).</li> <li>7. Coordination with other agencies, such as BNPB, to ensure data synchronization and avoid overlaps in mobilization of funds. BNPB is currently focusing on in-situ reconstruction at a cost of IDR 36 trillion for two years.</li> <li>8. Pending issues include land status, masterplans for hospitals and data verification.</li> <li>9. Consultant teams (NMC and TMC) from the NSUP program have been mobilized to support the local governments in preparing action plan documents. Immediate priorities include development of Land Acquisition and Relocation Action Plans (LARAPs) as well as AMDAL and/or UKL/UPL.</li> <li>10. Key public facilities that require urgent support include schools and other education facilities. However, further data verification to avoid overlap with DAK (special allocation funds) would need to be made prior to any investment decisions. The education agency has confirmed that the data have been verified.</li> <li>11. Land due diligence is a requirement to ensure 'clean and clear' status of the proposed locations in order to prevent disputes in the future.</li> <li>12. There needs to be further engagement and agreement with environmental authorities pertaining to environmental permits (exemption from AMDAL into UKL-UPL due to the nature of the project context (emergency situation).</li> </ol>
25 July 2019	PUPR, BNPB, Palu Municipal and Sigi District Governments (Health Agencies, Education Agencies,	<p><b>Session 1</b></p> <ol style="list-style-type: none"> <li>1. PUSDATINA will act as the custodian of the post-disaster data, including database of damage and displaced households. However, issues around data accuracy will need to be sorted out.</li> <li>2. Database should also cover other variables pertaining to community preferences, livelihoods impacts and other socio-economic indicators.</li> </ol>

# ESMF - CSRRP

	Social Affairs Agencies, and Manpower Agencies)	<ol style="list-style-type: none"> <li>Further information with regards to facility masterplans and environmental permitting processes will need to be confirmed particularly for hospitals. Some additional investments such as waste-water facility management will also be considered. In the case of Anuntapura Hospital, the only available planning document is a block plan not a master plan.</li> <li>Permanent housing development requires synergy amongst government agencies. Currently, around 7,113 households need to be relocated, especially those occupying red-zones i.e. liquefaction areas, tsunami affected areas as well as the fault line). The vice president for such relocation expected that such a target can be accomplished within 2 years.</li> <li>Livelihoods restoration represents a critical element for the relocation processes and the municipal government of Palu is currently collaborating with NGOs as well as the private sector and state-owned Banks to provide support.</li> <li>Lack of coordination was reported, e.g. in the case of Tondo where the site plan was developed by the municipal government, including development of access roads and water supply and drainage by the MPWH.</li> <li>Regular coordination (i.e. weekly evaluation) is necessary.</li> <li>While land acquisition for the three main locations (i.e. Tondo, Pombewe-Olobuju, and Duyu) have been considered complete, the local governments need support for the development of relocation action plans (RAPs). If in the future there are land shortages or that the clean and clear status of the proposed land cannot be confirmed, MPWH cannot proceed with the construction.</li> </ol>
		<p><b>Session 2</b></p> <ol style="list-style-type: none"> <li>Reconstruction of government buildings has been hampered by a lack of budget and hence, questions were directed whether the new loan financing is also allowed to finance such investments. Confirmation with the Ministry of Home Affairs will be required for this purpose.</li> <li>Several potential satellite locations have been identified in Donggala and Sigi, some of these have been purchased by the district governments for the construction of affected households by recent flooding in Bangga.</li> <li>However, some of the proposed locations are located within the red-zones (i.e. coastal areas) and hence, may not be financed by the project.</li> <li>The World Bank's financing cannot be used to purchase land.</li> <li>There is a need to also include livelihoods considerations into relocation planning, such as farming land. However, lack of land has been an issue. The district head of Sigi has written to ATR/BPN to negotiate more land for this purpose. Confirmation whether development of farming land can be financed under the loan by MPWH will need to be coordinated with the Ministry of Agriculture.</li> <li>As part of the relocation planning, there needs to be a scheme in place to minimize land or property sales once they have been handed over. In addition, long-term management of the facilities and housing units such as utility retributions, waste management, etc. will need to be discussed with target beneficiaries.</li> <li>There is a request from the District of Sigi for investments in the Bupati's office buildings and landfills, which will be subject to re-evaluation.</li> </ol>
26 July 2019	PUPR, Donggala District Government (Health Agency and Education Agency)	<ol style="list-style-type: none"> <li>The local government has a very limited budget to procure land for the new settlements. This is a potential project stopper as land acquisition is not part of the CSRRP project components.</li> <li>Slow progress in land acquisition is also related to the implementation of Law no 2/2012 i.e. the requirement to use registered appraisers for the process.</li> </ol>



## ESMF - CSRRP

		<ol style="list-style-type: none"> <li>3. Some of the communities have started self-help relocation using their own budget and some others with funding support from the BNPB.</li> <li>4. The most affected area is Sirenja District. Approximately four villages have moved approximately one km away from the shoreline areas. The community will retain their land rights which will also be used for economic activities</li> <li>5. The district's settlement action plan has been submitted to BAPPENAS</li> <li>6. BNPB funds can be accessed through a proposal mechanism.</li> <li>7. There are approximately 40 facilitators working with community groups to support housing rehabilitation phase 1 (899 units) with financing from BNPB.</li> <li>8. A verification process on public infrastructures is ongoing. Urgent actions are required to rehabilitate seaports/docks and fish markets to support livelihood recovery.</li> <li>9. Living allowance for disaster victim from the Ministry of Social Affairs can only cover a 2 month-period.</li> <li>10. To ensure commitments on avoiding overlaps, it is suggested that the District Head issue a decree/ letter disclosing fund sources for facility rehabilitation and reconstruction.</li> <li>11. MPWH will support the local government to prepare a LARAP document, which represents a pre-condition for the loan disbursement</li> </ol>
<b>Next Steps</b>		
<ol style="list-style-type: none"> <li>1. The CERC TMC will finalize the draft master plans and DED packages for consultation.</li> <li>2. The Provincial Secretary (<i>Sekretaris Daerah</i>) of the Central Sulawesi Province will conduct regular meetings with stakeholders and development partners supporting recovery activities. NMC consultants and the Bank's Management Information System (MIS) team will assist the CPMU in developing a TOR for the portal and provide capacity building support to PUSDATINA.</li> <li>3. Provincial and Municipal and District Governments will submit letters requesting the MPWH to mobilize facilitators by July 31, 2019. The letter should be addressed to the Head of Reconstruction and Rehabilitation Task Force for Central Sulawesi. Additional facilitators will be recruited and trained by October 2019.</li> <li>4. Each local government will submit confirmed lists of public facilities to the Head of the Task Force for Rehabilitation and Reconstruction in Central Sulawesi by July 31, 2019.</li> <li>5. The World Bank Team will provide technical inputs to the TORs for the recruitment of specialist consultants, and the TORs should be submitted by August 9 for Bank review.</li> <li>6. As part of the overall LARAP processes, provincial, municipal, and district governments will establish dedicated working teams to lead engagement with target beneficiaries, with technical support provided by the CERC NMC and TMC.</li> <li>7. CPMU to complete the shortlist of NMC and TMC by early September 2019 and the selection by December 1, 2019.</li> </ol>		