



ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

BOAD Climate Finance Facility to Scale Up
Solar Energy Investments in Francophone
West Africa LDCs

Table of Contents

Table of Contents

INTRODUCTION	5
1. CONTEXT OF THE PROGRAMME	6
1.1. RATIONALE OF THE PROGRAMME	6
1.2. OBJECTIVES OF THE PROGRAMME	6
1.3. COMPONENTS OF THE PROGRAMME	6
1.3.1 <i>Contents and Theory of Change of the Programme</i>	9
1.3.2 <i>Eligible projects</i>	9
2. PROGRAMME APPROACH TO E&S RISK MANAGEMENT	12
2.1. E&S STANDARDS FOR THE PROGRAMME.....	12
2.1.2 APPLICABILITY OF E&S SAFEGUARDS AND IMPLEMENTATION CAPACITY OF STAKEHOLDERS	12
2.1.3 IMPLEMENTATION CAPACITY OF BOAD.....	13
2.1.4 IMPLEMENTATION CAPACITY OF PRIVATE SOLAR COMPANIES.....	14
2.1.5 IMPLEMENTATION CAPACITY OF NATIONAL GOVERNMENT AUTHORITIES	14
2.1.6 IMPLEMENTATION CAPACITY OF NON-GOVERNMENTAL ORGANISATIONS AND CIVIL SOCIETY ORGANISATIONS	14
2.2 E&S RISK MANAGEMENT AT PROJECT-LEVEL.....	18
2.2.1 <i>Indicative list of potential risks for projects funded by the Programme</i>	19
2.2.2 <i>Specific E&S issues</i>	20
2.3 BOAD POLICY ON ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT OF PROJECTS.....	21
2.4 BOAD PROCEDURES FOR PROJECT SCREENING AND CATEGORISATION	28
3. SCREENING, APPRAISAL, DEVELOPMENT AND DISCLOSURE OF PROJECT DOCUMENTS	34
4. SPECIFIC E&S ISSUES	39
4.1 INVOLUNTARY RESETTLEMENT	39
<i>Required Measures</i>	40
4.2 PROCEDURES ON INVOLUNTARY RESETTLEMENT.....	46
<i>Application of procedures in project cycle</i>	46
4.3 INDIGENOUS PEOPLES	50
<i>Application of the policy to the project cycle</i>	50
4.4 PROCEDURES ON INDIGENOUS PEOPLES.....	57
<i>Application of procedures in project cycle</i>	57
4.5 PHYSICAL CULTURAL RESOURCES.....	61
4.6 PROCEDURES ON PHYSICAL CULTURAL RESOURCES.....	64
4.7 NATURAL HABITATS	67
<i>Applying Precautionary Approach</i>	67
4.8 PROCEDURES ON NATURAL HABITATS.....	68
<i>Procedures applicability</i>	68
5. PUBLIC PARTICIPATION, STAKEHOLDER ENGAGEMENT, INFORMATION DISCLOSURE AND GRIEVANCE REDRESS	70
5.1 PUBLIC PARTICIPATION IN ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENTS	70
5.2 STAKEHOLDER ENGAGEMENT MATRIX.....	71
5.3 STAKEHOLDER ENGAGEMENT PROCEDURES	72
5.4 OPERATIONAL POLICIES OF THE WEST AFRICAN DEVELOPMENT BANK FOR THE SETTLEMENT OF GRIEVANCES (MPPRG).....	79
ANNEX 1: EXCLUSION LIST AND CRITERIA FOR THE PROGRAMME	84
ANNEX 2: BOAD DEFINITIONS ON ENVIRONMENTAL AND SOCIAL ASSESSMENT	85
ANNEX 3: BOAD INDICATIVE TEMPLATE OF AN ESIA REPORT FOR A CATEGORY B PROJECT	87
ANNEX 4: GUIDELINES ON THE ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP)	88

ANNEX 5: INDICATIVE OUTLINE OF STAKEHOLDER ENGAGEMENT PLAN	91
ANNEX 6: INDICATIVE TEMPLATE FOR INDIGENOUS PEOPLES PLAN (IPP) AND INDIGENOUS PEOPLES PLANNING FRAMEWORK (IPPF)	93
ANNEX 7: INDICATIVE TEMPLATE FOR SOCIAL ASSESSMENT	95
ANNEX 8: EXAMPLE OF INDICATORS AND VALIDATION METHODS FOR INFORMED CONSULTATION AND PARTICIPATION PROCESS	96
ANNEX 9: INDICATIVE TEMPLATE FOR DEVELOPING A GRIEVANCE REDRESS MECHANISM AT PROJECT-LEVEL AND ASSOCIATED PLANNING PROCEDURES.....	99
ANNEX 10: INDICATIVE OUTLINE FOR THE DEVELOPMENT OF A RESETTLEMENT ACTION PLAN.	101
ANNEX 11: LIST OF RELEVANT DOCUMENTS TO THE ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK	104

List of Tables

Table 1: Components of the Programme and affiliated contents	6
Table 2: BOAD's categorisation of projects	10
Table 3: IFC Performance Standards and Applicability to the Programme	17
Table 4: Risk Management Appraisal Process	33
Table 5: Compensations attributable to different categories of people affected	41

List of Acronyms

BOAD	West African Development Bank
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Plan Framework
ESMF	Environmental and Social Management Framework
GCF	Green Climate Fund
COP	Conference of the Parties
RE	Renewable Energy
LDC	Least Developed Country
PV	Photovoltaic
CSP	Concentrating Solar Power
MW	Megawatt
TA	Technical Assistance
EIA	Environmental Impact Assessment
ESAP	Environmental and Social Action Plan
MRV	Monitoring, Reporting and Verification
AML	Anti-Money Laundering
ESDD	Environmental and Social Due Diligence
FI	Financial Intermediaries
IFC	International Finance Corporation
ESS	Environmental and Social Safeguards
ILO	International Labour Organisation
ESMS	Environmental and Social Management System
OP	Operational Policy
CEO	Chief Executive Officer
CPE	Informed Participation and Consultation
CE	Commitment Committee
PT	Project Team
DD	Due Diligence
OU	Organisational Unit
PPS	Project Presentation Sheet
SEP	Sheet of Entry into Portfolio
AR	Appraisal Report
NGOS	Non-Governmental Organisations
ICR	Implementation Completion Report
PTL	Project Team Leader
SA	Social Assessment
RAP	Resettlement Action Plan
EG	Environmental Guideline
CITES	Convention on International trade of Endangered Species of Fauna and flora
CSO	Civil Society Organisation
NGO	Non-Governmental Organisation
NDA	National Designated Authority

Introduction

The present document establishes the Environmental and Social Management Framework (ESMF) of the BOAD programme “Climate Finance Facility to Scale Up Solar Energy Investments in Francophone West Africa LDCs” (hereafter the “programme”). It describes standards, procedures, processes and methods that are considered as the basis and document of reference for the Environmental and Social Management System of the aforementioned programme. This ESMF was developed using the internationally recognised standards and procedures of the International Finance Corporation, the World Bank and the Green Climate Fund, in addition to BOAD’s Policies and Procedures for all aspects of environmental and social management.

As part of the programme, the present Environmental and Social Management Framework will be applicable in all countries involved in the Programme, namely:

- Benin
- Burkina Faso
- Guinea-Bissau
- Mali
- Niger
- Togo

As of 20/12/2018, the pipeline of projects financed under the Programme in all six countries covered is **indicative**. All projects to be financed by the Programme fit in Category B or C according to both GCF and BOAD categorization of projects. Once the pipeline of projects has been approved by BOAD, project developers will follow the guidelines and procedures of this ESMF for the E&S screening, timing, disclosure of documents and all applicable safeguards. The reference E&S Standards for this Programme will be IFC Performance Standards and related safeguards and guidelines in this ESMF as a minimum. Where national legislation provides additional safeguards *beyond*, or standards exceed those of the IFC Performance Standards, national standards will apply in addition to those outlined here.”

1. Context of the Programme

1.1. Rationale of the Programme

About half of the population in the West Africa Region do not have access to electricity. Countries from this region face interrelated challenges of energy access, energy security and high cost of electricity. This is attributed to the high dependence on fossil fuels, the insufficient availability of public funds to invest in energy infrastructure to meet the growing electricity demand, the inability to attract private capital in power generation at scale, and the inefficiencies along the value chain. This situation hampers the social, economic, and industrial development of the region.

The region's energy mix mostly comprises diesel, heavy fuel oil and hydropower. While the region is endowed with high solar irradiation especially in the Sahel, the installed solar PV capacity in the region (excluding Nigeria) was only around 193 MW at the end of 2017. Given the continuous decline in the cost of solar electricity generation, the region would benefit from investing massively in solar technologies to reduce its dependence on expensive fossil fuels for power generation, while supporting a shift towards cheaper, cleaner and reliable sources of electricity generation. With large financing needs over the sector's entire value chain, the solar sector increasingly relies on the private sector to deploy grid-connected solar power generation projects.

The rationale of the proposed programme "BOAD Climate Finance Facility to Scale Up Solar Energy Investments in Francophone West Africa LDCs" (hereafter the "programme") is to decarbonise the energy mix of the Least Developed Countries (LDC) of the Francophone West Africa Region and to improve access to clean energy by scaling up cost-competitive solar technologies through private capital leveraging. The programme aims to accelerate private sector investments in the medium/large scale on grid-connected solar sector and to create a market for investments in solar technologies (PV and CSP) in six countries of Francophone West Africa, namely Benin, Burkina Faso, Guinea-Bissau, Mali, Niger and Togo.

1.2. Objectives of the Programme

A number of barriers continue to hold back solar investment at scale, despite the dynamism of the sector, the proven performance of solar technologies worldwide and the increased number of national policies supporting solar market development. These barriers impede and delay the development of solar projects and therefore increase the difficulty to achieve national targets in terms of solar generation and grid-connected capacity. The proposed programme is designed to overcome the challenges facing the target countries by providing financial support to private sector actors as well technical support to private sector actors and national institutions.

The goal of the proposed programme is to create a market for investments in solar technologies in the six LDCs mentioned above. The programme aims to incentivize and leverage private sector actors based in these countries to scale up private investment in solar technologies. The programme is expected to contribute to a paradigm shift to low-emission development pathways through the mobilisation at scale of private climate finance.

BOAD will offer an integrated approach that is based on a combination of financial and technical support to facilitate access to finance to private sector actors and assist them in structuring their solar investments. The programme will have two main objectives and interrelated components:

- 1. To scale up commercial and sustainable financing for solar investments through senior debt and standby loans**
- 2. To develop technical capacity of private and public sector actors and raise awareness about the benefits of solar technologies.**

1.3. Components of the Programme

Table 1 below offers a detailed breakdown of the Programme's two complementary components.

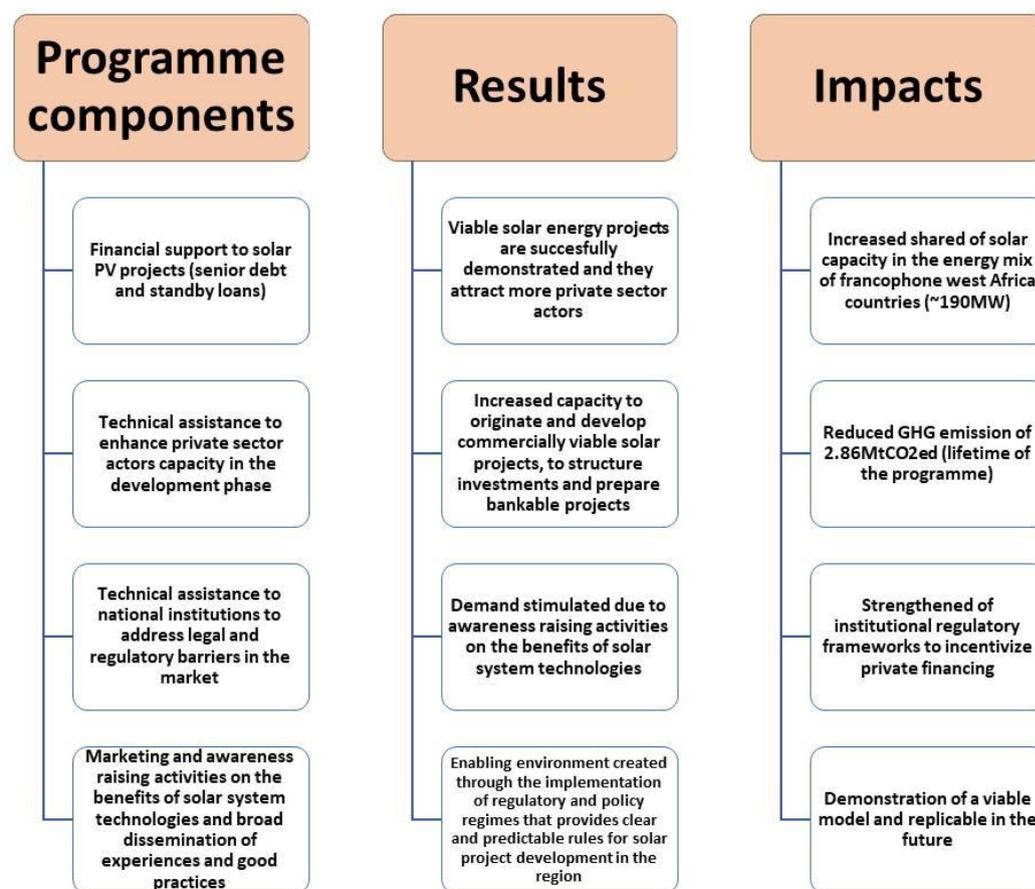
Table 1: Components of the Programme and affiliated contents

Components	Contents
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<p>1. To scale up commercial and sustainable financing for solar investments through senior debt and standby loans</p> <p>1.1 Senior loans facility</p> <p>1.2 Standby loan facility (credit enhancement in the form of tenor extension)</p>	<p>Component 1.1: Senior loans facility</p> <p>Financial barriers are a significant barrier to the mobilization and scaling up of climate finance i.e. inadequate pricing, inflexible grace periods and loan tenors that are not adapted to the characteristics of renewable energy investments. The lack of available and accessible commercial finance by local banks hinders the ability of businesses to invest in solar projects. The Programme will address financial barriers to private sector investment specific to each country's market context and contribute to increasing market confidence, reducing risk perception and attracting private investors into the target market segment.</p> <p>The programme will address financial barriers by providing affordable and long-term debt financing for medium to large-scale solar investments. BOAD will provide long term affordable debt to qualifying private sector companies for solar projects that are commercially viable but that cannot currently attract affordable financing at scale. The programme will provide appropriate financial resources to selected private sector companies in order to reduce the barriers and risks and thus make these investments attractive to commercial project developers.</p> <p>Component 1.2: Standby loan facility (credit enhancement in the form of tenor extension)</p> <p>One of the biggest challenges for commercial banks in the region is the maturity and liquidity risk. The length of tenor is a key limitation encountered by project developers seeking local financing in the RE sector. The local commercial banks are unable to extend loans with tenors of no more than 5-7 years due to the short-term maturity profile of their deposit and the absence of deep capital markets to source long-term financing. The standby loans will automatically provide a credit enhancement to the underlying sub-project by extending the tenor of the outstanding commercial bank loan at maturity to match the tenor of BOAD's loan to the sub-project (15-19 years).</p>
<p>2. To develop technical capacity of private and public sector actors and raise awareness about the benefits of solar technologies</p> <p>2.1 Technical Assistance to private sector actors for investment preparation</p> <p>2.2 Technical Assistance (TA) to national institutions to address legal and regulatory barriers in the solar market</p> <p>2.3 Marketing and awareness raising activities on the benefits of solar system technologies, and broad dissemination of experiences and good practices</p> <p>2.4 Third-party monitoring, reporting, verification and</p>	<p>Component 2 will provide capacity building to private sector companies while supporting the enabling environment through marketing and awareness raising activities and TA to national institutions in order to stimulate the demand for solar projects.</p> <p>Sub-component 2.1: Technical assistance to private sector actors for investment preparation</p> <p>Local project developers do not always have sufficient skills to prepare feasibility studies and offer attractive and bankable projects. Development cost is a key barrier to project developers. The programme will address the technical barriers faced by local private sector actors by building the capacity of mid-size project developers to structure their investments (project preparation and management). This will include capacity building and training for project developers to build their capacities during the development phase of their projects. Training will target mid-size local enterprises and include support to originate commercially viable solar related projects; to develop technical and financial feasibility studies; to prepare bankable projects; to develop a financial & commercial framework and risk mitigation strategy; to develop environmental Impact Assessments (EIA) and environmental and social action plan (ESAP); to reach financial closure.</p>

<p>evaluation of implementation of loans</p>	<p>Sub-component 2.2: Technical assistance (TA) to national institutions to address legal and regulatory barriers in the solar market</p> <p>The small installed capacity of solar PV in the Region reveals important regulatory, structural, and technical constraints such as inadequate Independent Power Producer (IPP) regulatory framework, limited planning and dispatch capacity, and overall grid integration challenges. The programme will also support the enabling environment for solar investment through BOAD’s policy dialogue activities with governments in the region to improve the regulatory environment for solar investments.</p> <p>BOAD will carry out policy dialogue activities that will be informed by the activities of the proposed programme. The rationale of this sub-component is to remove the market barriers to the development of solar projects by supporting the implementation of regulatory and policy regimes that provides clear and predictable rules for solar project development in the region. The aim of this sub-component is to prepare the way for the entry of solar private investment and to create clarity and a stable reliable environment for solar investment. TA under this sub-component will be focused on aspects of the enabling environment that have an immediate impact on stimulating solar private sector investment. Support can include support to the creation of a simplified regulatory frameworks for Feed-in-tariffs for on-grid solar solutions, support on standard PPAs development, support on IPP tenders and procurement process, support on tariff structure, support on a framework of financial and technical incentives.</p> <p>Sub-component 2.3: Marketing and awareness raising activities on the benefits of solar system technologies, and broad dissemination of experiences and good practices: develop, manage, and maintain organizational brand and execute a communications and outreach effort that promotes the objectives of the programme; lead direct outreach to project developers, commercial banks, DFI’s and other relevant stakeholders; build the reputation and brand of the programme with donors, foundations, corporations, the media and public officials and agencies; establish strategic partnerships with lenders, contractors, developers, government agencies, utilities, business and industry associations, and community groups.</p> <p>Sub-component 2.4: Third-party monitoring, reporting, verification and evaluation of implementation of loans: an MRV framework will be established to ensure activities of the facility and other relevant stakeholders are in compliance with all applicable policies, procedures and other requirements of the GCF to enhance transparency. An independent party will be procured by BOAD for Monitoring, Reporting and Verification (MRV); BOAD will be ultimately responsible for reporting to the GCF.</p>
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1.3.1 Contents and Theory of Change of the Programme



Assumptions: Technical and financial barriers exist for private sector participation to on-grid solar projects
 Solar projects are not financially viable in the absence of a well-developed financial package
 Short tenor and high price are the barriers of solar financing from commercial banks

1.3.2. Eligible projects

The projects funded under this programme will have to comply with a set of technical and financial criteria which are described hereafter. In terms of technical criteria, eligible projects should

- eligible projects should be located in the six LDCs from West African region, namely Benin, Burkina Faso, Guinea-Bissau, Mali, Niger and Togo
- eligible projects should target solar grid connected power generation projects with a minimum capacity of 10 MW and maximum capacity of 50 MW.
- Eligible technologies include: solar photovoltaic (PV) and Concentrated Solar Power (CSP).

In terms of financial criteria:

- Projects will be required to apply cost-benefit analysis techniques that adequately evaluate all (positive and negative) externalities to ensure holistic cost-effectiveness and the highest possible climate and social return.
- Projects should be financially structured such that the present value of cash inflows is greater than the present value of cash outflows – both discounted at the weighted average cost of capital.
- Projects should generate an adequate risk adjusted rate of return by identifying and assessing relevant project risks to attract commercial investment.
- Projects should provide clarity on the ultimate source of revenue that would cover operating costs, in order to mitigate risks and ensure financial viability.
- Project developer will be required to provide at least 20% of the total project cost as equity participation.
- It is expected that commercial banks will provide 20% of the total project cost as co-financing at project level.

- Project developers will have to estimate the expected cost of the investment per lifetime impact potential in tonnes of CO₂eq reduced.

All investments found to be part of the BOAD Exclusion List (Annex 1) will be excluded from the Programme.

The table below gives examples of eligible projects for the Program according to BOAD’s categorisation of projects. Detailed definitions of project categories can be found in Section 2.2

Table 2: BOAD’s categorisation of projects

Category A (not eligible under this programme)	Category B	Category C	Category D	Category FI
Transport and distribution of energy: high voltage line Thermal Plants Installation of Gas turbines Storage of gas and oil Hydro-electric power plants	Energy policy Transport and distribution of energy: line of medium voltage Installation and production of renewable energy (solar, wind, biogas ...) Service stations for sale of hydrocarbons Works of maintenance and big repairs	Small repairs activities	Project to improve the environment	Require the proponent to comply with the Categorization B, C, D

BOAD will require that sub-projects that are submitted for funding are subject to environmental and social impact assessment (ESIA), which helps to ensure that the projects are environmentally sound and socially viable to facilitate decision making. Under this programme, environmental and social best practices will be applied by requiring all projects funded to follow BOAD environmental and social safeguard policies, standards and guidelines which follow best international practices such as the International Finance Corporation (IFC) environmental and social performance standards. The applicability of the IFC Performance Standards can be found in the table 3 in the next section. Further, the guidelines for the screening and categorization of eligible projects financed by the Programme can be found in table 4 section 3.

Risks will be mitigated through technical assistance provided to project developers to undertake technical feasibility studies, Environmental Impact Assessments (EIA) and environmental and social action plan (ESAP). These measures will identify potential environmental and social impacts and provide detailed mitigation measures. The project-level ESAP will be an integral part of the required agreement with the project developers. BOAD will only finance the projects classified under the category B or below and apply its highest standards in the screening and managing of E&S related issues.

All subprojects funded will come under BOAD’s ESS policy and the agreed cooperation framework between GCF and BOAD. Individual subprojects will require site specific assessments consistent with the approach of BOAD and the GCF including E&S and Gender due diligence and the agreed disclosure requirements (where applicable) and will develop project specific Environmental and Social Management Plans (ESMP). Only category C (I3), B (I2) or D projects will be funded under this facility, consistent with the GCF accreditation of BOAD. Project developers are responsible for the integration of all costs relating to the implementation of all safeguards action plans and frameworks as applicable.

Type of instruments to be prepared per risk category

E&S risk category//E&S regulatory framework	Category B	Category C	Category D
Required E&S Risk Management instrument	National and international regulations applicable in the country(ies) of operation including IFC Performance Standards	National and international regulations applicable in the country(ies) of operation	National and international regulations applicable in the country(ies) of operation
	Full-scale Environmental & Social Impact Assessment conducted by independent experts, to be validated by NRAs and BOAD	E&S study to be conducted by independent experts and validated by NRAs and BOAD	Initial E&S risk and categorisation
	ESMF or ESMP	E&S Action Plan	
	If applicable, Resettlement Action Plan	Any other specific E&S studies/instruments as applicable and required	
	Other specific E&S risk management instruments/E&S studies as applicable i.e. Indigenous Peoples Plan; Resettlement Action Plan		

Project developers are responsible for the timely disclosure of all project-level E&S documentation to BOAD.

2. Programme Approach to E&S Risk Management

2.1. E&S Standards for the Programme

2.1.1 Environmental and Social risks

In line with the “Operational Policies and Procedures of the West African Development Bank Intervention for Environmental and Social Management in the Financing of Projects”, the E&S risks and impacts taken into account in the due diligence processes, which are project-related, comply with the following international standards of good practice:

- In addition to the regulation of the countries of intervention, BOAD will refer to the rules, good practices and guidelines produced by international organizations such as: (i) United Nations Conventions on Environment and Development; (ii) United Nations Convention on the Elimination of All Forms of Discrimination against Women; (iii) United Nations Universal Declaration on Human Rights; (iv) International conventions of ILO on human rights and labour law; (v) Safeguard policies, guidelines and other relevant documents of the World Bank on environmental and social issues¹; (vi) the safeguard policies of the IFC on environmental and social issues; (vii) Good international sectoral practice, published by major trade associations on environmental and social issues; etc.

Specifically, for environmental risks and impacts:

- Those related to community safety (including dam safety and safe use of pesticides);
- Those related to climate change and other transboundary or global risks and impacts;
- any material threat to the protection, conservation, maintenance and restoration of natural habitats and biodiversity;
- Those related to ecosystem services and the use of living natural resources, such as fisheries and forests; and

For social risks and impacts:

- Threats to human security through the escalation of personal, communal or inter-state conflict, crime or violence;
- Risks that project impacts fall disproportionately on individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable;
- Any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of those who may be disadvantaged or vulnerable;
- Negative economic and social impacts relating to the involuntary taking of land or restrictions on land use;
- Risks or impacts associated with land and natural resource tenure and use, including (as relevant) potential project impacts on local land use patterns and tenurial arrangements, land access and availability, food security and land values, and any corresponding risks related to conflict or contestation over land and natural resources;
- Impacts on the health, safety and well-being of workers and project-affected communities; and
- Risks to cultural heritage.

Please refer to the table in section 2.2.1 for potential environmental and social risks for the Programme.

2.1.2 Applicability of E&S safeguards and implementation capacity of stakeholders

BOAD aims to promote sustainable and fair development in all of its funded operations, ensuring that these operations contribute to poverty reduction, increased economic and gender equality, enhanced biodiversity conservation and natural habitats, and combating climate change.

1

https://consultations.worldbank.org/Data/hub/files/consultation-template/review-and-update-world-bank-safeguard-policies/en/materials/the_esf_clean_final_for_public_disclosure_post_board_august_4.pdf

For E&S risk management, all individual projects to be funded under the Programme will be required to apply and comply with the present ESMF including BOAD Procedures, in addition to the IFC Performance Standards. The applicability of the IFC Performance Standards for the Programme is summarised in the table in section 2.2 below.

All projects funded under this Programme are required to comply with the national regulations of the countries where they are implemented, including for environmental and social issues. However, E&S regulations in all six countries of operation are sometimes incomplete or currently under development. Therefore, should the IFC Performance Standards be exceeded by national legislation with regards to environmental and/or social safeguards, the applicable national legislation should prevail.

In addition, technical assistance (TA) to local project developers and BOAD will be provided as part of this Programme to support them throughout the project cycle and ensure that sufficient funds are allocated for the implementation of all relevant E&S action plans as applicable. For local project developers, the TA will be focusing on capacity building via training exercises which will include support to:

- to originate commercially viable solar related projects,
- to develop technical and financial feasibility studies,
- to prepare bankable projects,
- to develop a financial & commercial framework and risk mitigation strategy,
- **to develop Environmental and Social Impact Assessments (ESIA) and environmental and social action plans (ESAP),**
- to reach financial closure.

For BOAD staff, the technical assistance will take place during the development and implementation of the Programme's project portfolio and will entail the provision of:

- Support for the development of eligible and bankable solar projects: This will include support to build BOAD pipeline of projects, to assess the eligibility sponsors' projects, to screen project financial and technical feasibility studies, to review and improve projects' business models carried by project developers, etc.
- support in the implementation of the solar projects: This will include support to track progress of projects implementation and in the monitoring of project performance indicators (e.g. MW installed capacity, tCO₂eq avoided, etc.); in the **management of environmental and social risks** and in the **implementation of the gender action plan, Indigenous Peoples' plan** or other frameworks as applicable; support for marketing and communication activities (defining a marketing plan and providing communication tools to promote the programme with the aim to stimulate the demand for solar projects)
- support for the integration of climate change considerations into BOAD project cycle: This will include support to enhance BOAD capacities on how to integrate mitigation and adaptation dimensions into the project activities. Training participants will learn how climate change is interlinked with development cooperation, where to find relevant climate information and how to use it, how to plan and support processes of mainstreaming mitigation and adaptation in BOAD project cycle and how climate change measures should be integrated in development planning.

2.1.3 Implementation capacity of BOAD

BOAD has a long track record in developing, implementing and managing projects according to good international practice. In particular, the Private Sector Window prioritises the fight against poverty and the support for inclusive growth in adequacy with environmental and social standards in a common effort to reach the Sustainable Development Goals (SDGs). To maximize the Programme impact, BOAD's institutional capacity will be further strengthened to specifically support the development of environmentally sustainable and socially sound solar energy projects. In all of its operations, BOAD has had a successful track record working with governments, national environmental regulatory authorities, civil society organisations as well as private actors. Country ownership and the application of internationally recognised environmental and social safeguards, standards and procedures are core principles in the conduct of this Programme.

2.1.4 Implementation capacity of private solar companies

A list of projects has been identified in the pipeline of projects to be funded under the programme (see Table 10 of the Funding Proposal). The project developers have not been nominated at this stage because the list of projects is still indicative. Some project developers are international companies that have a strong track record in solar energy investments. Other project developers are local companies from the target countries which have previous experiences with solar projects but need to strengthen their capacity during the development phase of their project. As mentioned above, the proposed programme will provide capacity building to local private sector actors to help them to structure their investments during the preparation phase of their project.

2.1.5 Implementation capacity of national government authorities

The TA support will also be provided to national authorities to support them to develop regulatory and policy regimes that provides clear and predictable rules for solar project development in the region. TA under sub-component 2.2 will be focused on aspects of the enabling environment that have an immediate impact on stimulating solar private sector investment. For more detail on the type of support provided, please refer to Section C.3 of the Funding Proposal. BOAD will recruit long term consultants that will work closely with the Commission of the WAEMU. The consultants will be responsible for analysing the regulatory and legal frameworks for solar investments in each target country and for proposing a set of measures and guidelines to support renewable energy private sector investment. This approach will ensure that the knowledge development and transfer are institutionalised within WAEMU member states. Environmental Guideline EG-44 on Institutional Capacity Reinforcement (see Annex 11) lays out the general principles, regional specificities, tools and instruments based on the experience of the Bank on institutional strengthening.

2.1.6 Implementation capacity of Non-Governmental Organisations and Civil Society Organisations

EG-44 on Institutional Capacity Reinforcement (see Annex 11) can be used as a reference for assessing the institutional capacity of NGOs and CSOs present in the countries of operation of this Programme.

IFC Performance Standards ²	Description and objectives	Applicability to the Programme
<p>PS1 – Assessment and management of environmental and social risks and impacts</p>	<ul style="list-style-type: none"> ● To identify and evaluate environmental and social risks and impacts of the project. ● To adopt a mitigation hierarchy to anticipate and avoid, or where avoidance is not possible, minimize, and, where residual impacts remain, compensate/offset for risks and impacts to workers, Affected Communities, and the environment. ● To promote improved environmental and social performance of clients through the effective use of management systems. ● To ensure that grievances from Affected Communities and external communications from other stakeholders are responded to and managed appropriately. ● To promote and provide means for adequate engagement with Affected Communities throughout the project cycle on issues that could potentially affect them and to ensure that relevant environmental and social information is disclosed and disseminated 	<p>YES</p> <p>Eligible projects in the energy sector may have E&S impacts. PS1 aims at identifying E&S risks and defining appropriate mitigation measures in order to avoid or minimize such risks. It defines the relevant scope of E&S risk management for a project, the necessary organizational capacity, and monitoring processes. Particular focus is put on stakeholder engagement, included disclosure of information, consultation and participation of communities, indigenous peoples, and grievance mechanisms.</p>
<p>PS2 – Labour and working conditions</p>	<ul style="list-style-type: none"> ● To promote the fair treatment, non-discrimination, and equal opportunity of workers. ● To establish, maintain, and improve the worker-management relationship. ● To promote compliance with national employment and labor laws. ● To protect workers, including vulnerable categories of workers such as children, migrant workers, workers engaged by third parties, and workers in the client’s supply chain. ● To promote safe and healthy working conditions, and the health of workers. ● To avoid the use of forced labour. 	<p>YES</p> <p>PS2 is in line with main international conventions and instruments, including those of the ILO and the UN. Projects financed by the Programme have to ensure proper labour and working conditions in their internal organization, but also for their contractors. PS2 requirements are applicable during both construction and implementation phases of projects.</p>

² https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/policies-standards/performance-standards

<p><i>PS3 – Resource efficiency, pollution prevention and reduction</i></p>	<ul style="list-style-type: none"> ● To avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities. ● To promote more sustainable use of resources, including energy and water. ● To reduce project-related GHG emissions. 	<p>YES</p> <p>E&S risk assessment to be conducted on each individual project has to identify the possible negative impacts of all kinds of pollution on communities and the environment, included over use of natural resource such as water consumption. PS3 applies on all projects that may have such impacts, and not limited to construction phase.</p>
<p><i>PS4 – Community health, safety and security</i></p>	<ul style="list-style-type: none"> ● To anticipate and avoid adverse impacts on the health and safety of the Affected Community during the project life from both routine and non-routine circumstances. ● To ensure that the safeguarding of personnel and property is carried out in accordance with relevant human rights principles and in a manner that avoids or minimizes risks to the Affected Communities. 	<p>YES</p> <p>In line with PS3, E&S risk assessment to be conducted on each individual projects will consider community health, safety and security aspects both on project owners and their contractors, all along a project's lifecycle.</p>
<p><i>PS5 – Land acquisition and involuntary resettlement</i></p>	<ul style="list-style-type: none"> ● To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs. ● To avoid forced eviction. ● To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected. ● To improve, or restore, the livelihoods and standards of living of displaced persons. ● To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites. 	<p>YES</p> <p>All projects must look at avoiding displacements, and if not possible, must comply with PS5 in the compensation of affected communities and individuals. This applies to physical displacement and economic displacement. Impacts on assets and livelihoods must be taken into consideration.</p>
<p><i>PS6 – Biodiversity conservation and sustainable management of living natural resources</i></p>	<ul style="list-style-type: none"> ● To protect and conserve biodiversity. ● To maintain the benefits from ecosystem services. ● To promote the sustainable management of 	<p>YES</p>

	living natural resources through the adoption of practices that integrate conservation needs and development priorities.	Whenever possible, actions to enhance biodiversity conservation and protection of living natural resources will be included to projects.
PS7 – Indigenous Peoples	<ul style="list-style-type: none"> • To ensure that the development process fosters full respect for the human rights, dignity, aspirations, culture, and natural resource-based livelihoods of Indigenous Peoples. • To anticipate and avoid adverse impacts of projects on communities of Indigenous Peoples, or when avoidance is not possible, to minimize and/or compensate for such impacts • To promote sustainable development benefits and opportunities for Indigenous Peoples in a culturally appropriate manner. • To establish and maintain an ongoing relationship based on Informed Consultation and Participation (ICP) with the Indigenous Peoples affected by a project throughout the project’s life-cycle. • To ensure the Free, Prior, and Informed Consent (FPIC) of the Affected Communities of Indigenous Peoples when the circumstances described in this Performance Standard are present. • To respect and preserve the culture, knowledge, and practices of Indigenous Peoples. 	<p>YES</p> <p>PS7 applies for all projects that might have impacts on IPs, such impacts being identified though the initial E&S risk assessment. Free, prior, and informed consent must be applied when IPs are affected by a project in the circumstances defined by PS7.</p> <p>Whenever necessary, specific plans must be developed</p>
PS8 – Cultural heritage	<ul style="list-style-type: none"> • To protect cultural heritage from the adverse impacts of project activities and support its preservation. • To promote the equitable sharing of benefits from the use of cultural heritage. 	<p>YES</p> <p>PS8 defines cultural heritage including both tangible objects and sites, and intangible forms of culture. The initial E&S assessment of eligible projects has to identify if cultural heritage can be affected and, in such case, PS8 applies</p>

Table 3: IFC Performance Standards and Applicability to the Programme

2.2 E&S Risk Management at Project-level

Consistently with BOAD's requirements with regards to Environmental and Social screening of projects, after a project has successfully passed the screening and appraisal process, the Project Team will be responsible for conducting E&S risk assessment and management as per the present ESMF.

The table below lists the main steps to be followed by the Project Team for projects to be financed under the Programme. The Project Team is responsible for following this process.

Project Cycle phase	Actions	Responsibility
<i>Identification</i>	Screening of project against BOAD Exclusion List (see Annex 1) Assignment of E&S Risk category (B or below, or excluded from the Programme)	BOAD E&S Team
<i>Instruction of assessments</i>	Identification and preparation of E&S studies according to BOAD's appraisal process Integration of findings into feasibility study, or recruitment of ESIA consultant Verification of conformity with applicable national legislation Conduct of all necessary studies	BOAD Project Team Project developers National Environmental Regulatory Authority CSO/NGOs (if applicable)
<i>Commitment</i>	Incorporation of findings and clauses into project's ESMP/F	Project Team BOAD
<i>Supervision</i>	Monitoring and evaluation through site visits, review of project-level ESMF	BOAD National Environmental Regulatory Authority
<i>Reporting</i>	Development of Progress reports to be shared with and approved by National Environmental Regulatory Entities, BOAD and the GCF Timelines to share Progress reports specified under section 2.2	BOAD Project Team Project developers

As described in the present section and below, all applicable safeguards on eligible projects are:

- IFC Performance Standards
- BOAD Procedures with regards to E&S issues
- National legislation where these are of a higher standard of safeguard than those above

2.2.1 Indicative list of potential risks for projects funded by the Programme

The table below provides an overview of potential environmental and social risks that can occur as a result of the implementation of projects in all six countries covered by the Programme. Indicative mitigation measures are specified for project developers to incorporate in the project-level Environmental and Social Management Plans. More guidance on mitigating various types of Environmental and Social risks can be found in Environmental Guidelines (EG), referenced in Annex 11 of the ESMF.

Environmental risks/impacts	Possible mitigation measures
<ul style="list-style-type: none"> • Impacts on biodiversity: landscape, ecosystems, habitats • Impacts on water resource quality • Erosion and soil degradation • Environmental impacts linked to construction works: pollutions, dust, hazardous and non-hazardous waste management (including electronic waste), increased GHG emissions etc. • Risks of fire (solar farms in particular) • Risks of chemical pollution 	<ul style="list-style-type: none"> - Environmental Management Systems requirements from project developers - Different Environmental requirements based on risk categorization - Detailed and step-by-step environmental responsibilities provided for key actors - Technical Assistance provided to local project developers to develop project-level Environmental and Social Management Plans - Applicability of IFC Performance Standards with accountability requirements
Social risks/impacts	

<ul style="list-style-type: none"> • All risks related to labour and working conditions • Impacts due to construction works on community health and safety (dust, pollution, noise etc.) • Visual and architectural degradation • Noise • Impacts on land tenure and use, involuntary displacement • Stakeholder engagement and participation of local communities • Risks linked to interference with telecommunications and other health impacts induced by new energy networks • Social risks linked to grid connections and energy access (including electricity tariffs) • Impacts on cultural heritage 	<ul style="list-style-type: none"> - Encouraging dialogue and inclusiveness through different methods of stakeholder engagement - Detailed guidelines and procedures on the development of project-level Resettlement Plans - Technical Assistance to public institutions to address regulatory, legal and policy barriers which impede energy access, grid connections and electricity tariffs, disadvantaging women in particular - Detailed guidelines and procedures for mitigating risks relating to cultural heritage
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2.2.2 Specific E&S issues

The specific E&S issues detailed in Section 4 will be assessed jointly using all relevant IFC Performance Standards, BOAD Procedures with regards to E&S risks and applicable national legislation. The Project Team is responsible for the applicable of the aforementioned standards while BOAD ensures, through its due diligence process, that the Project Team applies these requirements from the outset of project design phase. As part of the Programme, BOAD can provide technical assistance to support Project Teams in the conduct of E&S studies and the development of project-level ESMF/Ps, Gender Action Plans, Indigenous Peoples Plans, and other applicable Action Plans as required.

2.3 BOAD Policy on Environmental and Social Impact Assessment of Projects

Introduction

BOAD³ requires that projects that are submitted for funding are subject to environmental and social impact assessment (ESIA), which helps to ensure that the projects are environmentally sound and socially viable to facilitate decision making.

ESIA is a process whose breadth, depth, and type of analysis depend on the nature, scale, and potential environmental impact of the proposed project. ESIA evaluates a project's potential environmental risks and impacts in its area of influence;⁴ examines project alternatives; identifies ways of improving project selection, siting, planning, design, and implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts.

The client⁵ or promoter, by mutual agreement with the responsible government agencies and other relevant stakeholders⁶, will lead an environmental and social impact assessment process, will establish and maintain an Environmental and Social Management System (ESMS) suitable for the nature and scale of the project and proportional to the risks and environmental and social impacts. ESMS includes the following: (i) Policy Statement; (ii) identification of risks and impacts; (iii) management program; (iv) organizational capacity and skills; (v) preparation and response to emergency situations; (vi) stakeholder engagement; and (vii) monitoring and evaluation.

ESIA also includes the process of mitigating and managing adverse environmental impacts throughout project implementation. BOAD favours preventive measures over mitigatory or compensatory measures, whenever feasible.

ESIA takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples, and physical cultural resources);⁷ and transboundary and global environmental aspects.⁸ ESIA considers natural and social aspects in an integrated way. It also takes into account the variations in project and country conditions; the findings of country environmental studies; national environmental action plans; the country's overall policy framework, national legislation, and institutional capabilities related to the environment and social aspects; and obligations of the country, pertaining to project activities, under relevant international environmental treaties and agreements. BOAD does not finance project activities that would contravene such country obligations, as identified during the ESIA. ESIA is initiated as early as possible in project processing and is integrated closely with the economic, financial, institutional, social, and technical analyses of a proposed project.

The conduct of an ESIA requires stakeholder engagement. It is essential for the proper management of environmental and social impacts of a project. This commitment is a process that may involve the following: the stakeholders' analysis and planning of their participation, disclosure and dissemination of information, consultation and participation, redress mechanisms and systematic presentation of reports to affected communities.

It should be noted that the nature, frequency and level of effort of the commitment of these stakeholders may vary and will be proportional to the risks and negative impacts of the project and the stage of its implementation.

³ "BOAD" means West Africa Development Bank; "loans" means credits; "borrower" includes, for guarantee operations, a private or public project sponsor receiving from another financial institution a loan guaranteed by the Bank; and "project" covers all operations financed by Investment Project Financing or Bank guarantees. This policy applies to all components of the project, regardless of the source of financing.

⁴ For definitions, see Annex 2. The area of influence for any project is determined with the advice of environmental specialists and set out in the ESIA terms of reference.

⁵ The term "client" is used broadly in all environmental and social safeguard standards to designate the party responsible for the implementation and operation of the project funded, or the funding recipient, depending on the project structure and type of funding.

⁶ These are required and who are responsible parties under the law, to assess and manage the risks and impacts identified (eg relocation of activities organized by the state).

⁷ See BOAD policies on Involuntary Resettlement; Indigenous Peoples; and Physical Cultural Resources.

⁸ Global environmental issues include climate change, ozone-depleting substances, pollution of international waters, and adverse impacts on biodiversity.

Analysis and planning of stakeholder engagement

Project leaders will need to identify the variety of stakeholders who may be interested in their actions and consider communications channels that facilitate dialogue with all those stakeholders. When a project involves elements likely to have adverse environmental impacts and affected communities, the leader (of the project) identifies them and complies with the relevant requirements described in this document.

In all cases, the leader shall develop and implement a stakeholder engagement plan, tailored to the risks and impacts of the project and its stage of development. This plan must take into account the characteristics and interests of affected communities. If necessary, the stakeholder engagement plan includes differentiated measures to ensure the effective participation of persons or disadvantaged or vulnerable groups. If the process of stakeholder participation depends on community representatives, the leader (of the project) will endeavour, where possible, to ensure that those representatives duly express the views of the affected communities.

When the exact location of the project is not known, but one can reasonably believe that will have a significant impact on local communities, the leader must prepare a framework of engagement of stakeholders, which will be included in its management program. This framework will outline the guiding principles and a strategy to identify affected Communities and other relevant stakeholders and will provide an engagement process to be implemented once the location of the project is known.

Responsibilities of the private sector under the government's commitment as a stakeholder

In cases where the stakeholder engagement is the responsibility of the government, the promoter will work with relevant public authorities, within the limits permitted by them, to achieve results consistent with the objectives of this operational policy. When the capacity of the State has are limited the promoter will be involved in the planning, implementation and monitoring of stakeholder engagement. If the process implemented by public authorities does not comply with the requirements of this operational policy, the promoter will implement a complementary process and additional measures.

ESIA allows classifying projects into four categories A, B, C, D, which will be developed in the following paragraphs, with the exception of category A projects, which are not eligible within the present Programme.

The borrower is responsible for carrying out the ESIA.

BOAD advises the borrower on the Bank's ESIA requirements. The Bank reviews the findings and recommendations of the ESIA to determine whether they provide an adequate basis for processing the project for BOAD financing. When the borrower has completed or partially completed ESIA work prior to BOAD's involvement in a project, the Bank reviews the ESIA to ensure its consistency with this policy. BOAD may, if appropriate, require additional ESIA work, including public consultation and disclosure.

Taking into account borrower country legislation and local conditions, the ESIA may recommend the emission levels and approaches to pollution prevention and abatement for the project. The ESIA report must provide full and detailed justification for the levels and approaches chosen for a given project.

Environmental and social Screening and definition of the ESIA Scope

For each proposed project, BOAD shall classify the project on the base of the screening. The screening will be based on the analysis of the impacts mentioned in the environmental and social preliminary study. The screening will determine the triggering of a particular E&S safeguard and gender mainstreaming with appropriate justification for their triggering for every project. The screening process tool for ESIA will help for triggering. The Bank may classify the project into one of the four existing categories in function of the various peculiarities of the project - type, location, level of sensitivity, scale, nature and extent of its potential environmental impacts⁹. After the screening, the Bank forwards the generic TORs to the promoter for the purposes of its adaptation to the context of the project.

⁹ Manual classification of the BOAD proposed can be used for illustrative purposes in the analysis leading to the categorization of the project

- (a) *Category B*: A proposed project is classified as Category B if its potential adverse environmental impacts on human populations or environmentally important areas--including wetlands, forests, grasslands, and other natural habitats. These impacts are site-specific; few if any of them are irreversible. The scope of ESIA for a Category B project may vary from project to project and examines the project's potential negative and positive environmental impacts and recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts and improve environmental performance. The findings and results of Category B, ESIA are described in the project documentation (Project Appraisal Report and Project Information Document).¹⁰
- (b) *Category C*: A proposed project is classified as Category C if it is likely to have minimal or no adverse environmental impacts. Beyond screening, no further ESIA action is required for a Category C project.
- (c) *Category D*: A proposed project is classified as Category D if it's a project to improve the environment.
- (d) *Category IF*: A proposed project is classified as Category IF¹¹, if it involves investment of BOAD funds through a financial intermediary, in subprojects that may result in adverse environmental impacts (gives loans to financial intermediaries).

As noted above, Category A projects will not be financed under this programme.

¹⁰ When the screening process determines, or national legislation requires, that any of the environmental issues identified warrant special attention, the findings and results of Category B ESIA may be set out in a separate report. Depending on the type of project and the nature and magnitude of the impacts, this report may include, for example, a limited environmental impact assessment, an environmental mitigation or management plan, an environmental audit, or a hazard assessment. For Category B projects that are not in environmentally sensitive areas and that present well-defined and well-understood issues of narrow scope, the Bank may accept alternative approaches for meeting ESIA requirements: for example, environmentally sound design criteria, siting criteria, or pollution standards for small-scale industrial plants or rural works; environmentally sound siting criteria, construction standards, or inspection procedures for housing projects; or environmentally sound operating procedures for road rehabilitation projects.

¹¹ Financial intermediaries

Assessment of cumulative effects in ESIA of projects and issues global and transboundary

1. Assessment of cumulative effects in ESIA of projects financing by the bank

The significance of cumulative environmental effects of development projects is undeniable, but the current assessment and management techniques do not always allow them to predict or control them appropriately. Given that the cumulative environmental effects arise at individual projects, BOAD is logical to integrate the concept of cumulative environmental effects in the environmental and social impact assessment.

However, environmental and social impact assessments in the Member States of the Bank reflect a lesser degree of cumulative environmental effects. Seen the effects of increasingly growing development activities on natural resources and populations, BOAD asked to take into account in the projects it finances, the cumulative environmental effects resulting from interactions between the environmental effects of project, those projects execution in a region or sector and those activities and future projects. For more information refer to the operational policy of BOAD on taking into account cumulative effects in environmental and social assessments for projects of the Bank.

2. Global and transboundary issues in environmental and social impact assessment

Bank educated and finance projects in several sectors. These proposals may, as appropriate, have an influence on resources and issues are managed within the framework of international conventions and agreement, including issues related to climate change, international waterways, biodiversity, to restoration of degraded soils, forests, etc. Also, the Bank will she ensure that these projects include issues related to global and cross-border issues with recommendations for the implementation of national development strategies and sector borrowing countries. In this sense, will be encouraged projects that give purpose to apply the international conventions to which they are parties and the policies, procedures and environmental and social guidelines of the Bank, including those related to global issues and transboundary. Please refer to the Bank policy on resolution of global and transboundary issues in environmental and social impact assessment for more information.

Environmental and Social Impact Assessment for Special Project Types

Projects Involving Subprojects

For projects involving the preparation and implementation of annual investment plans or subprojects, identified and developed over the course of the project period during the preparation of each proposed subproject, the project coordinating entity or implementing institution carries out appropriate ESIA according to country requirements and the requirements of this policy.¹² BOAD appraises and, if necessary, includes in the project proposal components to strengthen, the capabilities of the coordinating entity or the implementing institution to (a) screen subprojects, (b) obtain the necessary expertise to carry out ESIA, (c) review all findings and results of ESIA for individual subprojects, (d) ensure implementation of mitigation measures (including, where applicable, an ESMP), and (e) monitor environmental conditions during project implementation.¹³

If BOAD is not satisfied that adequate capacity exists for carrying out ESIA, Category B subprojects, as appropriate --including any ESIA reports--are subject to prior review and approval by the Bank.

Institutional Capacity

When the borrower has inadequate legal or technical capacity to carry out key ESIA-related functions (such as review of ESIA, environmental monitoring, inspections, or management of mitigatory measures) for a proposed project, the project includes components to strengthen that capacity.

¹² In addition, if there are sector wide issues that cannot be addressed through individual subproject ESIA's (and particularly if the project is likely to include Category A subprojects), the borrower may be required to carry out sectoral ESIA before the Bank appraises the project.

¹³ Where, pursuant to regulatory requirements or contractual arrangements acceptable to the Bank, any of these review functions are carried out by an entity other than the coordinating entity or implementing institution, the Bank appraises such alternative arrangements; however, the borrower/coordinating entity/implementing institution remains ultimately responsible for ensuring that subprojects meet Bank requirements.

Public Consultation

For all Category B projects proposed for BOAD financing, during the ESIA process, the borrower consults project-affected groups and local non-governmental organizations (NGOs) about the project's environmental aspects and takes their views into account. The borrower initiates such consultations as early as possible.

For meaningful consultations between the borrower and project-affected groups and local NGOs on all Category B projects proposed for BOAD financing, the borrower provides relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted.

Any separate Category B report for a project proposed for BOAD financing is made available to project-affected groups and local NGOs. Public availability in the borrowing country and official receipt by BOAD of any Category B ESIA report for projects proposed for BOAD funding, are prerequisites to BOAD appraisal of these projects.

Once the borrower officially transmits any separate Category B ESIA report to the Bank, the Bank makes it available through its Website and library.¹⁴ If the borrower objects to the Bank's releasing an ESIA report through its Website and library, BOAD staff submit the issue of further processing to the President CEO of the Bank.

Timings and provision for the disclosure of safeguards documents¹⁵

Type of safeguards document	Timing for disclosure	Methods of disclosure
Board Meeting documents (including any documentation relating to Projects and Programmes, M&E, Policies and Strategies, Operational rules and procedures, Administrative and Financial Information, Accountability and governance)	21 days before board action	Posted on website (with the exception of confidential information)
E&S reports required of/by the AE and the GCF	Category B/I-2 projects/programmes: 30 days before the GCF or AE's board date, whichever is earlier Category C/I-3 projects/programmes: No advanced disclosure required	Disclosure by BOAD via electronic links on its website and convenient locations for affected peoples. The GCF shall disclose such reports on its website
Monitoring and Evaluation Reports	Simultaneous with submission to Board	Posted on website (exception if entity requests confidentiality)
For Specific E&S safeguard documents	Please see provisions in relevant sections	

In relation to each Category B project to be funded under the Program, BOAD shall disclose the Environmental and Social Impact Assessment (ESIA) and Environmental and Social Management Plan (ESMP), and, as appropriate, inclusive of the Land Acquisition and/or Resettlement Action Plan (LARAP or RAP), and any other associated information including those relevant to indigenous peoples required to be disclosed in accordance with the GCF Information Disclosure Policy (Project Disclosure Package). BOAD shall disclose the project safeguards information 30 calendar days for Category B projects in advance of BOAD's decision confirming the commitment to fund the project that has been categorized as Category B, in English and the local language (if not English), on its website and in locations convenient to affected peoples, and provide the Project Disclosure Package to the GCF Secretariat for further distribution to the Board and Active Observers and for posting on

¹⁴ For a further discussion of the Bank's disclosure procedures, see *BOAD Policy on Access to Information*. Specific requirements for disclosure of resettlement plans and indigenous peoples development plans are set out in Operational policies and procedures on *Indigenous Peoples*, and *Involuntary Resettlement*.

¹⁵ As per GCF's Information Disclosure Policy and World Bank's Policy on Access to Information

the GCF website. Within 180 days of the GCF Board approval of the Programme, BOAD and GCF Secretariat shall agree on a process to enable communication of any comments, including from the GCF Board members and Active Observers, on Category B projects relating to the Project Disclosure Package to BOAD, and to take account of such comments in the finalization of such documents

Informed consultation and participation

When a project is likely to have significant adverse impacts on affected communities, the promoter will continue a process of informed consultation and participation (CPE), with the purpose of obtaining informed participation of the Communities. This process of consultation and participation gives rise to exchanges of views and more detailed information, leading to the consideration by the promoter, the views of the affected communities on matters that directly affect them (mitigation proposed measures, sharing of benefits and opportunities generated, implementation issues, in particular).

This consultation process will take into account (i) the opinions of men and women, as required, in the case of forums or separate meetings, and differing concerns and priorities from the point of view of gender, regarding the impacts, mitigation mechanisms and benefits.

The Promoter will document the process, in particular measures taken to prevent or minimize the risks and adverse impacts on affected communities and inform those concerned about how their concerns have been taken into account.

Indigenous Peoples: when a project has negative impacts on Indigenous Peoples, the client will be obliged to involve indigenous people in a CPE process and, in some cases, to get their Free, Prior, and Informed consent.

Continuous Disclosure of information to affected communities

The promoter shall submit periodic reports to the affected communities, which describe the progress made in the context of the implementation of project action plans covering the areas where such communities are exposed to risks or impacts, and which are proved to be a source of concern for these communities as part of the consultation process or appeal mechanism.

If the management program results in substantial changes to the mitigation measures described in the action plans covering the areas of concern of affected communities or the adoption of additional measures and actions, the new measures or applicable mitigation actions are communicated to the said Communities. The frequency of these reports will be proportionate to the concerns of affected communities, but they will be published at intervals not exceeding one year.

Execution

During project implementation, the borrower reports on: (a) compliance with measures agreed with BOAD on the basis of the findings and results of the ESIA, including implementation of any ESMP, as (i) set out in the project documents; (b) the status of mitigatory measures; and (c) the findings of monitoring programs.

BOAD bases supervision of the project's environmental and social aspects on the findings and recommendations of the ESIA, including measures set out in the legal agreements, any ESMP, and other project documents.¹⁶

An Environmental and social management system (ESMS) general manual is prepared by BOAD and put at the disposal of any promoter to enable it to prepare its own ESMS and interact with the Bank and all stakeholders involved in the project.

The Bank, to ensure the effectiveness of the measures recommended in ESIA, may ask the promoter to establish, if necessary, an environmental and social management system which is at least consistent with the content of the ESMS of the BOAD and an environmental and social current project audit. The due diligences to prepare this environmental and social management system and the audit will be conducted in collaboration with the Bank.

¹⁶ See Projects Supervision Manual

Audit of the environmental and social measures implementation at the end of projects operations

The Bank will ensure during the evaluation and execution of any project as well as the negotiation of the contracts related, that the resources are available for the implementation of the requirements all other plans during the final phase of the project operations.

Missions will be conducted by BOAD with the support of external consultants to ensure that activities under the plans related to environment and social issues at the end of project operations have been implemented. These provisions apply even in the case of suspension of the funding of ongoing projects.

BOAD ESMS audit

In order to ensure the effectiveness of the implementation of its environmental and social safeguard standards, the Bank intends to periodically conduct an audit of its environmental and social management by Independent Experts in accordance with the terms of reference. The observations of the audit mission, considered minor, will be approved by the Directorate responsible for the environment with the support of other Directorates, if necessary. Minor amendments are defined as any change where the impact is consistent with the impacts assessed in the Environmental and social impact Assessment (ESIA) or that does not present a new high-risk activity to the Project. Amendments determined to be major will be forwarded to the President of the Bank through the Commitment Committee (CE) for approval. Major amendments are defined as any change that results in a new high-risk activity not previously identified or assessed by the Environmental and social Impact assessment (ESIA). These changes could also potentially result in a modification for approval.

At the end of each project, the performance of the Bank in the management process of implementing the project's environmental and social measures will be assessed by an independent Consultant.

Update BOAD social and environmental safeguards standards

The Bank will periodically review its environmental and social safeguard standards as international plan evolves.

2.4 BOAD Procedures for Project Screening and Categorisation

This procedure describes the internal process of BOAD for managing environmental and social impacts and risks.

They aim to:

- Identify and assess the social and environmental impacts, both positive and negative, in the zone of influence of the project as well as the associated risks;
- Avoid, minimize, mitigate or compensate for negative impacts and risks on workers, affected communities and the environment
- Ensure that affected communities are appropriately engaged in the resolution of issues that may affect them;
- Promote improved social and environmental performance of customers, through the effective use of management systems.

These objectives contribute to the systematic identification of projects with particular relevance in the environmental and social (E&S) field, and an adequate treatment of these projects in the due diligence process, contract negotiations and monitoring.

The application of the procedures presented guarantees therefore the objectives of the ESIA policy and environmental guidelines of BOAD. Compliance with ESIA policy through ESIA procedures allows BOAD on one hand, to ensure transparency and accountability for their actions and decisions and secondly, to support its promoters of projects in the management of social and environmental risks and improve performance and positive results in terms of development in members countries of the BOAD.

It is important to note those risks and social and environmental impacts management in accordance with the standards of BOAD is the responsibility of the customer, while BOAD ensures the coherence of the projects financed with the provisions of the standards. Procedures are integrated into the overall project evaluation, risks financing and reputation, led by BOAD.

Description of BOAD E&S Procedures

The following sections describe BOAD E&S in the three key stages of BOAD funding procedures, namely portfolio entry, project evaluation (due diligence committee, "Comité des Engagements CE", contract negotiation) and management (supervision and monitoring) of projects.

These procedures apply imperatively to all project financed by the BOAD.

The table in Section 3 presents a complete overview of the responsibilities and activities in each step of the process. Details are presented in the following chapters:

Entry into portfolio

In the framework of the project appraisal, the potential E&S risks of projects must be analyzed and managed responsibly. ESIA procedures apply to according to the following steps:

Step 1 - Checking the exclusion list

The primary responsibility of the project team is verification against test if the proposed project is on the exclusion list of BOAD. The projects on the exclusion list will not be funded by BOAD.

The Exclusion List of BOAD is in Annex 1. It is based on the exclusion list of IFC.

Step 2 – Project Categorization

All projects funded by the BOAD will be categorized according to their potential E&S risks. The two dimensions - environmental/social risks - are relevant E&S of each project and determine the processing of each project in the project cycle of BOAD.

The definition of dimensions (environmental dimension and social dimension) is as follows:

Category B: A proposed project is classified as Category B if the negative impacts it may have on human populations or areas important from the point of view of the environment - wetlands, forests, grasslands and other natural habitats, etc. These impacts are very local in nature and few of them are irreversible.

Category C: A proposed project is classified as Category C if the probability of its negative impacts on the environment is considered minimal.

Category D: A proposed project is classified as Category D if it is an environment and/or society improvement project.

Category IF: A proposed project is classified as Category IF, if BOAD invests funds through a financial intermediary, in subprojects that may have effects on the environment (giving loans to financial intermediaries).

Step 3 - Preliminary information for the client

To ensure that the customer is - at appraisal - aware of the E&S requirements of BOAD, it is necessary to send him the respective information in the form of standard clauses, and this under the dimensions E&S respective of project.

Standard clauses are as follows for the various categories:

Category IF Projects: "The customer must comply with the exclusion list of BOAD"

Category D, C and B Projects: "The customer must be in accordance with E&S national legislation and respect a ESMP, which sets out measures to prevent, minimize, mitigate or compensate for negative impacts and improve environmental and social performance, if BOAD considers it necessary"

Step 4 - "Comité des engagements"/project entry into portfolio

In order to inform decision makers of BOAD on potential E&S impacts of a project at the stage of appraisal, the project team must add the category (B, C, D or IF) and a formula standard ("the project has low/medium/high environmental risks and low/medium/high social risks") in the report to address the "comité des engagements (CE)".

Analysis and evaluation of projects

Step 1 - Environmental and Social Due Diligence (DD E&S)

The DD E&S (Environmental and Social review) conducted by BOAD on each proposed project is a key factor in the financing decision and defines the scope of social and environmental conditions of the funding. This review is adapted to the nature and scale of the project and commensurate with the level of risks and social and environmental impacts:

Category IF projects

For projects of category IF, the DD E & S focuses on a thorough analysis of the client portfolio (portfolio of categorization). Further consideration will be given to the performance of the FI in environmental and social issues, policies, procedures and environmental and social capacities, the nature of the loans and investments to be financed by the funds of the Bank, as well as needs technical cooperation and capacity building to facilitate the adoption of environmental and social procedures to meet the requirements of the Bank.

Category D projects

Category D projects require no environmental assessment. These projects should not cause negative environmental or social impact. Beyond categorization, no DD E & S is required for this project category.

Category C projects

For Category C projects, an in-depth DD E&S is not necessary. However, some specific analysis on critical social issues such as gender analysis, institutional or summary analysis of the environment may be conducted to ensure proper project design category C. Where appropriate, the environmentalist will nevertheless always be able to categorize the project A or B.

Category B projects

The support of an environmentalist is required to identify the environmental and social aspects that deserve special attention in order to determine the scope of the Environmental and Social Impact Assessment (ESIA) required.

The appraisal documents of environmental and social impact assessment will deal with the following aspects ¹⁷:

- a) The evaluation of existing social and environmental conditions
- b) The examination of feasible alternatives, preferable from a social and environmental point of view
- c) Legal and regulatory requirements of the country of the project, conventions and international treaties
- d) The protection of human rights and public health, community safety (including the risks and impacts associated with the use of security agents in the context of the project, and their management)
- e) The protection of cultural heritage and resource
- f) The protection and conservation of biodiversity, including endangered species and sensitive ecosystems in modified, natural and critical habitats and identification of areas protected by legislation
- g) Sustainable management and use of renewable natural resources (including sustainable natural resource management through appropriate independent certification systems)
- h) The use and management of hazardous substances
- i) Assessment and management of major risks
- j) Issues relating to employment (including fundamental conventions on child labour, discrimination, freedom of association and forced labour), health, safety and work
- k) Fire prevention and safety of people
- l) The socio-economic consequences
- m) Land acquisition and forced displacement
- n) Impacts on affected communities, disadvantaged or vulnerable groups including women
- o) The consequences for indigenous people, their culture, their traditions, and values
- p) The combined effects of existing projects, the proposed project and future projects planned
- q) The consultation and participation of affected communities in the design, review and implementation of the project
- r) The production, supply and rational use of energy
- s) Pollution prevention and reduction of waste, pollution control (liquid effluents and air emissions) and the management of solid and chemical waste.

In all cases, the promoter must at least comply with the operational policies, procedures and guidelines of BOAD that have a direct or indirect relationship with the project. It may contact the Organizational Unit of the Bank for a better understanding and implementation of the said manuals.

Moreover, during the design phase of the project, the evaluator helps with advice the borrower to make the ESIA in accordance with the provisions of the Operational Policy of BOAD on ESIA. The project team and the Organizational Unit (OU) for Legal Affairs of the Bank analyze all issues that the project complies with national legislation or international treaties and environmental agreements (referred to in the Operational Policy of BOAD on ESIA).

For projects of category B, the project team and the Organizational Unit of the Bank for the Environment provide to the project owner an ESIA generic terms of reference for the project, support the promoter in preparation of the final ToR, and examine the results of the ESIA, ensuring that any ESIA report is consistent with the terms provided in reference agreed with the borrower.

For projects of Category B the examination pays particular attention, among others, the nature of consultations with affected groups and local NGOs, in particular to determine how the views of these groups or organizations have been taken into account, and the measures and environmental management plan that it provides for mitigating and monitoring the impacts on environment and society and, where appropriate, strengthen institutional capacity.

If it is not satisfied, the Organizational Unit of the environment may recommend that: a) the assessment mission is postponed b) it is considered a pre-appraisal mission, or c) issues are reviewed in the framework of the evaluation mission.

¹⁷ This list is indicative only. The process of environmental and social impact assessment of each project may not cover all the above questions, some of which are not relevant to a particular project.

For all category B projects, the project team makes an update on the ESIA in the project presentation sheet (PPS) / sheet of entry into portfolio (SEP), describing how the main environmental issues have been addressed or will be addressed, and indicating any condition relating to the ESIA that it intends to set for the project.

Projects Evaluation

For Category B projects, the evaluation mission normally starts only after BOAD has received an official communication of ESIA report and has reviewed¹⁸ it.

For projects of category B, the project team obtains the consent of the Organizational Unit for the Environment to any changes during the evaluation and negotiation to an environmental condition approved in the intake decision stage.

Sector investment loans and loans to financial intermediaries

The assessment mission with the client develops specific provisions for enforcement of agencies to be able to run or supervise the ESIA of sub-projects envisaged¹⁹ and should more precisely, check who will provide the skills and if responsibilities are distributed appropriately among the final borrower, the financial intermediary or sectoral organization and management agencies and environmental regulations. Where appropriate, the PT examines ESIA reports of subprojects of Category B in accordance with the ESIA Operational Policy.

Guarantee operations

An environmental assessment of a guarantee operation is performed in accordance with the Operational Policy. Any ESIA of a guarantee operation of BOAD must be made early enough to ensure that: a) An Organizational Unit for Environment examines the results of the ESIA, and b) the PT can take into account the findings of the ESIA in the project evaluation.

The evaluator ensures that the ESIA report ranked to be made available to the public through its appropriate information system 60 days before the date of presentation to the Council, and, with respect to any ESIA report required for a classified in Category B, at least 30 days before that date operation.

For disclosure of ESIA reports, guarantee operations by BOAD are governed by the same rules as the credits.

Finally, in case of extensive expertise, the environmentalist may engage an outside expert to assist the completion of the DD E & S.

Phase 1 ends with the publication of the summary report of the ESIA Project at the Library of BOAD and on the official website of BOAD and / or the Internet at least 30 days prior to its submission the "Comité des engagements" (CE) to be accessible to all.

Documentation

The PT examines the implementation program submitted by the customer to ensure that it incorporates the findings and recommendations of the ESIA, including any development plan of any environment.

In preparing the loan file for submission to the Council, the PT summarizes the Appraisal Report (AR) the reasons for the classification of the project in a particular category, the conclusions and recommendations of the ESIA, including the rationale emission and methods of prevention and reduction of pollution levels recommended, and all issues related to the obligations of the country under international environmental agreements and treaties to which it is a party (see ESIA Operational Policy).

¹⁸ Exceptionally, the President of BOAD may, with the prior consent of the organizational unit responsible for the environment, authorize the departure of the pre-appraisal mission before receiving the report of a project ESIA Category A. In such cases, the approval of the project by the unit in charge of environmental management is subject to receipt by the BOAD, before the end of the assessment and the opening of negotiations, an ESIA report can truly serve as the basis for further appraisal.

¹⁹ The project team provides institutions responsible for implementation, to assist, as needed, to prepare and evaluate subprojects copies of the following documents: "Elements of the environmental assessment report projects Category A;" environmental and Social Management Plan (Operational Policy)

For sectoral investment loans and those to financial intermediaries, the documents indicate the measures and conditions provided to enable appropriate ESIA subprojects. The project team (PT) and the Organizational Unit of the Bank for Legal Affairs shall ensure that the loan makes obligation to the client to implement the Environmental and Social Management Plan and is accompanied by other clauses under the ESMP specific measures to facilitate an adequate supervision and monitoring of the implementation of the ESMP.

Step 2 - "Comité des engagements" - Consideration of proposed loan

In order to inform decision makers of BOAD systematically on E&S impacts and risks of each project, the memo for the "Comité des engagements" (CE) shall contain data on the DD E&S.

Category IF projects

Refer to category B, C or D of the IF project for standard form to include in the memo of CE

Category D projects

Standard formula for inclusion in the memo of CE ("The project does not have E & S impact and risk.")

Category C projects

Standard formula for inclusion in the memo of CE ("The project has low E&S impacts and risks.")

Category B projects

Standard formula for inclusion in the memo of CE ("The project has medium E&S impacts and risks.") Review Summary E&S (based on DD E&S report) to be included in the memo CE and DD E&S report summary in Annex.

Step 3 - Loan Agreement

The project appraisal process leading to the signing of an agreement/loan agreement whose provisions must include the results of the DD E&S as follows:

Category IF projects

The customer must sign the exclusion list of BOAD and declare annually that he does not fund or has not financed projects excluded by this list. He must also sign that each sub-project with a high E&S risks (according to the categorization of BOAD) will follow the E&S standards of BOAD.

Category D, C and B projects

E&S standard clause to include in the contract ("compliance with national legislation").

Supervision

During project implementation, the project team oversees the environmental and social aspects on the basis of the provisions relating to the environment and provisions for reporting by the customer agreed in legal documents and other documents described in the project.

The project team shall ensure that the provisions of procurement meet environmental obligations in the legal agreements for the project. It also ensures that supervision missions have the necessary environmental specialists.

The team ensures that the monitoring of the environment includes the clauses relating to the environment. It also ensures that the reports provided by the client on the progress of the project adequately address its compliance with agreed environmental measures, in particular the implementation of mitigation measures of impacts on environment, monitoring and management of the area. The project team, in consultation with the Organizational Unit (OU) for the Environment and the responsible of legal affairs, examines the information and determines whether the borrower has complied with environmental and social clauses agreed satisfactorily.

Otherwise, it studied the line of action to adopt with OU for environment and the responsible of legal affairs. It discusses with the client the steps to take to remedy this situation of non-compliance, and then proceeds to the said measures.

The project team shall notify the management the measures taken and possibly recommend other measures. During implementation, the project team obtains the consent of the OU for Environment to any modification of

aspects of the project related to environment, including environmental clauses approved by the OU responsible for legal affairs.

The project team ensures that the operating plan for the project provided by the borrower has the necessary consideration of environmental aspects of the project, including a clause stipulating the retention of any environmental advisory panel agreed with BOAD.

The extent of supervision and monitoring should be relative to the risks and impacts and compliance with the provisions of the project.

Category IF projects

Review of the annual statement of compliance of the customer. "I confirm that the bank has not financed projects on the exclusion list of BOAD and each sub-project with a high E&S risks follows the E&S standards of BOAD."

Category D and C projects

There is no need for monitoring of Category D and C Projects.

Category B projects

Under the responsibility of the PT: Review of the Annual Statement of Compliance of the customer. ("I confirm that the company / project meets E&S local guidelines.") and revision of the ESMP (if applicable and if necessary, with the assistance of the Environmentalist. A little information on the outcome of the review should be found in the annual internal documentation of this project. The monitoring should also account for the implementation of the ESMP.

Report of completion of project evaluates: a) the impacts on the environment, indicating they had been included in the ESIA report b) the effectiveness of any mitigation measures.

Funding for environmental and social impact assessments

Potential clients who ask BOAD to contribute to ESIA financing may receive advances under the Mechanism for the preparation of projects and trust fund resources.

3. Screening, appraisal, development and disclosure of project documents

In line with its approach to E&S Risk Management, and as described in Section 2, BOAD will appraise the projects following the steps highlighted in Table below.

Table 4: Risk Management Appraisal Process

PHASE	Step	Objective	Action	Responsibility	Instrument	Timing for disclosure	Duration of the action	
Portfolio Entry	Exclusion List	Avoid unauthorized projects	Check by counter-test if the project is on the exclusion list.	Project Team	Exclusion List of BOAD	At first Contact with The client	5 days	
	Screening	On the basis of the client's notice of proposal, determine the E&S relevance and the requirements DD	Collect the initial data needed and suggest the two dimensions E&S (environmental and social). Verify and determine the E&S category and inform the customer	Project Team Environmentalists And Social Agent	BOAD Categorisation of projects	After obtained from the promoter the preliminary environmental and social impact study	10 days	
	Clients Information	On the basis of the screening, inform promoter on E&S requirements	Depending on the E&S category, add a clause relating to E&S safeguard standards and the gender mainstreaming policy of the BOAD. Provide to the promoter with the operational policies, procedures, guidelines, generic ToR and other required textbooks according to the category	Project Team	Operational policies, procedures, guidelines, generic ToR and other manuals according to the project category Programme ESMF	After the screening process	2 days	
	Scoping	Proceed with the definition of the scope of the ESIA Finalize with the promoter of the ToR for the ESIA,	If the project is classified in category D, the scoping is not required					
			If the project is classified in category C, the scoping is not required					
			If the project is classified in category B, the scoping is not required	The Bank have to be sure that the main concerns of OP are not triggered and that the project is effectively the Category B project	Project team Environmentalists And Social Agent	Operational policies, procedures, guidelines and other manuals triggered Programme ESMF	After the screening process	1 day

	Entry Sheet in portfolio	Inform decision makers of the BOAD on the impacts and potential E&S risks of the project	Specify the category (B, C or D) in the report for the "Comité des engagements" (CE) plus a standard formula ("the project has a low / medium / impacts / environmental risks and low / medium / social risk ") Submit the report to the CE for a decision to be taken with respect to the entry in the portfolio of the project.	Project Team	Formula Standard According to the Category	Before First CE	5-15 days	
Project appraisal	ESIA report review	Category D project	N/a	N/a	N/a	N/a	N/a	
		Identify potential risks E & S of category C project	Estimate potential E & S risks and impacts. Prepare and submit to the CE a summary evaluation of the ESIA report in accordance with the requirements of the backup E & S standards and the policy of the kind required by the project	Environmentalists and Social Agent National Environmental Regulatory Authority	Guidelines to prepare an environmental Analysis of a category C project	After the transmission of the environmental Analysis report to the Bank by the promoter Before the project appraisal by the bank	2-5 days	
		Assess the admissibility of the category B project ESIA report	Verify compliance with the contents of the environmental and social impact assessment report submitted to the Bank with the requirements of environmental and social safeguards as well as the policy of gender mainstreaming of BOAD	Environmentalists and Social Agent	Methodology of ESIA report review of category B project	After the transmission of the ESIA report to the Bank by the promoter Before the project appraisal by the bank	5-15 days	
	Due diligence							
	Projects of category D	N/a	N/a	N/a	N/a	N/a	N/a	
	Projects of Category C	Summarizes potential E&S impacts and risks	Estimate the potential E&S impacts and risks. Prepare and submit to the CE, a summary evaluation of the ESIA report in accordance with the requirements of the E&S safeguard standards and the policy of the genre required by the project	Environmentalists and Social Agent	Guidelines for preparing an environmental analysis of a project of category C	1 st Week before the 2 th Meeting of the CE	3 days	

					Preparation of an IPP and/or Resettlement Framework, if applicable		
	Projects of Category B	Identify the impacts and potential E&S risks	Estimate the potential E&S impacts and risks. Prepare and submit to the CE, a summary evaluation of the ESIA report in accordance with the requirements of the E&S safeguard and the policy of the gender mainstreaming required by the project	Environmentalists and/or Social Agent	Methodology of ESIA report review of category B If necessary: External Expert/ Database Of experts	1 st Week Before the 2th Meeting of the CE	5 days
	Folder Assessment (CE)						
	Projects of Category D	Brief notice to the committee	Standard formula to be included in the CE memo ("The project does not present any negative E&S impacts and risks. . ") Give an opinion and report to the President for decision to submit the project to the Board of Directors of the Bank	Evaluator		CE Meeting	1 days
	Projects of Category C	Brief notice to the committee	Standard formula to be included in the CE memo ("the project presents low negative E&S impacts and risks... ") Give an opinion and report to the President for decision to submit the project to the Board of Directors of the Bank	Evaluator		CE Meeting	1 days
	Projects of Category B	Brief notice to the committee	Standard formula to be included in the CE memo ("the project presents medium negative E&S impacts and risks... "). Give an opinion and report to the President for decision to submit the project to the Board of Directors of the Bank	Evaluator		CE Meeting	1 days
Formulation of Contract		Minimize the risks					
	Projects of Category B, C and D		Standard Clause E&S to be included in the contract ("compliance with local legislation" and the E&S safeguard standards and the policy on the genre of the BOAD)	Evaluator of project And agent of the organizational	Standardized Sentence	During the Formulation The contract	10 days

			To be submitted by the Legal Affairs to the President of the Bank for agreement before signature of the contract	unit responsible for legal affairs			
	Projects of Category D		N/a	N/a	N/a	N/a	
	Projects of Category C	Identify the strengths and weaknesses in the implementation of environmental and social practices provided.	Mission of supervision and monitoring Ensure that promoter has complied with the recommendations if required.	'Environmentalists and/or social agent and agent of the organizational units responsible for the compliance, monitoring and evaluation, and the implementation of the project	Guidelines of an environmental and social of a category C project Gender check list	Annually	5 days
	Projects of Category B	Identify the strengths and weaknesses in the implementation of environmental and social measures planned in the ESIA.	Mission of supervision and monitoring Revision of the annual declaration of conformity of the client. "I confirmed that the company is compliant with E&S local Guidelines and to the E&S standards of safeguarding and policy on the genre of the BOAD" Report on E&S monitoring to be prepared by the OU responsible for environmental and social issues in collaboration with the Direction of Legal Affairs, the OU responsible for the monitoring and evaluation of projects and the project team and to submit to the CE and then the President	'Environmentalists and/or social agent and agent of the organizational units responsible for the compliance, monitoring and evaluation, and the implementation of the project External Expert, if necessary	Format Monitoring report for the clients, Format of monitoring report standardized consistent with those required for the implementation of the E&S standards of safeguarding of the BOAD	Annually, by declaration Of Conformity	Annually
End of project operation	Projects of Category D		n/a	n/a	n/a	n/a	
	Projects of Category C	Check the effective implementation practices laid down	Verification mission by the Bank in implementing good practices scheduled for the end of project activities.	'Environmentalists and/or social agent and agent	Guidelines of an environmental and	The end of project operation	5 – 15 days

		at the end of project		of the organizational units responsible for the compliance, monitoring and evaluation, and the implementation of the project	social of a category C project Gender check list		
Projects of Category B	Check the effective implementation of E&S measures laid down at the end of the project	Verification mission by the Bank of the effective implementation of the environmental and social measures in accordance with the ESMP and the conclusions of the reports of environmental and social monitoring during the implementation of the project.	'Environmentalist and/or social agent and agent of the organizational units responsible for the compliance, monitoring and evaluation, and the implementation of the project	Environmental and social management plan Environmental and social monitoring reports Supervision Reports	The end of project operation	20 – 30 days	
		Independent mission conducted by an external expert for a verification of the performance of all stakeholders in the context of the implementation of the project's environmental and social measures.	External Expert	Environmental and social management plan Environmental and social monitoring reports Supervision Reports	End of operations	15 - 30 days	

4. Specific E&S issues

4.1 Involuntary Resettlement

Introduction

1. Experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

Objectives

2. BOAD Operational Policy on Involuntary Resettlement aims to:
 - a) Avoid where feasible, or minimize involuntary resettlement and land expropriation, exploring all viable alternatives project designs²⁰;
 - b) Develop and implement, where it is not feasible to avoid resettlement, involuntary resettlement activities and compensation as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits;
 - c) Ensure that the displaced persons are consulted and have the opportunity to participate in all key stages of the development process and implementation of involuntary resettlement activities.
 - d) To assist the displaced persons in their efforts to improve their livelihoods and standards of living, or at least to restore them, in real terms, at their levels prevailing prior to the beginning of project implementation, whichever is higher.

Impacts covered by the policy

3. This policy covers direct²¹ economic and social consequences, that both result from BOAD-assisted investment projects, and are caused by:
 - a) the involuntary²² taking of land²³ resulting in:
 - i) relocation or loss of shelter;
 - ii) loss of assets or access to assets, or
 - iii) loss of income sources or means of livelihood, whenever or not the affected persons must move to another location,
 - b) The involuntary restriction of access²⁴ to legally designed parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

²⁰ In developing approaches to resettlement in projects supported by the institution, it will take into account other relevant policies of BOAD, including operational policies on Environmental and Social Impact Assessment, Natural Habitats; physical properties.

²¹ If there are social or economic impacts indirect negative, the Borrower will establish a good practice by undertaking a social assessment and implementing measures to minimize and mitigate such impacts, especially for the poor and vulnerable groups. Other environmental, social and economic, not resulting from withdrawal of land can be identified and addressed through environmental and social impact assessments and other project reports and instruments.

²² For the purposes of this policy, "involuntary" means actions that can be taken without the displaced people give their consent knowingly or they have the ability to exercise choice.

²³ "Land" includes everything that grows or is built on a permanent basis, such as buildings or crops. This policy does not apply to regulations on natural resources existing in a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy does not apply to other conflicts in the context of land reform projects between private persons, and, although the realization of a social assessment and implement measures to minimize and mitigate impacts social impacts, especially those affecting the poor and vulnerable groups, is a good practice on the part of the Borrower.

²⁴ For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources that are imposed on people living outside the park or protected area, or those who continue to live in the park or protected area during and after project implementation.

This policy applies to all components of the project resulting in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of BOAD are:

- a) directly and significantly related to BOAD-assisted project;
 - b) necessary to achieve its objectives as set forth in the project documents; and
 - c) carried out or planned to be carried out contemporaneously with the project.
4. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee of the Borrower.

Required Measures

5. To address the impacts covered under paragraph 3 a) of this policy, the borrower prepares a resettlement plan or resettlement policy framework that covers the following:
- a) The resettlement plan or resettlement policy framework includes measures to ensure that displaced persons are:
 - i) informed about their options and rights pertaining to resettlement;
 - ii) consulted on, offered choices and provided with technically and economically feasible resettlement alternatives; and
 - iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.
 - b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that displaced persons are:
 - i) provided assistance (such as moving allowances) during relocation; and
 - ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.
 - c) When necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also includes measures to ensure that displaced persons are:
 - i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living, and
 - ii) provided with development assistance in addition to compensation measures described in paragraph 6 (a), such as land development, credit facilities, training or job opportunities.
6. In projects involving involuntary restriction of access to legally designated parks and protected areas (see paragraph 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate the adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a framework acceptable to BOAD, describing the participatory process by which:
- a) specific components of the project will be prepared and implemented;
 - b) the criteria for eligibility of displaced persons will be determined;

Where the creation of new parks and protected areas is inherent in the project, people losing their habitat, land or other assets also fall within.

- c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area; and
- d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

7. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons that may not be protected through national land compensation legislation.
8. Experience has shown that the resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, BOAD ensures that the Borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups – that are compatible with their cultural preferences and are prepared in consultation with them.
9. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in paragraph 3 (a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. For impacts covered in paragraph 3 (b) of this policy, the measures to assist the displaced persons are implemented in accordance with the action plan as part of the project.
10. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land, or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area, or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of BOAD.
11. Payment of cash compensation for lost assets may be appropriate where:
 - a) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable;
 - b) active markets for land, housing and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or
 - c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost and other assets at full replacement cost in local markets.
12. For impacts covered under paragraph 3) (a) of this policy, BOAD also requires the following:
 - a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing and monitoring of resettlement. Appropriate and accessible grievance mechanisms are established for these groups.

- b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).
- c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers' preferences with respect to relocating in preexisting communities and groups are honored.

Eligibility for Benefits

13. Upon the identification of the need for involuntary resettlement in a project, the Borrower carries out a census to identify the persons who will be affected by the project (see table) to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance.

The Borrower also develops a procedure acceptable to BOAD for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, non-governmental organizations (NGOs), and it specifies grievance mechanisms.

14. *Criteria for Eligibility.* Displaced persons may be classified in one of the following three groups:

- a) Those who have formal legal right to land (including customary and traditional rights recognized under the laws of the country);
- b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets - provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan and;
- c) those who have no recognizable legal rights or claims to the land they are occupying.

The following table shows the forms of compensation attributable to different categories of people affected:

Table 5: Resettlement thresholds - Compensations attributable to different categories of people affected

Categories of people affected	Forms of compensation
(a) Persons having formal legal rights to land	<ul style="list-style-type: none"> - Compensation for the land they lose (land for land). - Prompt compensation at full replacement cost for loss of assets (land for cash) attributable to the project; - If there is relocation, as required, assistance during relocation is at least equivalent to the advantages of the old site. - support during displacement (based on a reasonable estimate of the time required to restore their livelihood and standards of living), , in addition to other compensation measures; - compensation for loss of assets other than land
(b) Persons not having formal legal rights to land at the time the census begins but having a claim to such land or assets	<ul style="list-style-type: none"> - Compensation for the land they lose (land for land). - Prompt compensation at full replacement cost (land for cash) for loss of assets attributable to the project; - If there is relocation, as required, assistance during relocation is at least equivalent to the advantages of the old location.

	<ul style="list-style-type: none"> - Support during displacement and development assistance (based on a reasonable estimate of the time required to restore their livelihood and standards of living), such as land preparation, credit facilities, training or job opportunities as required
(c) Persons not having recognizable legal right or claim to the occupied land	<ul style="list-style-type: none"> - Resettlement assistance in lieu of compensation for the land they occupy; - Other assistance, as necessary, to achieve the objectives of the Involuntary Resettlement Safeguard if they occupy the project area prior to a cut-off date established in the Resettlement Instrument.
(d) Squatters	<ul style="list-style-type: none"> - Resettlement assistance in lieu of compensation for the land they occupy; - Other assistance, as necessary, to achieve the objectives of the Involuntary Resettlement Safeguard if they occupy the project area prior to a cut-off date established in the Resettlement Instrument.

15. Persons covered under paragraphs 14 (a) and (b) are provided compensation for the land they lose, and other assistance in accordance with paragraph 6. Persons under paragraph 14 (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the Borrower and acceptable to BOAD. Persons who encroach on the area after the cut-off date are not entitled to any compensation or any other form of resettlement assistance. All persons included in paragraphs 14 (a), (b) or (c) are provided compensation for loss of assets other than land.

Resettlement Planning, Implementation and Monitoring

16. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:
- a) a resettlement plan or abbreviated resettlement plan is required, for all operations that entail involuntary resettlement unless otherwise specified
 - b) a resettlement policy framework is required for operations referred to in paragraphs 25 to 29, that may entail involuntary resettlement, unless otherwise specified; and
 - c) a process framework is prepared for projects involving restriction of access in accordance with paragraph 3 (b) (see paragraph 30).
17. The Borrower is responsible for preparing, implementing and monitoring a resettlement plan, or a process framework (the "resettlement instruments") as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of BOAD involvement in a project.
18. Resettlement planning includes early screening, scoping of the key issues, the choice of resettlement instrument and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs. The Borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.
19. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The cost of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project " circumstances) is added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

20. The Borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.
21. As a condition of appraisal of projects involving resettlement, the Borrower provides BOAD with the relevant draft resettlement instrument which conforms to this policy and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner and language that are understandable to them. Once BOAD accepts this instrument as providing an adequate basis for project appraisal, BOAD makes it available to the public through its website and library. After BOAD has approved the final resettlement instrument, the Bank and the Borrower disclose it again in the same manner.
22. The Borrower's obligations to carry out the resettlement instrument and to keep BOAD informed of implementation progress are provided for in the legal agreements for the project.
23. The Borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. BOAD regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the Borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the Borrower should propose follow-up measures that may serve as the basis for continued BOAD supervision, as the Bank deems appropriate.

Resettlement Instruments

Resettlement Plan

24. A draft resettlement plan that conforms to this policy is a condition of appraisal for projects referred to in paragraph 16 (a) above. However, where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower. The information disclosures set forth in paragraph 21 apply.

Resettlement Policy Framework

25. For sector investment operations that may involve involuntary resettlement, BOAD requires that the project implementing agency screen subprojects to be financed by BOAD, to ensure their consistency with this Operational policy (OP). For these operations, the borrower submits, prior to appraisal, a resettlement policy framework consistent with this policy (see Annex 13, paragraph 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.
26. For other Bank-assisted projects with multiple subprojects that may involve involuntary resettlement, BOAD requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject:
 - a) The zone of impact of subprojects cannot be determined, or
 - b) the zone of impact is known, but precise sitting alignment cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal. For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.
27. For each subproject included in a project described in paragraph 25, 26 or 27, BOAD requires that a satisfactory resettlement plan, or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.
28. For projects described in paragraphs 25-27 above, BOAD may agree, in writing, that the subproject resettlement plans may be approved by the project implementing agency or a responsible government agency, or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to be in

compliance with BOAD policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by BOAD.

Process framework

29. For projects involving restriction of access under paragraph 3 (b) above, the Borrower provides BOAD with a draft process framework that conforms to the relevant provisions of this policy. In addition, during project implementation and before the enforcing of the restriction, the borrower prepares a plan of action, acceptable to BOAD, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources' management plan prepared for the project.

Assistance to the Borrower

30. In furtherance of the objectives of this policy, the Bank may, at a borrower's request support the Borrower and other concerned entities by providing:
 - a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific resettlement plans at a country, regional or sectoral level;
 - b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;
 - c) financing of technical assistance for developing resettlement, policies, strategies and specific plans and for implementation, monitoring, and evaluation of resettlement activities; and
 - d) financing of the investment costs of resettlement.
31. BOAD may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionality, processed and implemented in parallel with the investment that causes displacement. BOAD may finance resettlement even though it is not financing the main investment that makes resettlement necessary.
32. The Bank disbursements are not deductible cash compensation and any other form of assistance paid in cash or land costs (including compensation for land acquisition). The Bank may finance the development of the resettlement activities associated with land cost, however.

4.2 Procedures on Involuntary Resettlement

Introduction

1. The planning of resettlement activities is an integral part of preparation for BOAD-assisted projects that cause involuntary resettlement. During project identification, project team (PT) identifies any risk of involuntary resettlement²⁵ related to the project. Throughout the project cycle, the PT consults the Organizational Unit in charge of the project appraisal the Legal Affairs Unit of BOAD, and as necessary, the Resettlement Committee (see paragraph. 7).

Application of procedures in project cycle

Preparation

2. When a proposed project is likely to involve involuntary resettlement, the PT informs the Borrower of the provisions of the policy and this procedure on involuntary resettlement. The PT and the Borrower staff:
 - a) assess the nature and magnitude of the likely displacement;
 - b) explore all viable alternative project designs to avoid, where feasible, or minimize displacement²⁶;
 - c) assess the legal framework covering resettlement and the policies of government and implementing agencies (identifying any inconsistencies between such policies and BOAD's policy);
 - d) discuss with the agencies responsible for resettlement, the policies and institutional, legal and consultative arrangements for resettlement, including measures to address any inconsistencies between government or implementing agency policies and BOAD policy; and
 - e) discuss any technical assistance to be provided to the Borrower (see operational policy on involuntary resettlement

Based on the review of relevant resettlement issues, the PT agrees with the Organizational Unit in charge of environment and the Legal Affairs Unit on the type of resettlement instrument (resettlement plan, abbreviated resettlement plan, resettlement policy framework, or process framework) and the scope and level of detail required. The PT conveys these decisions to the Borrower and also discusses with the borrower the actions necessary to prepare the resettlement instrument²⁷, agrees on the timing for preparing of the resettlement instrument and monitors progress.

3. The PT summarizes in the project presentation sheet (PPS) and the sheet of entry into portfolio (SEP), the available information on the nature and magnitude of the displacement and the resettlement instrument to be used, and the PT periodically updates the portfolio entry sheet and the planning documents of the project.
4. For projects with impacts mentioned in Paragraph 3 a) of BOAD Operational Policy on involuntary resettlement, the PT assesses the following during project preparation:
 - a) the extent to which project design alternatives and options to minimize and mitigate involuntary resettlement have been considered;

²⁵ See Operational Policy on Involuntary BOAD resettlement.

²⁶ BOAD ensures that the Borrower has studied all feasible alternatives in the design of the project to avoid involuntary resettlement and, where there is no alternative to minimize the scale and impacts of resettlement (eg, realignment of roads or reducing the dam height can reduce resettlement needs). Such alternative conceptualizations must be consistent with other safeguard policies BOAD.

²⁷ These actions may include, for example, the development of procedures to ensure eligibility for relocation assistance; conducting socio-economic surveys and legal analysis, the conduct of public consultations the identification of resettlement sites and the evaluation of the proposed improvement or restoration of livelihoods and standards of living options, or, in the case of highly risky or controversial projects, the recruitment of a panel of experts resettlement, independent and international reputation.

- b) progress in preparing the resettlement plan or resettlement policy framework and its adequacy with respect to BOAD Operational Policy in this area, including the involvement of affected groups, and the extent to which the views of such groups are being considered;
 - c) proposed criteria for eligibility of displaced persons for compensation and other resettlement assistance;
 - d) the feasibility of the proposed resettlement measures, including provisions for sites if needed; funding for all resettlement activities, including provision of counterpart funding on an annual basis; the legal framework; and implementation and monitoring arrangements; and
 - e) if sufficient land is not available in projects involving displaced persons whose livelihoods are land-based and for whom a land-based resettlement strategy is the preferred option, the evidence of lack of adequate land (see paragraph. 10 of the Policy).
5. For projects with impacts under paragraph 3b) of the Operational Policy, the PT assesses the following during project preparation:
- a) the extent to which project designs alternatives and options to minimize and mitigate involuntary resettlement have been considered;
 - b) progress in preparing the process framework and its adequacy in respect to BOAD Operational Policy on involuntary resettlement, including the adequacy of the proposed participatory approach criteria for eligibility of displaced persons; funding for resettlement, the legal framework; and implementation and monitoring arrangements.
6. The PT may request a meeting with the Resettlement Committee to obtain endorsement of, or guidance on:
- a) the manner in which it proposes to address resettlement issues in a project; or
 - b) clarifications on the application and the scope of this policy. The Committee chaired by the Chairman of the Commitment Committee “comité des engagements (CE)” of the Bank includes the Director of the Organizational Unit in charge of environment and sustainable development and the Legal Affairs Unit and two representatives of the organizational Unit in charge of the project appraisal. The Committee is guided by the policy on involuntary resettlement.

Appraisal

7. The Borrower submits to BOAD a resettlement policy framework, or a process framework that conform to the requirements of BOAD Policy in this area, as a condition of appraisal for projects involving involuntary resettlement²⁸. Appraisal may be authorized before the plan is completed in highly unusual circumstances (such as emergency operations) with the approval of the CE and in consultation with the Resettlement Committee. In such cases, the PT agrees with the Borrower on a timetable for preparing and furnishing to BOAD the relevant resettlement instrument that conforms to the requirements of the Operational Policy.
8. Once the borrower officially transmits the draft resettlement instrument to BOAD, the relocation specialists, the organizational unit in charge of environment and sustainable development, and the legal Affairs Unit review that, determine whether it provides an adequate basis for project appraisal, and advise the organizational unit responsible for project appraisal accordingly. Once approval for appraisal has been granted by the CE, the PT sends the draft resettlement instrument to BOAD’s Library, Public information centre, and on its website. The PT also prepares and sends an executive summary of the draft resettlement instrument to the CE, under cover of a transmittal memorandum confirming that the executive summary and the draft resettlement instrument are subject to change during appraisal.
9. During appraisal, the PT assesses:

²⁸ See para. 16-30 of the Operational Policy BOAD on involuntary resettlement

- a) the borrower's commitment to and capacity for implementing the resettlement instrument;
 - b) the feasibility of the proposed improvement or restoration of livelihoods and standards of living;
 - c) availability of adequate counterpart funds or resettlement activities;
 - d) significant risks, including the risk of impoverishment, from inadequate implementation of the resettlement instrument;
 - e) consistency of the proposed resettlement instrument with the Project Implementation Plan; and
 - f) the adequacy of arrangements for internal, and if considered appropriate by the PT, independent monitoring and evaluation of the implementation of the resettlement instrument²⁹. The PT obtains the concurrence of the organizational Unit in charge of environment and sustainable development and the Legal Affairs Unit to any changes to the draft resettlement instrument during project appraisal. Appraisal is complete only when the borrower officially transmits to BOAD the final draft resettlement instrument conforming to the policy.
10. In the project Appraisal Report (AR), the PT describes the resettlement issues, proposed resettlement instrument and measures, and the borrower's commitment to and institutional and financial capacity for implementing the resettlement instrument. The PT also discusses in the AR the feasibility of the proposed resettlement measures proposed and the risks associated with resettlement implementation. In the annex to the AR, the PT summarizes the resettlement provisions, covering, inter alia, basic information on affected populations, resettlement measures, institutional arrangements, timetable, budget, there including adequate and timely provision of counterpart funds, and performance monitoring indicators. The AR annex shows the overall cost of resettlement as a distinct part of the project costs.
11. The project description in the Loan Agreement describes s the resettlement component or subcomponent. The Legal agreements provide for the Borrower's obligation to carry out the relevant resettlement instrument and keep BOAD informed of project implementation progress³⁰. At negotiations, the Borrower and BOAD agree on the resettlement plan or resettlement policy framework or process framework. Before presenting the project to the Board, the PT confirms that the responsible authority of the borrower and any implementation agency have provided final approval of the relevant resettlement instrument.

Supervision

12. Recognizing the importance of close and frequent supervision to good resettlement outcomes, the Head of the organizational unit responsible for the project appraisal and the head of the organizational unit in charge of environment and sustainable development in coordination with the Legal Affairs Unit, ensure that appropriate measures are established for the effective supervision of projects with involuntary resettlement. For this purpose, the Head of the organizational unit responsible for the project appraisal allocates dedicated funds to adequately supervise resettlement, taking into account the magnitude and complexity of the resettlement component or subcomponent and the need to involve the requisite social, financial, legal and technical experts. Supervision should be carried out with due regard to the Action Plan for the resettlement supervision³¹.
13. Throughout project implementation, the PT supervises the implementation of the resettlement instrument, ensuring that the requisite social, financial, legal and technical experts are included in supervision missions. Supervision focuses on compliance with legal instruments, including the Project Implementation Plan and the resettlement instrument, and the PT discusses any deviation from the agreed instruments with the borrower and reports it to the organizational unit responsible for the project

²⁹ For projects with potential impacts mentioned in s. 3 b) Operational Policy BOAD on involuntary resettlement of populations, the analysis cited in paragraphs b) and d) above is carried out once the action plan is provided to the BOAD (see. 15 of this procedure).

³⁰ In the case of a resettlement policy framework, the obligations of the Borrower include the preparation and submission to the Bank a resettlement plan under frame for each sub-project giving rises to resettlement, and before the implementation of this sub-project.

³¹ The Plan is prepared by the organizational unit responsible for project appraisal and organizational Unit in charge of environment in coordination with the Legal Affairs Unit

appraisal for prompt corrective action. The PT regularly reviews the internal, and where applicable, independent monitoring reports to ensure that the findings and recommendations of the monitoring exercise are being incorporated in project implementation. To facilitate a timely response to problems or opportunities that may arise with respect to resettlement, the PT reviews project resettlement planning and implementation during the early stages of project implementation. On the basis of the findings of this review, the PT engages the borrower in discussing and if necessary, amending the relevant resettlement instrument to achieve the objectives of this policy.

14. For projects with impacts covered under paragraph 3 b) of BOAD Operational Policy on involuntary resettlement, the PT assesses the action plan to determine the feasibility of the measures to assist the displaced persons improve (or at least restore , in real terms, the pre-project or pre-displacement levels whichever is higher) their livelihoods with due regard to the sustainability of the natural resource, and accordingly informs the organizational unit responsible for the project appraisal, the organizational unit in charge of environment and sustainable development and the Legal Affairs Unit. The PT makes the plan of action available to the public through the web site and the Library of the Bank.
15. A project is not considered complete – and BOAD supervision continues – until the resettlement measures set out in the relevant resettlement instrument have been implemented. Upon completion of the project, the Implementation Completion Report (ICR) evaluates the achievement of the objectives of the resettlement instrument and lessons for future operations and summarizes the findings of the borrower's assessment referred to in BOAD's policy. If the evaluation suggests that the objectives of the resettlement instrument may not be realized, the ICR assesses the appropriateness of the resettlement measures and may propose a future course of action, including, as appropriate, continued supervision by BOAD.

4.3 Indigenous Peoples

Generality

1. This policy contributes to the West African Development Bank (BOAD)'s mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for BOAD financing and affect Indigenous Peoples, the Bank requires the borrower to engage in a process of free, prior, and informed consultation³². The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples³³. Such BOAD-financed projects include measures to
 - (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or
 - (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects.

BOAD-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and intergenerational inclusive.

2. BOAD recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Gender and intergenerational issues among Indigenous Peoples also are complex. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limits their capacity to defend their interests in and rights to lands, territories, and other productive resources, and/or restricts their ability to participate in and benefit from development. At the same time, BOAD recognizes that Indigenous Peoples play a vital role in sustainable development and that their rights are increasingly being addressed under both domestic and international law.

Application of the policy to the project cycle

Project identification

3. Because of the varied and changing contexts in which Indigenous Peoples live and because there is no universally accepted definition of "Indigenous Peoples", this policy does not define the term. Indigenous Peoples may be referred to in West African Economic and Monetary Union by such terms as "indigenous ethnic minorities," "aboriginals," "hill tribes," "minority nationalities," "scheduled tribes," or "tribal groups."
4. For purposes of this policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social and cultural group³⁴ possessing the following characteristics in varying degrees:
 - (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;

³² "Free, prior, and informed consultation with the affected Indigenous Peoples' communities" refers to a culturally appropriate and collective decision-making process subsequent to meaningful and good faith consultation and informed participation regarding the preparation and implementation of the project. It does not constitute a veto right for individuals or groups (see paragraph 10).

³³ For details on "broad community support to the project by the affected Indigenous Peoples," see paragraph 11.

³⁴ The policy does not set an *a priori* minimum numerical threshold since groups of Indigenous Peoples may be very small in number and their size may make them more vulnerable.

- (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories³⁵
- (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (d) an indigenous language, often different from the official language of the country or region.

A group that has lost "collective attachment to geographically distinct habitats or ancestral territories in the project area"; (paragraph 4 (b)) because of forced severance remains eligible for coverage under this policy³⁶. Ascertaining whether a particular group is considered as "Indigenous Peoples" for the purpose of this policy may require a technical judgment (see paragraph 8).

5. *Use of Country Systems*. BOAD may decide to use a country's systems to address environmental and social safeguard issues in a Bank-financed project that affects Indigenous Peoples. This decision is made in accordance with the requirements of the applicable Bank policy on country systems.

Project Preparation

6. A project proposed for Bank financing that affects Indigenous Peoples requires:
 - (a) screening by BOAD to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area (see paragraph 8);
 - (b) a social assessment by the borrower (see Annex 7)
 - (c) a process of free, prior, and informed consultation with the affected Indigenous Peoples' communities at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project (see paragraphs 10 and 11);
 - (d) the preparation of an Indigenous Peoples Plan (see paragraph 12 and Annex 6) or an Indigenous Peoples Planning Framework (see paragraph 13 and Annex 6); and
 - (e) disclosure of the draft Indigenous Peoples Plan or draft Indigenous Peoples Planning Framework (see paragraph 15).
7. The level of detail necessary to meet the requirements specified in paragraph 6 (b), (c), and (d) is proportional to the complexity of the proposed project and commensurate with the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether adverse or positive.

Screening

8. Early in project preparation, BOAD undertakes a screening to determine whether Indigenous Peoples (see paragraph 4) are present in, or have collective attachment to, the project area. In conducting this screening, BOAD seeks the technical judgment of qualified social scientists with expertise on the social and cultural groups in the project area. The Bank also consults the Indigenous Peoples concerned and

³⁵ "Collective attachment" means that for generations there has been a physical presence in and economic ties to lands and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites. "Collective attachment" also refers to the attachment of transhumant/nomadic groups to the territory they use on a seasonal or cyclical basis.

³⁶ "Forced severance" refers to loss of collective attachment to geographically distinct habitats or ancestral territories occurring within the concerned group members' lifetime because of conflict, government resettlement programs, dispossession from their lands, natural calamities, or incorporation of such territories into an urban area. For purposes of this policy, "urban area" normally means a city or a large town, and takes into account all of the following characteristics, no single one of which is definitive: (a) the legal designation of the area as urban under domestic law; (b) high population density; and (c) high proportion of nonagricultural economic activities relative to agricultural activities.

the borrower. BOAD may follow the borrower's framework for identification of Indigenous Peoples during project screening, when that framework is consistent with this policy.

Social Assessment

9. *Analysis.* If, based on the screening, BOAD concludes that Indigenous Peoples are present in, or have collective attachment to, the project area, the borrower undertakes a social assessment to evaluate the project's potential positive and adverse effects on the Indigenous Peoples, and to examine project alternatives where adverse effects may be significant. The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether such effects are positive or adverse (see Annex 15.A for details). To carry out the social assessment, the borrower engages social scientists whose qualifications, experience, and terms of reference are acceptable to BOAD.
10. *Consultation and Participation.* Where the project affects Indigenous Peoples, the borrower engages in free, prior, and informed consultation with them. To ensure such consultation, the borrower:
 - (a) establishes an appropriate gender and intergenerationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the borrower, the affected Indigenous Peoples' communities, the Indigenous Peoples Organizations (IPOs) if any, and other local civil society organizations (CSOs) identified by the affected Indigenous Peoples' communities;
 - (b) uses consultation methods³⁷ appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits; and
 - (c) provides the affected Indigenous Peoples' communities with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected Indigenous Peoples' communities) in a culturally appropriate manner at each stage of project preparation and implementation.
11. In deciding whether to proceed with the project, the borrower ascertains, on the basis of the social assessment (see paragraph 9) and the free, prior, and informed consultation (see paragraph 10), whether the affected Indigenous Peoples' communities provide their broad support to the project. Where there is such support, the borrower prepares a detailed report that documents:
 - (a) the findings of the social assessment;
 - (b) the process of free, prior, and informed consultation with the affected Indigenous Peoples' communities;
 - (c) additional measures, including project design modification, that may be required to address adverse effects on the Indigenous Peoples and to provide them with culturally appropriate project benefits;
 - (d) recommendations for free, prior, and informed consultation with and participation by Indigenous Peoples' communities during project implementation, monitoring, and evaluation; and
 - (e) any formal agreements reached with Indigenous Peoples' communities and/or the IPOs.

The Bank reviews the process and the outcome of the consultation carried out by the borrower to satisfy itself that the affected Indigenous Peoples' communities have provided their broad support to the project. The Bank pays particular attention to the social assessment and to the record and outcome of the free, prior, and informed consultation with the affected Indigenous Peoples' communities as a basis for

³⁷ Such consultation methods (including using indigenous languages, allowing time for consensus building, and selecting appropriate venues) facilitate the articulation by Indigenous Peoples of their views and preferences.

ascertaining whether there is such support. The Bank does not proceed further with project processing if it is unable to ascertain that such support exists.

Indigenous Peoples Plan/Planning Framework

12. *Indigenous Peoples Plan.* On the basis of the social assessment and in consultation with the affected Indigenous Peoples' communities, the borrower prepares an Indigenous Peoples Plan (IPP) that sets out the measures through which the borrower will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for (see Annex 6 for details). The IPP is prepared in a flexible and pragmatic manner³⁸, and its level of detail varies depending on the specific project and the nature of effects to be addressed. The borrower integrates the IPP into the project design. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the elements of an IPP should be included in the overall project design, and a separate IPP is not required. In such cases, the project Appraisal Report (AR) includes a brief summary of how the project complies with the policy, in particular the IPP requirements.
13. *Indigenous Peoples Planning Framework.* Some projects involve the preparation and implementation of annual investment programs or multiple subprojects.³⁹ In such cases, and when the BOAD's screening indicates that Indigenous Peoples are likely to be present in, or have collective attachment to, the project area, but their presence or collective attachment cannot be determined until the programs or subprojects are identified, the borrower prepares an Indigenous Peoples Planning Framework (IPPF). The IPPF provides for the screening and review of these programs or subprojects in a manner consistent with this policy (see Annex 6 for details). The borrower integrates the IPPF into the project design.
14. *Preparation of Program and Subproject IPPs.* If the screening of an individual program or subproject identified in the IPPF indicates that Indigenous Peoples are present in, or have collective attachment to, the area of the program or subproject, the borrower ensures that, before the individual program or subproject is implemented, a social assessment is carried out and an IPP is prepared in accordance with the requirements of this policy. The borrower provides each IPP to the Bank for review before the respective program or subproject is considered eligible for Bank financing. If the Bank considers the IPPF to be adequate for the purpose, however, the Bank may agree with the borrower that prior Bank review of the IPP is not needed. In such case, the Bank reviews the IPP and its implementation as part of supervision.

Disclosure

15. The borrower makes the social assessment report and draft IPP/IPPF available to the affected Indigenous Peoples' communities in an appropriate form, manner, and language⁴⁰. Before project appraisal, the borrower sends the social assessment and draft IPP/IPPF to BOAD for review.⁴¹ Once the Bank accepts the documents as providing an adequate basis for project appraisal, the Bank makes them available to the public in accordance with BOAD Policy on diffusion and access to Information,

³⁸ When non-Indigenous Peoples live in the same area with Indigenous Peoples, the IPP should attempt to avoid creating unnecessary inequities for other poor and marginal social groups.

³⁹ Such projects include community-driven development projects, social funds, sector investment operations, and financial intermediary loans.

⁴⁰ The social assessment and IPP require wide dissemination among the affected Indigenous Peoples' communities using culturally appropriate methods and locations. In the case of an IPPF, the document is disseminated using IPOs at the appropriate national, regional, or local levels to reach Indigenous Peoples who are likely to be affected by the project. Where IPOs do not exist, the document may be disseminated using other CSOs as appropriate.

⁴¹ An exception to the requirement that the IPP (or IPPF) be prepared as a condition of appraisal may be made with the approval of BOAD management for projects meeting the requirements of the Bank policies. In such cases, management's approval stipulates a timetable and budget for preparation of the social assessment and IPP or of the IPPF.

and the borrower makes them available to the affected Indigenous Peoples' communities in the same manner as the earlier draft documents.

Special Considerations

Lands and Related Natural Resources

16. Indigenous Peoples are closely tied to land, forests, water, wildlife, and other natural resources, and therefore special considerations apply if the project affects such ties. In this situation, when carrying out the social assessment and preparing the IPP/IPPF, the borrower pays particular attention to:

- (a) the customary rights⁴² of the Indigenous Peoples, both individual and collective, pertaining to lands or territories that they traditionally owned, or customarily used or occupied, and where access to natural resources is vital to the sustainability of their cultures and livelihoods;
- (b) the need to protect such lands and resources against illegal intrusion or encroachment;
- (c) the cultural and spiritual values that the Indigenous Peoples attribute to such lands and resources; and
- (d) Indigenous Peoples' natural resources management practices and the long-term sustainability of such practices.

17. If the project involves (a) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied (such as land titling projects), or (b) the acquisition of such lands, the IPP sets forth an action plan for the legal recognition of such ownership, occupation, or usage. Normally, the action plan is carried out before project implementation; in some cases, however, the action plan may need to be carried out concurrently with the project itself. Such legal recognition may take the following forms:

- (a) full legal recognition of existing customary land tenure systems of Indigenous Peoples; or
- (b) conversion of customary usage rights to communal and/or individual ownership rights.

If neither option is possible under domestic law, the IPP includes measures for legal recognition of perpetual or long-term renewable custodial or use rights.

Commercial Development of Natural and Cultural Resources

18. If the project involves the commercial development of natural resources (such as minerals, hydrocarbon resources, forests, water, or hunting/fishing grounds) on lands or territories that Indigenous Peoples traditionally owned, or customarily used or occupied, the borrower ensures that as part of the free, prior, and informed consultation process the affected communities are informed of:

- (a) their rights to such resources under statutory and customary law;
- (b) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and
- (c) the potential effects of such development on the Indigenous Peoples' livelihoods, environments, and use of such resources.

The borrower includes in the IPP arrangements to enable the Indigenous Peoples to share equitably in the benefits to be derived from such commercial development; at a minimum, the IPP arrangements must ensure that the Indigenous Peoples receive, in a culturally appropriate manner, benefits, compensation, and rights to due process at least equivalent to that to which any landowner with full legal title to the land would be entitled in the case of commercial development on their land.

⁴² "Customary rights" to lands and resources refers to patterns of long-standing community land and resource usage in accordance with Indigenous Peoples' customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.

19. If the project involves the commercial development of Indigenous Peoples' cultural resources and knowledge (for example, pharmacological or artistic), the borrower ensures that as part of the free, prior, and informed consultation process, the affected communities are informed of:

- (a) their rights to such resources under statutory and customary law;
- (b) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and
- (c) the potential effects of such development on Indigenous Peoples' livelihoods, environments, and use of such resources.

Commercial development of the cultural resources and knowledge of these Indigenous Peoples is conditional upon their prior agreement to such development. The IPP reflects the nature and content of such agreements and includes arrangements to enable Indigenous Peoples to receive benefits in a culturally appropriate way and share equitably in the benefits to be derived from such commercial development.

Physical Relocation of Indigenous Peoples

20. Because physical relocation of Indigenous Peoples is particularly complex and may have significant adverse impacts on their identity, culture, and customary livelihoods, the Bank requires the borrower to explore alternative project designs to avoid physical relocation of Indigenous Peoples. In exceptional circumstances, when it is not feasible to avoid relocation, the borrower will not carry out such relocation without obtaining broad support for it from the affected Indigenous Peoples' communities as part of the free, prior, and informed consultation process. In such cases, the borrower prepares a resettlement plan in accordance with the requirements of Operation Policy on *Involuntary Resettlement* that is compatible with the Indigenous Peoples' cultural preferences, and includes a land-based resettlement strategy. As part of the resettlement plan, the borrower documents the results of the consultation process. Where possible, the resettlement plan should allow the affected Indigenous Peoples to return to the lands and territories they traditionally owned, or customarily used or occupied, if the reasons for their relocation cease to exist.

21. In many countries, the lands set aside as legally designated parks and protected areas may overlap with lands and territories that Indigenous Peoples traditionally owned, or customarily used or occupied. The Bank recognizes the significance of these rights of ownership, occupation, or usage, as well as the need for long-term sustainable management of critical ecosystems. Therefore, involuntary restrictions on Indigenous Peoples' access to legally designated parks and protected areas, in particular access to their sacred sites, should be avoided. In exceptional circumstances, where it is not feasible to avoid restricting access, the borrower prepares, with the free, prior, and informed consultation of the affected Indigenous Peoples' communities, a process framework in accordance with the provisions of Operational Policy on Involuntary Resettlement. The process framework provides guidelines for preparation, during project implementation, of an individual parks and protected areas' management plan, and ensures that the Indigenous Peoples participate in the design, implementation, monitoring, and evaluation of the management plan, and share equitably in the benefits of the park's and protected areas. The management plan should give priority to collaborative arrangements that enable the Indigenous, as the custodians of the resources, to continue to use them in an ecologically sustainable manner.

Indigenous Peoples and Development

22. In furtherance of the objectives of this policy, the Bank may, at a member country's request, support the country in its development planning and poverty reduction strategies by providing financial assistance for a variety of initiatives designed to:

- (a) strengthen local legislation, as needed, to establish legal recognition of the customary or traditional land tenure systems of Indigenous Peoples;
- (b) make the development process more inclusive of Indigenous Peoples by incorporating their perspectives in the design of development programs and poverty reduction strategies, and providing them with opportunities to benefit more fully from development programs through policy and legal reforms, capacity building, and free, prior, and informed consultation and participation;

- (c) support the development priorities of Indigenous Peoples through programs (such as community-driven development programs and locally managed social funds) developed by governments in cooperation with Indigenous Peoples;
- (d) address the gender and intergenerational issues that exist among many Indigenous Peoples, including the special needs of indigenous women, youth, and children;
- (e) prepare participatory profiles of Indigenous Peoples to document their culture, demographic structure, gender and intergenerational relations and social organization, institutions, production systems, religious beliefs, and resource use patterns;
- (f) strengthen the capacity of Indigenous Peoples' communities and IPOs to prepare, implement, monitor, and evaluate development programs;
- (g) strengthen the capacity of government agencies responsible for providing development services to Indigenous Peoples;
- (h) protect indigenous knowledge, including by strengthening intellectual property rights; and
- (i) facilitate partnerships among the government, IPOs, CSOs, and the private sector to promote Indigenous Peoples' development programs.

4.4 Procedures on Indigenous Peoples

Generality

1. For all investment projects in which Indigenous Peoples are present in, or have collective attachment to, the project area, the Bank's project team (PT) consults with the Organizational Unit in charge of environment and with the Organizational Unit responsible for Legal affairs throughout the project cycle.
2. *Free, Prior, and Informed Consultation.* When a project affects Indigenous Peoples, the PT assists the borrower in carrying out free, prior, and informed consultation with affected communities about the proposed project throughout the project cycle, taking into consideration the following:
 - a) "free, prior, and informed consultation" is consultation that occurs freely and voluntarily, without any external manipulation, interference, or coercion, for which the parties consulted have prior access to information on the intent and scope of the proposed project in a culturally appropriate manner, form, and language;
 - b) consultation approaches recognize existing Indigenous Peoples Organizations (IPOs), including councils of elders, headmen, and tribal leaders, and pay special attention to women, youth, and the elderly;
 - c) the consultation process starts early, since decision making among Indigenous Peoples may be an iterative process, and there is a need for adequate lead time to fully understand and incorporate concerns and recommendations of Indigenous Peoples into the project design; and
 - d) a record of the consultation process is maintained as part of the project files.

Application of procedures in project cycle

Project Identification

3. *Screening.* Early in the project cycle, the project team leader (PTL) initiates a process to determine whether Indigenous Peoples (see Operational Policy on *Indigenous People* paragraph 4) are present in, or have collective attachment to, the project area. In doing so, the PTL seeks technical advice from qualified social scientists with expertise on the social and cultural groups in the project area. If adequate information is not available, the PTL, in collaboration with the Organizational Unit in charge of environment matters holds direct consultations with the Indigenous Peoples who would be affected by the proposed project.
4. *Consultation with the Borrower.* If the screening indicates that Indigenous Peoples are present in, or have collective attachment to, the project area, the PTL, in collaboration with the Organizational Unit in charge of environment and the Legal department:
 - a) informs the borrower that the Indigenous Peoples policy applies to the project and brings the provisions of the related thereon Operational Policy and Procedures to the borrower's attention;
 - b) discusses with the borrower its policies and institutional and legal arrangements for Indigenous Peoples;
 - c) reaches agreement with the borrower on how the policy will be implemented under the project; and
 - d) discusses any technical assistance to be provided to the borrower.
5. *Documentation, review, approval and dissemination of information.* The PT summarizes in the project presentation sheet (PPS) and sheet of entry into portfolio (SEP) the results of the screening and the agreements with the borrower to comply with the requirements of this procedure; he then mentions in the various documents that the Operational Policy on Indigenous Peoples is triggered. The PTL seeks input from the organizational unit responsible for the environment and asked to approve these documents. Once the sheet of entry into portfolio approved the PTL sends the "Comité des engagements" CE) for information.

Project preparation

6. *Social Assessment.* Where screening reveals that Indigenous Peoples are present in, or have collective attachment to, the project area, the PTL asks the borrower to undertake a Social Assessment (SA) in

accordance with the requirements of paragraph 9 and Annex 6 on Operational Policy on *Indigenous People* to evaluate the project's potential positive and adverse effects on Indigenous Peoples and, where adverse effects may be significant, to examine project alternatives. The PT:

- a) reviews the terms of reference for the SA, ensuring in particular that they provide for the affected Indigenous Peoples to participate in the SA through a process of free, prior, and informed consultation (see paragraph 2 of this Procedure); and
 - b) comments on the qualifications and experience of the social scientists who will carry out the Social Assessment (SA).
7. *Overwhelming support of the community.* When the borrower sent the BOAD documentation on the SA and the consultation process, the PT makes a critical examination of these documents to ensure that the borrower has received massive support from representatives of major segments of the community, as required by the policy on indigenous populations. The PT continues the preparation of the project once the existence of such a confirmed support. BOAD not learned any project further if it is not able to verify this existence.
8. *Choice of instruments.* Depending on the nature of the project and based on a review of the specific problems faced by indigenous peoples, the PTL agreement begins with the Organizational Unit for the Environment on the type of instruments concerning indigenous populations (Plan for Aboriginal and Planning Framework for indigenous populations) as well as other tools (or Resettlement Plan and functional framework for national parks and protected areas) to be developed by the borrower as well as people on the scope and the level of detail required. PTL expressed these choices to the borrower, discussed with him the actions required to develop the instrument (s) and reaches an agreement with the borrower on a schedule for his/their development and his / their discount BOAD.
- a) *Indigenous Peoples Plan (IPP).* The borrower prepares the IPP in accordance with the requirements of the Operational Policy on *Indigenous People* and integrates it into the design of the project. The IPP has a level of detail that is proportional to the complexity of the proposed project and commensurate with the nature and scale of the proposed project's potential effects on Indigenous Peoples (see Operational Policy on *Indigenous People*, paragraph 7). If project activities are contingent on establishing legally recognized rights to lands or territories that Indigenous Peoples have traditionally owned, or customarily used or occupied, the IPP outlines the steps and timetable for achieving legal recognition of such ownership, occupation, or usage (see Operational Policy on *Indigenous People*, paragraph 17). For projects involving the commercial development of natural resources on such lands or territories or of the cultural resources and knowledge of Indigenous Peoples, the IPP includes arrangements to enable the Indigenous Peoples to share equitably in the benefits to be derived and to receive these benefits in a culturally appropriate way (see Operational Policy on *Indigenous People*, paragraphs 18-19). Additionally, for projects involving commercial development of Indigenous Peoples' cultural resources and knowledge, the IPP documents the agreement reached with the affected communities for such development. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, a separate IPP is not required and the borrower includes elements of an IPP in the overall project design. The PT prepares a brief summary of how the project complies with the policy, in particular the IPP requirements, as an annex to the project Appraisal Report (AR).

An indicative template and information on elements to be included in an Indigenous Peoples Plan can be found in Annex 6.

- b) *Resettlement Action Plan (RAP).* If the borrower proposes the physical relocation of Indigenous Peoples, the PT ascertains specifically that (a) the borrower has explored alternative project designs to avoid physical relocation; and b) the borrower has obtained broad support from the affected communities as part of the free, prior, and informed consultation process, and has documented it. The borrower also prepares a RAP in accordance with the requirements of Operational Policy on Involuntary Resettlement, and of Operational Policy on *Indigenous People*, paragraph 20.
- c) *Process Framework for Parks and Protected Areas.* When the access of Indigenous Peoples to legally designated parks and protected areas is restricted, the borrower prepares a process framework with the free, prior, and informed consultation of the affected Indigenous Peoples' communities, and in

accordance with the provisions of Operational Policy on Involuntary Resettlement, and of Operational Policy on *Indigenous People*, paragraphs 20 and 21.

- d) *Indigenous Peoples Planning Framework (IPPF)*. For projects that involve the preparation and implementation of annual investment programs or multiple subprojects, the borrower prepares an IPPF in accordance with the requirements of the Operational Policy on *Indigenous People* and integrates it into the project design.
 - e) *Preparation of Program and Subproject IPPs*. If the screening of an individual program or subproject identified in the IPPF indicates that Indigenous Peoples are present in, or have collective attachment to, the area of the program or subproject, the PT ensures that the borrower carries out an SA and prepares an IPP and other relevant instrument(s) in accordance with the requirements of Operational Policy on *Indigenous People*. The borrower provides each relevant instrument to the Bank. The PTL forwards the instrument(s) to the Organizational Unit responsible for environment matters for review and clearance before the respective program or subproject is considered eligible for Bank financing. Where the unit responsible for safeguards considers the IPPF as adequate for policy compliance, the PTL may agree with the borrower that BOAD's prior review of IPPs or other instrument(s) for individual programs or subprojects will not be needed. However, the PT supervises the preparation of the SA (see paragraph 6 of this Procedure), and the formulation of any IPPs and other instrument(s) and their implementation by the borrower (see OP BOAD, paragraph 14).
9. *Instrument Review and Disclosure*. When the borrower submits the draft instrument(s) to the Bank, the PT reviews each instrument to ensure that it complies with the policy set out in Operational Policy on *Indigenous People*; has been made available to the affected Indigenous Peoples' communities at an accessible place and in a culturally appropriate form, manner, and language; has been appropriately reflected in the project design; and can serve as the basis for project appraisal. The PT forwards the draft instrument(s) to the Organizational Unit in charge of environment for comments and clearance. Once the documents are cleared, the PT makes them available to the public in accordance with BOAD Policy on Disclosure of Information.

Project appraisal

10. The PTL ensures that appraisal includes appropriate social science expertise to assess the feasibility and sustainability of specific measures reflected in the relevant Indigenous Peoples and other instrument(s) and appropriate legal expertise to assess the country's legal and policy framework related to the project. The PT reflects the provisions related to Indigenous Peoples in the AR and attaches the relevant instrument(s) to the AR as an annex. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the annex of the AR includes a summary of how the project complies with the policy. In addition, when the borrower proposes the physical relocation of Indigenous Peoples or restrictions of their access to resources, the RAP or process framework is included as an annex to the AR. The PTL seeks comments on and clearance of the AR package (which includes the IPP, IPPF, or summary, together with any RAP or process framework, if applicable) from both the Organizational Unit responsible of environment and the Legal Department.

Negotiations and Disclosure

11. Prior to negotiations, the PT confirms that the responsible authority of the borrower has provided final approval of the relevant IPP, IPPF and other instrument(s). The Loan Agreement provides for the borrower's obligation to implement the relevant instrument(s). After the borrower and BOAD agree to the final instrument(s) and the project has been approved, BOAD makes the AR and the final instrument(s) available to the public in accordance with the Bank's policy on disclosure. The borrower makes the documents available to the affected Indigenous Peoples communities at a locally accessible place and in a culturally appropriate form, manner, and language, in the same manner as for the draft instruments (see paragraph 9 above).

Supervision

12. The Chairman of the Bank, in coordination with the director of the Organizational units responsible of the project and the financial services of the Bank, ensures the availability of resources for effective supervision of projects affecting Indigenous Peoples. Throughout project implementation, the PTL

ensures that BOAD supervision includes appropriate social science and legal expertise to carry out the provisions of the Loan Agreement. The PT also ascertains whether the relevant legal covenants related to the Indigenous Peoples and other instrument(s) are being implemented.

When the instruments are not being implemented as planned, BOAD calls this to the attention of the borrower and agrees with the borrower on corrective measures.

Implementation Completion Report

13. Upon completion of the project, the Implementation Completion Report (see Operational Policy on Implementation Completion Reporting) evaluates project compliance with Operational Policy on *Indigenous People* and assesses:

- a) the degree of Indigenous Peoples' participation in the project cycle;
- b) the impact of the project, both positive and adverse, on the affected Indigenous Peoples;
- c) the achievement of the objectives of the relevant instrument(s), as relevant; and
- d) lessons for future operations involving Indigenous Peoples.

If the objectives of the relevant instrument(s) have not been realized, the Implementation Completion Report may propose a future course of action, including, as appropriate, continued post-project supervision by BOAD.

4.5 Physical Cultural Resources

Introduction and definition

1. This operational policy applies to physical cultural resource⁴³ of cultural interest to the community, from the local population to the global community. These goods can enroll in a rural or urban setting and located on the ground, underground or underwater.
2. Are physical cultural resource, movable objects, sites, and structures, groups of structures or formations and natural landscapes of archaeological, paleontological, historical, architectural, religious, aesthetic or otherwise. They are of paramount importance in that they provide valuable scientific and historical information; they are an asset to the socio-economic development and an integral part of the identity and cultural practices of a people.

Objectives

3. The policy aims to help borrowers to protect and enhance the cultural heritage in the projects BOAD finance. This is to avoid or mitigate the negative effects that development projects can have on physical cultural resource effects. The effects of these goods resulting from project activities should not be contrary to the national legislation of the borrower, or the obligations are under treaties and international agreements in the field of environment⁴⁴.

Physical Cultural resource and Environmental and Social Impact Assessment

4. The analysis of the impact on physical cultural resource of a project for which funding BOAD is considered an integral part of the environmental and social impact assessment (ESIA). This analysis is made by the Borrower. The course of the ESIA follows the following steps: screening, preparation of terms of reference (ToR), collection of baseline data, impact assessment and formulation of mitigation and Environmental and social management plan (ESMP).
5. The provisions of this policy apply to the types of the following projects, which will be classified as B, defined by the manual classification of projects of BOAD at the stage of screening. These are:
 - (i) any project involving significant excavations, demolition, excavation, flooding or other environmental changes;
 - (ii) any project located on site or near recognized by the borrower as a physical cultural resource site; and
 - (iii) a project to support the management or conservation of physical cultural resource.
6. Projects to support the management or conservation of physical cultural resource are considered on a case by case basis and are normally classified as Category B. These projects are also subject to the provisions of this policy.
7. The borrower identifies the purpose of the development of the ToR of the ESIA, this in consultation with BOAD and affected by the project in question, the problems that may arise for physical cultural resource and, where appropriate groups should be considered in the ESIA. ToR document must specify the physical cultural resource to be covered by the collection of baseline data provided in the context of the ESIA.
8. The Borrower identifies physical cultural resource likely to be affected by the project and assessed under the ESIA effects that the project may have on the property in accordance with the requirements of the BOAD in the matter.
9. Arrangements are being made by the Borrower under the ESIA when it is probable that a project has a negative impact on physical cultural property, to avoid or mitigate these impacts. These measures may range from full site protection measures to mitigate these impacts by preservation action, for example, or of collecting information, when the physical cultural resource concerned may be lost in whole or in part.

⁴³ Also identified by the expressions: cultural heritage, cultural assets, cultural resource/property or cultural heritage.

⁴⁴ Including the Convention for the Protection of the World Cultural and Natural Heritage in 1972 (UNESCO, World Heritage Convention).

10. The Borrower shall establish a plan for management of physical cultural resource setting is an integral part of the ESIA stating:
- (i) measures to be taken to avoid or minimize any negative impact on the property and to manage incidental findings
 - (ii) the necessary measures to strengthen the institutional capacity and
 - (iii) the system set up to monitor the progress of these activities.

This plan is part of the overall framework of public policies and national legislation of the beneficiary countries and reflects its institutional capacity in terms of physical cultural resource.

11. BOAD examines and analyzes the borrower with the conclusions and recommendations of the ESIA that relate to physical cultural property and determines whether they constitute a sufficient basis for the institution to examine the application of project funding.

Consultation

12. In an ESIA, public consultation is mandatory. When this consultation focuses on physical cultural resource, the groups directly affected by the project, government authorities and non-governmental organizations, are generally associated with the collection of information on the presence and the importance of these assets, assessment of the effects that the project might have on them, and examining measures that could be considered to avoid or mitigate those effects.

Dissemination

13. The results of the ESIA component related to physical cultural resource are made public as part of the ESIA report and on the same terms. However, an exception to this rule is possible when the borrower, together with BOAD and specialists concerned, determines that disclosure would compromise security or threaten the physical integrity of the cultural resource in question, or endanger the source information relating to the said resource. In this case, it may not be included in the ESIA report sensitive information on these specific aspects.

Emergency reconstruction project

14. This policy also applies to emergency projects. Operational Policy BOAD's environmental and social assessment defines the procedures for implementing the ESIA of these projects.
15. Where compliance with any of the requirements of this policy prevents the effective and timely implementation of the objectives of a project of this type, BOAD may exempt the project to comply with such a requirement. The justification for such an exemption is contained in the loan documents. However, BOAD requires any corrective action that may be required is provided in the emergency project itself, or operation subsequent loan.

Specific investment loans and loans to financial intermediaries

16. The requirements apply to the ESIA aspects of subprojects financed under Bank project that relate to physical cultural resource.

National systems

17. When BOAD finance a project that has an impact on physical cultural property, it may decide to use country systems to implement the principles of environmental and social safeguards.

Strengthening of the capacities

18. When the bank is financing a project, a component of capacity building is expected if the borrower does not have sufficient capacity to manage physical cultural resource likely to be affected (see Environmental Guidelines (EG_44) of the Bank on capacity building for more details).

4.6 Procedures on Physical Cultural Resources

Introduction

1. Physical cultural resource may not be known or visible, hence the importance of considering the effects that a project may have on the resource as early as possible in the planning stage of the project.

Physical cultural resource and environmental and social impact assessment

2. The project team (PT) using, for his advice, the borrower to interpret the provisions of the Operational Policy on the matter and to apply them in the context of the environmental and social impact assessment (ESIA). The steps below follow those of the project cycle: screening, preparation of terms of reference for the ESIA preparation and review of the ESIA report, and initial assessment, monitoring and retrospective assessment.

Screening of environmental and social impact assessment

3. The PT determine at this stage whether the project:
 - i) involves substantial excavation, demolition, excavation, flooding or other environmental and the living environment changes ,
 - ii) be located at or near the location of recognized by the competent authorities of the website borrower as a physical cultural resource, or
 - iii) is intended to support the management of physical cultural resource.
4. When the project has any of the characteristics listed in paragraph (i) or (ii) of paragraph 3, it is classified as Category A, and will therefore be excluded from the Programme. When has the characteristics specified in paragraph (iii), it is normally classified as Category B⁴⁵. The procedures described below apply to all projects classified in this way (Category B).
5. The borrower informs BOAD requirements imposed by the legislation and the procedures to identify and mitigate potential impacts on physical cultural resource, including provisions for monitoring of these effects and management of incidental findings⁴⁶.

Terms of reference for the environmental and social impact assessment

6. The Borrower, in support of the PT, prepares ToR for the composition of the ESIA devoted to physical cultural resource. The Borrower identified during this stage, the main problems that arise in this connection which must be considered in the ESIA. The exercise to detect the possible presence of physical cultural resource is normally conducted on site, in consultation with relevant experts and groups directly affected by the project.
7. ToR document provides spatiotemporal boundaries to contain on-site collection of baseline data on physical cultural resource likely to be affected by the project, and they specify the types of specialists required for the composition of the ESIA with on the resource.

Baseline and Impact Assessment

8. The PT ensures that the component of the ESIA devoted to physical cultural resource by the borrower provides to achieve:
 - a) a survey of the physical cultural resource likely to be affected by the project, and its inventory resource

⁴⁵ As described in the manual classification BOAD.

⁴⁶ The term "incidental findings" means in the context of the implementation of that policy, discovered physical cultural resource against all odds during the project

- b) the collection of information attesting to the importance of the resource, and
- c) an assessment of the nature and focused on potential effects on these properties.

Mitigation

- 9. When a project is likely to have negative effects on physical cultural resource, the ESIA proposes measures to avoid or mitigate these effects.

Capacity Assessment

- 10. The ESIA assesses the ability of the borrower to implement the proposed mitigation measures and manage incidental findings and recommends necessary measures capacity.

Management Plan

- 11. According to ESIA, in terms of management of physical cultural resource are established businesses. The Plan includes:
 - i) Measures to Prevent or Mitigate any adverse impacts on physical cultural resource
 - ii) the arrangements for managing incidental findings
 - iii) any Necessary Measures to Strengthen the institutional capacity to manage physical cultural resource and iv) the system put in place to monitor the progress of activities thesis.

Review

- 12. When considering the findings and recommendations of the ESIA, the project evaluator analysis with the borrower components of ESIA refers to the physical cultural resource, in particular the management plan of the resource, and determines whether these components constitute a sufficient basis for the institution to examine the application of project financing.

Dissemination of information

- 13. The results of the component of the ESIA in relation to the physical cultural resource are made public as part of the ESIA report. However, an exception to this rule is possible when the borrower, together with BOAD and specialists concerned, determines that disclosure would compromise security or threaten the physical integrity of cultural resource in question, or endanger the source information relating to the said resource. In this case, sensitive information referring to these particular aspects, such as data specifying the location or the value of a physical cultural resource may not be included in the environmental and social assessment report.

Initial evaluation of the project

- 14. When applicable, the team's initial assessment of the project includes specialists in physical cultural resource.
- 15. During the evaluation phase, the PT ensures that the conclusions and recommendations of the ESIA components on physical cultural resource, including the management plan of the resource, are taken into account in the design of project and are contained in the document evaluation.
- 16. The PT ensures that the estimated cost of implementing the plan of management of physical cultural resource be included in the project budget.

Monitoring and retrospective assessment

- 17. In the case of projects in terms of management of physical cultural resource includes provisions to ensure the protection of such resource, the project supervision missions include specialists with the skills required to monitor the implementation of these provisions.

18. During the supervision phase, the PT follows the implementation of the management plan of physical cultural resource, including provisions governing the treatment of incidental findings.
19. The PT ensures that procedures for incidental findings include, where appropriate, in the procurement documents. It monitors how are treated any accidental discovery or any other impact on physical cultural resource that may occur during the project, and records the relevant findings in the reports on the progress of the project.
20. Reports Implementation Completion and evaluate the overall effectiveness of mitigation measures, management activities and capacity building, as applicable, relating to the physical cultural heritage project.
21. The PT should perhaps consider whether the borrower acquires reinforced to implement this operational policy means, particularly in the following areas: information on the physical cultural resource, on-site training, institutional strengthening cooperation interagency and rapid response capability in the event of accidental discovery. The PT then determines whether such capacity is needed, including in the framework of the project components specifically designed for this purpose.

4.7 Natural Habitats

Applying Precautionary Approach

1. The conservation of natural habitats⁴⁷, like other measures that protect and enhance the environment, is essential for long-term sustainable development. BOAD therefore supports the protection, maintenance, and rehabilitation of natural habitats and their functions in its economic and sector work, project financing, and policy dialogue. BOAD supports, and expects borrowers to apply, a precautionary approach⁴⁸ to natural resource management to ensure opportunities for environmentally sustainable development.

Economic and Sector Work

2. BOAD's economic and sector work includes identification of (i) natural habitat issues and special needs for natural habitat conservation, including the degree of threat to identified natural habitats (particularly critical natural habitats), and (ii) measures for protecting such areas in the context of the country's development strategy.

Project Design and Implementation

3. BOAD promotes and supports natural habitat conservation and improved land use by financing projects designed to integrate into national and regional development the conservation of natural habitats and their rehabilitation in case of degradation, in order to maintain their different functions.
4. BOAD does not support projects that, in the Bank's opinion, involve the significant conversion or degradation⁴⁹ of critical natural habitats.
5. In projects with natural habitat components, project preparation, appraisal, and supervision arrangements include appropriate environmental expertise to ensure adequate design and implementation of mitigation measures.
6. This policy also applies to the sub-projects carried out in the context of sectoral loans or loans to financial intermediaries. In addition to the organizational unit responsible for the appraisal of the project, the resident mission of the BOAD in the country of the borrower shall ensure compliance with this requirement.
7. BOAD encourages borrowers to incorporate into their development and environmental strategies analyses of any major natural habitat issues, including identification of important natural habitat sites, the ecological functions they perform, the degree of threat to the sites, priorities for conservation, and associated recurrent-funding and capacity-building needs.
8. BOAD expects borrowers to take into account the views, roles and rights of different groups, including non-governmental organizations and local communities affected by projects involving natural habitats and BOAD finance, and that they involve or engage these stakeholders in the planning, implementation, monitoring and evaluation of such projects. The involvement of those parts involved in the project will include the identification of appropriate conservation measures, management of natural habitats as well as monitoring and evaluation. BOAD encourages Member States to provide to the parties involved, and the information necessary to provide appropriate incentives for habitat protection, this in mind principle 10 of the Rio Declaration⁵⁰.

⁴⁷ See definitions in Annex 2.

⁴⁸ Principle 15 of the Rio Declaration: If the risk of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing the adoption of effective measures to prevent the degradation environment

⁴⁹ For definitions, see Annex 2 of the policy

⁵⁰ The best way to deal with environmental issues is to ensure the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making. States shall

4.8 Procedures on Natural Habitats

Procedures applicability

BOAD environmental and social procedures on natural habitats apply to three key stages of BOAD funding, namely portfolio entry, evaluation, and project management.

These procedures relate to the following elements in the project cycle: preparation of project, documentation, Environmental and Social Impact Assessment Report, and the role of the Bank staff.

Project Preparation

1. At the initial stage of the preparation of a draft submitted to the West African Development Bank for funding, the organizational unit responsible for project instruction consults the organizational unit responsible for the environment and, as necessary, organization unit responsible for legal issues to identify problems related to natural habitats is likely to arise in the project.
2. If, as part of the environmental and social impact assessment process, environmental and social assessment indicates the potential for significant conversion or degradation of critical or other natural habitats, the project is classified as Category A and therefore not eligible as part of this Programme; projects otherwise involving natural habitats are classified as B, depending on the degree of their ecological impacts.⁵¹
3. Other types of mitigation measures that are mentioned in the last sentence of paragraph 5 of the BOAD operational policy on natural habitats are accepted only after consultation with the Unit organization responsible for the environment and, as necessary, responsible for corporate legal matters, and after approval of the President of the Bank.
4. Natural habitat components of a project are linked as appropriate to the schedule of implementation for the project. The costs of conservation of any compensatory natural habitats are included in the project's financing. Mechanisms to ensure adequate recurrent cost financing are incorporated into project design.

Documentation

5. The project Team (PT) identify problems of any kind, relating to natural habitats (including any amendments or significant degradation can be induced by the project, as well as any other type of mitigation measures, as mentioned in the last sentence of paragraph 5 of operational policy of the BOAD on natural habitats), on the occasion of the production, from the project presentation sheet (PPS) and fact Sheet of entry into portfolio (SEP). Updates of PPS reflect changes in the treatment of issues relating to natural habitats. The evaluation report of the project indicates the nature and an estimate of the area (in hectares) of natural habitats affected, the extent of potential impacts; project consistency with the measures taken at national and regional development in terms of planning, environmental planning initiatives, conservation strategies and legislation , and the mitigation measures planned.
6. The Implementation Completion Report assesses the extent to which the project achieved its environmental and social objectives, including natural habitat conservation.

Appraisal Reports

7. Bank staff identifies relevant natural habitat issues for regional and sectoral environmental and social assessment reports. Such reports indicate the present location of natural habitats in the region or sector involved, analyze the ecological functions and relative

facilitate and encourage public awareness and public participation by making information available to it. An effective judicial and administrative proceedings, including redress and remedy access must be ensured.

⁵¹ See BOAD Operational policy and procedure for *Environmental and Social Impact Assessment*.

importance of such natural habitats, and describe the associated management issues. These analyses are used in subsequent project-specific environmental screening and other ESIA work.

Role of Bank Staff

8. Organizational Unit in charge of environment coordinates the preparation and uses of additional critical habitats lists and lend themselves to demand their assistance in preparing (including ESIA) and project supervision. The Organizational Unit in charge of environment, project team (PT), resident missions, and organizational units involved in the development of the project, in implementation of BOAD environmental and social policy on natural habitats through the dissemination of information on "best practices" and training, analysis, recommendations and operational support (including supervision).

5. Public Participation, Stakeholder Engagement, Information Disclosure and Grievance Redress

5.1 Public participation in Environmental and Social impact assessments

Policy of the West African Development Bank (BOAD) on Environmental and Social Impact Assessment requires that concerned as well as local NGOs are informed and consulted in a real way when making an ESIA. Disclosure of information is a prerequisite. Their opinion is important for projects to the extent that it allows:

- Improve understanding of the risks they represent;
- To find alternative locations or develop other designs and mitigation to improve their social and environmental measures;
- To have a clearer idea of values as well as the advantages and disadvantages that represent the different alternatives;
- Know the points at issue;
- Establish transparent procedures for implementing the proposed projects, and
- Create obligations for accountability and develop a situation where these communities feel they have control over the project.

Public participation in the development of a project, other than its consultation is not required for the ESIA, unless it is a project which raises the question of resettling displaced or that affects indigenous peoples. However, public participation in decision-making strengthens the sense of ownership and responsibility.

Types of public participation

Association of communities in the planning and implementation of projects can be accomplished in the form of consultation and participation. These two concepts differ primarily in the degree to which individuals may influence take part or have control over decisions. According to the requirements of the BOAD, consultation of affected groups should be part of the process of making an ESIA. Their participation is required, under certain conditions, when preparing the project and is usually recommended during its implementation. The dissemination of information is a prerequisite without which we cannot talk or consultation or participation. The figure below describes this process in relation to the cycle of a project funded by the West African Development Bank and the achievement of the project ESIA

Please refer to Annex 8 for detailed guidelines on Free, Prior, Informed Consent of Indigenous Peoples methods and indicators at project-level.

5.2 Stakeholder Engagement Matrix

Environmental and social impact assessment (ESIA) Process						
Presort	Review of the scope of the project	Review and approval of the ESIA of the project; results discussed with the borrower inserted into the project documents	The evaluation team analyses the issues outstanding with the borrower	Development of loan agreements on environment-related issues	Follow-up given the ESIA and the loan agreements	Evaluation of the environmental aspects in the completion and evaluation reports
Project initiation	Elaboration	Evaluation	Negotiation/ Approval	Execution	Retrospective evaluation	Project monitoring
Public participation						
<p>Discussion between the BOAD and the borrower on the degree and pattern of disclosure and consultation appropriate</p> <p>Identification of the groups and local NGOs affected and effective means to disseminate information</p>	<p>Project data and dissemination of its risks</p> <p>Identification complete affected groups and local NGOs; view concordance between the BOAD and the borrower on the degree and pattern of consultation and participation</p> <p>Public consultation</p>	<p>Main results of the evaluation of the environmental and social impacts the available groups and NGOs concerned</p> <p>Opinion on the report of the environmental and social impact assessment.</p> <p>Consultation process (notice of participants and ground listed in the final report)</p>	<p>The evaluation team must ensure that the design of the project and mitigation plans meet the concerns</p> <p>Appropriate engagement plans necessary for the implementation and the evaluation of the project</p>	Loan agreements must reflect the views obtained	Transparency of the implementation of the recommendations of the environmental and social impact assessment and, as appropriate, participation of groups and NGOs concerned	Retrospective evaluation taking into account the opinion of the populations about the impact of the project

5.3 Stakeholder Engagement Procedures

BOAD recognizes the importance of open and transparent engagement between project developers, workers and local communities directly affected by projects and, where appropriate, other stakeholders as an essential element of good international practice and corporate responsibility. Such engagement is also a way of improving the environmental and social sustainability of projects. In particular, effective stakeholder engagement, appropriate to the nature and scale of the project, promotes sustainable environmental, economic and social performance and can lead to improved financial, social and environmental outcomes, together with enhanced community co-benefits. Stakeholder engagement is central to building strong, constructive and responsive relationships which are essential for the successful management of a project's environmental and social impacts and issues. An indicative template for the development of a Stakeholder Engagement Plan is provided in Annex 5 of the ESMF.

BOAD Operational Policy on Environmental and Social Impact Assessment states that to allow for meaningful consultation between the borrower and the interest groups and local NGOs, it is necessary that the borrower provide the consent of the relevant information. Projects approved under the present Programme will be required to comply with BOAD guidelines for the management of stakeholder engagement and consultation, to develop appropriate E&S Management Frameworks and Plans relevant to the local context they operate in to mitigate the risks and impacts associated with the planning and implementation of their activities. Each of these activities will have to undertake screening, be assigned appropriate risk categories and their risks and impacts thoroughly assessed. The disclosure of the structure, content and management of activities will have to comply with the GCF Disclosure Policy and entail the application of the Grievance Redress Mechanism of the present ESMF.

BOAD is responsible for confirming that the measures to implement the GCF guidelines, including free, prior and informed consent for IPs and relevant Grievance Redress Mechanisms are incorporated in the agreements with Executing Entities including tendering documents and contracts. Further, the AE is responsible for compliance with all applicable laws, regulations and standards in the country of operation of the financed project. The obligations of the state(s) are directly applicable to the activities of the project under these guidelines and other relevant international treaties of good practice. Lastly, entities acting as financial intermediaries are responsible for the management of risks associated with the supported activities. The AE will review all projects financed under the Programme to identify where the entities and the GCF could be exposed to potential risks and take necessary actions based on BOAD's Manual of Policies and Procedures on Conformity and Compliance which can be found in Annex 11. The AE is responsible for ensuring that all components, sub-components and activities of projects meet the requirements of this Policy.

BOAD Policy on the Consultation of Vulnerable Groups

The information on the consultation between the borrower and indigenous/vulnerable peoples/groups must be provided in a timely manner and in a form that is meaningful and accessible to the groups being consulted. In the first phase, information is a summary of the project description and objectives as well as the negative effects it may cause.

When the report of environmental and social impact assessment of the project is finished, a summary of its findings in a form and in a language understandable to the groups consulted will be disclosed to interested parties through BOAD's information system (web site, public information center, etc.). Any consultation should focus on the issues that most touch consulted populations at risk. In addition, the borrower must file the report of the ESIA in a public location accessible to interested groups and local NGOs to enable them to consider and to comment.

We should not assume that the peoples of Member States or other relevant groups actually have the time, desire and resources or can get information on the environmental and social impact assessment, the means of distribution will be made available to them, or think they will manage to make their views known to the relevant authorities. Experience shows that the publications of project descriptions and reports of environmental and social impact assessment deposited in a public library do not reach the entire population. Media such as local television, radio, newspapers and the printed publication written in local languages are tools that help convey information to groups involved in informing the public and specifying the places where people can have these documents. In some cases, the West African Development Bank may recommend that specialized consultants in the ESIA and implementing agencies working on the dissemination of information through the institutions

responsible for making decisions and leaders. This distribution generally involves costs and decisions regarding the choice of the strategy and its funding should be taken as soon as possible. It is desirable that the report of environmental and social impact assessment document these decisions.

Consultation

Consultation is to invite people to give their opinion on proposed projects and to involve them in a dialogue. Unlike what happens in the case of a simple dissemination of information, this is an information dissemination that occurs in both directions, the project managers to the people and vice versa. While governments have the prerogative of decision making, this interaction and exchanges, based on a principle of transparency, allow affected to influence the decision-making groups by raising issues which should be considered in determining the scope of the project, its design, mitigation, monitoring and management plans as well as the analysis of alternatives.

The operational policy on environmental and social impact assessment requires that groups affected as well as local NGOs are consulted at least two steps in the procedure:

- Shortly after the class and implementation framework of the project are determined;
- Once the draft report of the ESIA is completed.

Case of projects with significant social impacts, such as those arising from displacement will require consultation with affected groups is commensurate with their opinion on the ESIA.

Consultation in the framing of the environmental and social impact assessment

This type of consultation can identify key issues and develop the framework of the assessment of environmental impacts. It is increasingly recognized that beyond the ministry which is generally responsible for establishing frameworks in collaboration with the lender, other government departments, in collaboration with local NGOs and affected groups, participate in discussions surrounding the establishment of frameworks. This low participation takes place once a preliminary ministerial meeting helped define the parameters that determine the consultation process. The draft reference frames is then circulated and meetings are then held where changes and additions to the already recognized issues are analyzed. In many cases, small NGOs and community representatives will need financial resources that allow them to travel to attend meetings.

Consultation during the making of the environmental and social impact assessment

Affected populations are often consulted during the completion of the assessment of impacts on the environment. The most common method is to conduct surveys of these populations, especially in cases where the project involved resettlement or indigenous peoples concerned.

Consultation of the populations during the completion of the ESIA can help reveal some misconceptions and promote public acceptance.

Consultation during the making of the environmental and social impact assessment

Operational Policy on Environmental and Social Impact Assessment requires that the public is consulted in the case of projects that belong to category B, such as the present Programme.

Consulted parties will have sufficient time to consider the findings of the interim report of the environmental and social impact assessment and prepare their comments before the consultation. Simple written materials combined with visual transcripts, videos and reduced models can bring to light the technical language assessments of impacts on the environment and make it understandable to non-specialists.

So far, NGOs and specialists at this stage, more involved local communities. It is recommended to call the media and especially through radio and print media. Traditional leaders can participate in radio programs providing, thus, that all of their communities were listening. The conclusions drawn from this type of consultation can be used to prepare plans for mobilizing participation by affected groups and NGOs in the development and implementation of the project.

Projects that require the involuntary displacement of populations.

Most construction projects or land conversion will be associated with move operations if populations are sites undergoing conversion. Under the operational policy on involuntary resettlement, project development and resettlement plans should be undertaken with the participation of the public. If an environmental and social impact assessment is necessary, displaced persons will take part in the process (in the preparation and implementation of mitigation, management and monitoring, etc.).

Projects aimed at certain types of recipients

Target groups may consist of the poorest, indigenous peoples groups, women's groups or users and cooperatives. It is crucial, given the circumstances and for a project that requires the completion of an environmental and social impact assessment that beneficiaries cooperate in its design as well as its execution.

Local development projects

If the success of a project depends on the support of local communities, it is important that they participate in decision-making. This is usually project on the development of rural infrastructure, social housing and urban infrastructure projects of natural resource management by communities, preservation of biodiversity where facilities are provided buffers, forestry developments managed by the community and some types of small credit transactions.

Participation

Participation is a voluntary process in which people, including marginalized groups (the poor, women, indigenous peoples and ethnic minorities), meet with project leaders, local NGOs and sometimes experts to share their point of view, negotiate and guide decision-making on project design and management. Affected populations participate more in decision-making if they are only consulted. It remains, however, that the exchange of ideas and information, as in a consultation, are reciprocal. Skills in social sciences, communications staff and financial resources are essential to the implementation and extension of the process as it will be needed.

The Bank requires that the relevant groups are involved in the development of a project if it has an impact on indigenous populations or assumed displacement and resettlement.

Participation in decision-making comes in different forms and at different times of the project cycle. The consultation undertaken during the scoping assessment of impacts on the environment provides the basis from which the groups concerned may take part in the development or implementation of the project. During project development, participation can help to establish the framework for the environmental and social impact assessment and its realization. Local NGOs or representatives of affected groups can participate in monitoring project implementation and evaluation of the measures recommended by the environmental and social impact assessment.

Choice of participants

The choice of affected groups and NGOs is critical to meet the requirements of the Bank's consultation. Groups who are directly affected should be as soon as possible, associated with the project cycle and have a prominent place in the process of decision making. Over the project's effects will diminish and less frequent consultation sessions or an elaborate process of participation will be essential.

Groups directly affected

One of the biggest challenges is the consultation process is, on the one hand to identify the groups concerned and secondly, to make them really participate. The categories in question include:

- The beneficiaries of the project;
- Affected by risk groups;
- Involved parties.

It may be that these populations living near the project or in its area of influence. It is also possible that the community affected by the type of project and its location, only consists of a few hundred inhabitants of the forest occupying a vast territory or otherwise of thousands of residents living near an industrial city. Sometimes they are also spread over several villages, they belong to different denominations and ethnic groups, or that

only women of a community are concerned. It will then set a percentage representation of participants (men, women and poor and indigenous populations ...).

Defenders of a project will, when it comes to whom to consult, seek to determine the impact that the project may have on the existence of certain population groups. They will assess its effects on each relative to:

- The extent of impacts (numbers or percentage of the total population likely to be affected);
- The intensity of impacts;
- Duration
- Reversibility.

Because it is sometimes difficult to evaluate them during the early stages of project development, it is therefore necessary to adopt a flexible approach in order to make the necessary changes as groups of people who take part.

There are cases where the groups concerned have difficulty expressing their concerns. Racial distinctions, ethnic or religious differences or gender may, for example, prevent certain classes of society to emerge. People living in remote areas, such as indigenous communities, may lack information, ability to express themselves or to "work the system". The poor and the defenseless, including those who work in the urban informal sector, will not always well represent. The consultation process must overcome these barriers and communicate with the groups concerned.

Representatives of groups affected.

Many individuals and organizations generally represent the populations concerned. It may be individuals or organizations able to provide information, to advocate and be the spokesperson for affected groups or stakeholders. These delegates may include for example:

- Representatives of government, such as deputies, governors, local officials, members of a village council or other elected;
- traditional authorities such as village chiefs, the elders of a tribe, religious authorities, for example;
- local organizations (including NGOs), such as community development organizations or users, fraternal societies, leisure clubs, neighborhood associations, trade unions, women or ethnic groups, cooperatives, etc.;
- representatives of the private sector, such as private companies or trade and professional associations companies.

Cultural and political differences determine, from one project to another, from the bodies involved, those that can best express the borrower the views of affected groups. These representatives can play many roles, organize the means of communications, participate in setting goals, improving the management of resources, shorten conflicts, reduce the risk of communication breakdown or injury brought the groups concerned (if the situation unstable political or social).

Various other groups concerned

While other parties may be affected by the project and its impact without being affected. If they are not supposed to compensate local communities or groups directly affected, they may nevertheless have valuable information and resources at their disposal. It is often possible to better understand the key issues and opportunities that arise if they are actively involved early in the project development. It remains, however, that these participants will have less influence than the groups concerned. These participants will be:

- national or international NGOs concerned with some problems (biodiversity conservation, issues of family planning, technology transfer, measurements of energy conservation, agricultural development, human rights or issues concerning indigenous peoples);
- universities, research institutes or training will have the knowledge or carry an interest in the project and its implications for development;
- scientific and specialized experts in a particular field and whose knowledge can contribute to the development of the project.

Elements for a fruitful consultation

The success of the consultation process is related to the appropriateness of the framework and an enabling environment. A good consultation process has the following characteristics:

- Broad dissemination of information before the consultation sessions;
- the establishment of a framework for consultation;
- an exchange of communications with an expanded sample of affected groups;
- disclosure of the findings of consultative meetings to participants;
- the transformation of the project;
- the formulation of programs of participation, evaluation and monitoring.

Consultation Framework

Able to develop a clear understanding of "the rules" from the beginning of the consultation process, promotes respect and trust that participants feel towards each other. It is therefore important to establish a framework for consultation (or participation) Arrested during the scoping environmental and social impact assessment that defines the content, timing, participants, the place and method of the process. It will, for example, this framework identifies issues and the timing of project planning which will examine various groups. If the project has already been imposed, it is important that this decision be clearly stated at the beginning of the process. This framework will determine:

- Issues to be addressed as well as it is not appropriate to treat and any questions that may arise;
- the timing required in the consultation process (duration and time of year);
- sampling of participants (those that must be included), their legitimacy and representativeness, their involvement
- Environment and venue of meetings (eg capitals, rural communities, town halls, market centers, seats of women's organizations.)
- consultation methods (eg topographic survey, models, interviews, surveys, discussion oriented, panel discussions groups.)
- methods of documentation and dissemination now informed the parties consulted (through flyers, meetings, letters, electronic or printed communications).

It is essential that the environment in which occurs the consultation process between the participants creates a feeling of respect, friendliness and confidence for individuals and groups present can express themselves freely. To do this, it will appeal to investigators who are familiar with the local culture and language, to ensure that meetings are held in local community centers, places of gathering populations rather than in public centers they are not used or organize separate for men and women or the poorest meetings.

BOAD should consider when choosing participants, the representativeness of the teams or individuals responsible for, within the Organization of the project, the dissemination of information and the consultation process. The people in charge must have or receive the authority allowing them to take firm commitments on issues that directly involved the design and implementation of the project.

There are many ways to do that collect the views of people and engage them in a dialogue. Insofar as all questions regarding the project are not known before the data collection and since it is expected that people are able to predict the consequences of events they are not accustomed, it there would be a number of meetings were, at least, provided that their responses will be sought and where the debates will perhaps take a course in which the researchers did not expect.

Appropriate, especially when it comes to projects that require a strong participation in their preparation and implementation, a flexible approach. This approach does not mean that their design and their implementation be undertaken on a one-time basis, on the contrary, it implies importance of paying special attention to communication and reporting mechanisms to make the necessary adjustments in the course of their preparation and implementation.

The need to disclose information is also a key element of the framework of consultation.

Importance of an enabling environment

To date, experience shows how the following are conditions for effective consultation process:

- appropriate legislative framework;
- the need to conduct sessions broadcasts and information
- Ability to conduct counseling sessions;
- adequacy of resources;
- Expertise in the Social Sciences.

Principles of the Bank regarding the disclosure of documents of an environmental and social impact assessment

The ESIA report of projects of category B will be made publicly available on the web site of the Bank, at the Bank's headquarters and its resident missions, once broadcast locally by the project developer prior to its evaluation. As per GCF's Disclosure Policy, the ESIA Reports should be made available to the GCF 30 days before Board approval. These documents will be made available to the public in the public information Center and will be updated as soon as the project is being developed. If the government opposes the disclosure of the ESIA report on a project funded by the BOAD, it will not be evaluated.

Legislation relating to environmental and social impact assessments

Without a legal framework, it will often be difficult to engage community participation in the implementation of ESIA. All Member States have set up national action plans for the environment have included as a priority in their policy agenda the adoption of legislation on environmental and social impact assessment. The process is not yet completed in some states, despite their support that was provided by BOAD.

Although the experience tends to show that a well-designed project can initiate a genuine process of consultation even though such legislation is lacking, BOAD encourages each Member State to put in place comprehensive legislation on environmental and social impact assessments.

Need for broadcasts and information

It is necessary before any consultation put the necessary information at the disposal of the beneficiaries of the project, local NGOs by experts and others to facilitate dialogues and to these categories of persons to be able to get an idea about the project and see how to interact for the progress of the project.

Local skills

Experience shows the importance of local capacity to undertake consultation and participation. Countries where conducting environmental and social impact assessment has proved satisfactory were established national or regional institutions reliable and able to assume responsibility for the process of consultation, which sometimes lasts between 6 and 12 months. Project managers also found that it is true that international consultants may provide valuable advice in the implementation process, it was necessary, however, that the main actors are recruited in the country. Many project managers have also felt they needed training to enable them to provide informed consent tracking consultation process proposed and implemented by local organizations. Project managers may need to consider organizing a joint training program where they will participate with their national counterparts. In this way, they will not only be able to monitor the process, but also to develop greater mutual understanding.

Adequacy of resources

Achieving meaningful consultation will incur costs for the activities carried out in the country and travel expenses of project managers and staff accompanying them. These costs obviously depend on the project, methods of consultation and their scope. That said, they are usually very small compared to the overall costs involved in developing a project or making an assessment of impacts on the environment but to the extent that most borrowers do not consider consultation process as a separate element, we often do not have exact figures

Master of social science

Experience indicates how it is important to appeal to specialists in social sciences. According to the experience of the Bank, an environmental and social impact assessment which is based on a more participatory approach includes in the team responsible for its realization of the social scientists involved from the outset.

Problems and risks

It is possible to overcome most of the problems and risks of consultation and participation if their preparation is well programmed. Worse for the sustainability of the project is that we do not make use of these processes. It is increasingly accepted as methods of consultation and participation may apply to major projects without causing provided significant delays in their implementation. The most common problems are listed below as well as ways to prevent:

- delays and excessive costs occur if the project is "back off." The establishment of mechanisms to provide information on the project and get feedback early in the project cycle can prevent new spending if we subsequently modify its design. These costs will be lower if the consultation (and participation) is provided as part of the project;
- The concerns and expectations raised too early may result from a lack of consultation. The irrational fear of a project give rise to adverse effects as well as the baseless hope it will be beneficial result from a lack of accurate information. The best way to avoid these pitfalls is to provide, as soon as possible, the necessary information.

Plan of consultation or participation

The specialist may, from the knowledge he has of the project and affected groups, implement a process of consultation and participation that is active throughout the project cycle by determining who will participate, how their ideas will be presented which authority will be in charge of decisions, when and how? It may be necessary that define how information will be disseminated, including public relations campaigns, it analyzes the concerns of stakeholders, leading the evaluation of participation of rural community and establish programs for and with facilitators or moderators.

Management and resolution of conflicts

The idea is to define the traditional mechanisms for arriving at agreements, to conduct negotiations and manage conflicts in affected communities. Understand and work in the direction of the hopes which are based on cultural criteria will strengthen the process of consultation and participation, in particular in the case of projects where there are many competing stakeholders or if disputes are obvious.

Institutional analysis

Sometimes it will be necessary to analyze the capacity of groups involved in the design and implementation of the project and their relations, especially in the case of complex projects where many actors are involved This analysis should consider the strengths of organizations, their ability to effectively represent the affected communities, relations between the various groups, exchanging information or authorities make decisions. For such projects, the guidelines can simplify complex relationships and improve coordination of institutional structures:

- An unstable political situation may make more difficult the process of consultation and participation in the sense that people are less likely to express themselves. It will, therefore, demonstrate insight and discretion if local officials feel threatened by taking part in the consultation meetings. Safety consulted parties is considered by the Bank as of prime importance. Therefore, borrowers should be fully aware.
- grabbing resources for other development can be avoided if we ensure that representatives and associations actually reflect the perspectives of stakeholders. International NGOs are not necessarily those that best represent perceptions equivalent national organizations and these local views. Develop a consultation process to each of these levels can ensure that benefits accrue to a large extent, to those who are targeted

5.4 Operational Policies of the West African Development Bank for the Settlement of Grievances (MPPRG)

Generalities

The Programme will comply with BOAD guidelines for the management of grievances. This includes the Manual of Policy and Procedures for the Settlement of Grievances, the Manual of Policies and Procedures on Verification and Conformity, Environmental Guidelines (EG) EG-07 on Involuntary Resettlement of Populations and EG-42 on Issues of Projects Social Analysis. Additionally, an indicative outline of a GRM design and planning procedure can be found in Annex 9 of this ESMF.

The Borrower will respond to concerns and grievances of project-affected parties related to the environmental and social performance of the project in a timely manner. For this purpose, the Borrower will propose and implement a grievance mechanism to receive and facilitate resolution of such concerns and grievances.

The grievance mechanism will be proportionate to the potential risks and impacts of the project and will be accessible and inclusive. Where feasible and suitable for the project, the grievance mechanism will utilize existing formal or informal grievance mechanisms, supplemented as needed with project-specific arrangements.

(a) The grievance mechanism is expected to address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. The mechanism, process or procedure will not prevent access to judicial or administrative remedies. The Borrower will inform the project-affected parties about the grievance process in the course of its community engagement activities, and will make publicly available a record documenting the responses to all grievances received; and

(b) Handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed.

The Borrower will define clear roles, responsibilities and authority as well as designate specific personnel to be responsible for the implementation and monitoring of stakeholder engagement activities and compliance with this ESMF.

BOAD Manual of Policy and Procedures for the Settlement of Grievances (MPPRG)

The West African Bank of development (BOAD) has implemented its policies, procedures, and environmental and social guidelines that establish minimum standards for the design and implementation of development projects, especially those that pose significant risks to the environment or riparian or vulnerable communities. Those instruments are designed to avoid unreasonable environmental impacts, protect the riparian populations of projects, disadvantaged vulnerable groups and ensure the participation of local stakeholders. However, the Bank is aware that individuals and communities can, despite all the measures to be taken, be affected by the projects it finances. Also, the Bank has decided to implement a system for receiving queries or complaints, process and solve the problems of those affected by the projects it supports.

This manual of policy and procedures for the settlement of grievances (MPPRG) complete policy manual and procedures of verification of the BOAD (MPPVC) compliance which is an independent mechanism whereby those who have suffered injury, resulting from a project financed by the Bank can ask him to act in accordance with its own rules, policies, procedures and guidelines. The procedures laid down by the MPPRG will be implemented when those who have suffered injury, resulting from a project financed by the Bank have complaints or grievances against BOAD. The policy and procedures manual of the grievance (MPPRG) is designed to define the mechanism of solving the problems to restore a dialogue between the applicant and all interested persons, to solve the problems at the origin of a query.

The Grievance Process

The BOAD grievance process is intended to establish an effective dialogue between the populations affected by the projects it finances and all interested persons, to solve the problems at the origin of a query, without trying to impute responsibility or the fault of any of these parties. The objective of the Bank is to operationalize a process fair and efficient, available at the project, country or the client company.

Principles governing the grievance process

The BOAD grievance process is governed by the principles of decentralization, complementarity, and flexibility.

The decentralization

The BOAD grievance process will build as much as possible on existing processes in the country, programme or project level. To address the grievance process of dispute resolution, unlike the control of the implementation of the guidelines, requires voluntary, continuous and active participation of communities, proponents of projects and, in some cases, the Bank itself. The grievance process will benefit from enterprise-level support. However, the grievance process will run as close as possible to the project level and affected communities. For this purpose, the costs for the establishment of a process of the grievance at the project level, will be considered as part of the project or the underlying program. Thus, in most cases, objections will be treated at the project level, although national grievance processes may also be available and proposed by host, or in some cases, by the Bank.

The complementarity

BOAD grievance process will build on the processes of existing grievance at level program or project that would be available on a complaint in particular. Thus, the Bank will seek to bring expertise or additional resources to support the resolution of disputes in the process of the grievance being implemented by the project proponent or the host country. The process will be so commissioned by the Bank especially in cases where there is no existing process of the grievance at level programme or project or if they are proven to be ineffective.

The flexibility

In order to facilitate the resolution of disputes or grievances, the process will allow some flexibility in the use of different techniques depending on the requirements of the case or specific contexts. The resolution of the disputes involves voluntary participation of various stakeholders in a consensual process of management of grievances by mediation, conciliation, facilitation, negotiation, or by other similar means. The motivations to participate in these processes can vary considerably, depending on the different contexts. The facilitators of the process must use extremely varied techniques and great flexibility on the timetable and methods.

Channels of the grievance

Affected communities or other stakeholders affected by the programmes and projects supported by BOAD may submit to the Bank of objections via the channels for this purpose, namely mail, e-mail, fax or phone. Given the nature of the process of settlement of grievances and its reliance on the voluntary and active participation of all stakeholders, the identity of the people, which are involved in the grievance process is generally not liable for confidential. The Bank will support the establishment, at the level of projects or programs it finances, processes of the specific grievance exploited by the project proponent or the Government of the host country. In any case, BOAD could make a contribution depending on its capabilities in these processes of a project or a program specific grievance. Grievances may be filed through the following windows:

- with regard to countries through missions resident;
- upgraded the company.

In all cases, the grievance will be referred to the BOAD headquarters, where the organizational unit concerned will be responsible to ensure that it is treated in a fair and effective, in accordance with the guidelines established by the Bank. In some cases, grievances may finally be subjected to processes of dispute settlement established at the level of the project or program by the Government of the host country or the proponent of the project.

Policy and guidelines to the enterprise on the settlement of the grievance level

Even though the place to address community grievances and disputes resolution remains the country level, BOAD supports fast resolution of grievances at the enterprise level, a fair and efficient manner. To do this, it will be developed of the guidelines at the enterprise level including procedures and illustrative methods for the

design and implementation of an effective grievance process. Most of the grievance process will include the following procedural steps (which will be described in more detail in the guidelines at the level company):

Filing of the application

The affected part filed an application to one of the resident missions or headquarters of the BOAD for receipt of the grievance. Upon receipt, the grievance will be transferred to the organizational unit concerned in the headquarters of the Bank.

Recording and acknowledgement of receipt of the request

Within five working days following receipt of the request, the resident mission or headquarters concerned service logs the request and sends an acknowledgement of receipt to the applicant and a copy to the project proponent and the headquarters of the Bank.

Examination of the admissibility of the application

Within twenty working days of registration of the application, the organizational unit in charge of the policy and procedure of the grievance at the headquarters of the Bank indicate to the applicant and to the public if the application meets the eligibility criteria.

Assessment of the feasibility of the resolution of the dispute

Within 25 working days after the determination of the admissibility of the application, the organizational unit will transmit to the applicant, the resident mission, and other interested stakeholders and assessment of the feasibility of the grievance resolution activities. The assessment will also include recommended actions, if any, that BOAD will be prepared to undertake or facilitate to encourage the pursuit of the resolution of the dispute under consideration, or she will conclude on the uselessness of the resolution of the dispute and close the case. This evaluation will also determine if the applicant must first submit an application to one of the processes of the grievance by the proponent of the project or the Government of the resident mission.

Obtaining consent with respect to the resolution of the dispute

Any effort to resolve disputes is based on the consent of key stakeholders, including for example the applicants, affected communities, and proponents of the project, the Government of the resident mission or headquarters of the Bank. No dispute resolution process cannot move forward without the voluntary consent of the main stakeholders.

The dispute resolution process

Assuming that key stakeholders have agreed to a course of action to try to resolve their dispute or address the concerns of applicants, the grievance process will implement the agreed line. Some flexibility will be necessary for the appropriate approach will be necessarily adapted to the individual request and the consent of the parties. In the absence of consent, the possibilities for dialogue and consultation will be necessarily reduced. If the consultation process to work, all parties will be able to continue the process until an agreement is reached.

Obtaining or no an agreement

Once completed the process of resolution of dispute, the organizational unit responsible for compliance and regulation at the Bank will submit its report, including settlement (if applicable) and all recommendations for additional actions BOAD to the President of the Institution and all stakeholders.

Interruption of the consultation process

All parties to the consultation may, at any time, put an end to the dispute resolution process if they are more in agreement with the line of conduct. In certain circumstances, the consultation process may end with the lack of resolution. In such circumstances, a detailed report must be submitted to the Chairman of the BOAD, summarizing the request, the measures taken to try to resolve the issues raised by the application, and recommendations for further actions on the part of the BOAD, where appropriate. This final report will also be transmitted to the head of the Mission concerned BOAD resident and the applicant, the project proponent, to the Government of the country of the resident mission and the public. If for some reason the indicated timetable cannot be met in a particular case, the applicant and the public will be informed of the delay, the reasons for it and the new schedule.

Roles and responsibilities of the resident Missions

The responsibility to ensure that there are processes of regulation effective grievances for projects and programmes supported by the BOAD will remain vested in resident Missions. The resident heads of Missions will be responsible to monitor, the process of grievance in relation to the organizational unit responsible compliance and regulatory.

The Mission resident once receipt of complaints, will transmit it to the organizational unit responsible for compliance and regulation which will examine their admissibility and assess complaints in the light of the possibilities of dispute resolution. Such a grievance process may be used at the level of the project or program by the Government of the host country or the proponent of the project. In one such case, the primary role of the resident Mission will be to refer the complaints to these processes, provide support and resources, if warranted, for the effective treatment of these grievances by existing mechanisms, and monitoring processes to ensure that they meet basic standards of independence, fairness and efficiency. In some cases, the involvement of the resident Mission in a particular grievance process may require budgetary resources or additional staff, to be determined according to the needs.

Monitoring and control of the complaints and their resolution

The organizational unit responsible compliance and regulation will be responsible to instruct, to follow the complaints and their outcome, and will keep a register of all grievances. The control and monitoring of the handling of grievances will allow BOAD of:

- understand and report on nature and frequency of complaints and the effectiveness of their treatment;
- identify systemic trends concerning environmental and social conflicts with communities;
- And to build a knowledge base to refine and strengthen the Bank's role in the resolution of community disputes.

The information collected is also valuable, and perhaps necessary, in the context of the relationship of the BOAD with other programs or organizations such as the Fund for the global environment (GEF), the Adaptation Fund, the Green climate fund, etc.

IMPLEMENTATION OF THE GRIEVANCE PROCESS

Institutional and budgetary matters

For the sake of coherence, operational synergies and capitalization of the achievement, the conduct of the BOAD mechanism will be provided by compliance and Regulation Division. Administrative and technical support for the control of the implementation of the guidelines will come from the organizational units concerned. The head of this Division will submit to the President of the Bank, an annual report on the implementation of the grievance process.

The grievance process requires the use of professionals in dispute resolution. The Bank could depending on the workload and the type of disputes to manage recourse to external consultants. The cost of the process of monitoring the application of the guidelines and the grievance includes both fixed costs that take into account, primarily, the necessary personnel, and variable costs which depend on the number and complexity of cases submitted to the control of the application of the procedures or the resolution of disputes. The grievance process must be supported by a budget sufficient, transparent and reliable. This funding should be available to support each of the grievance process.

Staff training and capacity-building

The adoption by the BOAD to a policy of compliance and the associated process of monitoring the application of the guidelines and the grievance assumes that there is an increased need of training staff and capacity building. These training and capacity-building needs include the following: -staff, in particular in the resident Missions, must be informed of the substance of policy compliance and the existence and operation of the control of the application of the directives and grievance processes; -BOAD invests in the capacity to implement the compliance policy. This is not, strictly speaking, a need of capacity resulting from the process of monitoring the application of directives or regulations of grievances, but rather the establishment of a framework for mastery of the texts; -staff, in particular in the resident Missions, should be trained in how to conduct the awareness with regard to the process of monitoring the application of the guidelines and the grievance and the way of informing potential applicants on how to submit complaints; -personnel involved in the target countries must have been trained in dispute resolution in the light of the guidelines provided by the BOAD. Finally, long term each country involved in high-risk projects should have a person trained in the techniques of community dispute resolution.

Legal consequences

The grievance process is not in itself a Court of justice and any observation cannot alter one any legal liability, immunity, or obligation of BOAD. Nothing in the grievance process cannot be interpreted as a waiver, express or implied, to the privileges and immunities of the BOAD. The process is internal, and cannot create an expectation of an appeal or a cause of specific action against the organization.

Awareness

Public awareness is a grievance process for the Bank and its resident Missions. Sufficient resources should be made available to ensure that BOAD can be proactive both at company level and at the country level to form potential appellants to control of the application of the directives and grievance processes. The Bank will disseminate awareness and training documents and lead activities and awareness training in compliance with its directives. The training and awareness of personnel at the level of the countries responsible for the grievance processes will be developed over time, with the support of consultants hired for awareness and training purposes.

Periodic Evaluation

This manual of policy and procedures of the BOAD of grievance gives an overview of the process recommended in the grievance. The grievance process will be fully evaluated three years after its operationalization to ensure the satisfaction of the needs of the BOAD and its stakeholders.

Annex 1: Exclusion List and Criteria for the Programme

BOAD, and hence the present Programme, will not fund the following projects:

- Production or trade of a product or activity deemed illegal under host country laws, regulations, international conventions and agreements, or subject to prohibitions, as some pharmaceuticals, pesticides / herbicides, substances depleting the ozone layer, the PCBs, fauna or products regulated under the Convention on International trade of Endangered Species of Fauna and flora (CITES).
- Production or trade of weapons and ammunition
- Production or trade of alcoholic beverages (excluding beer and wine)
- Production or trade of tobacco
- Gambling, casinos and equivalent companies
- Production or trade of products with an asbestos plug (non-asbestos). This does not apply to the purchase and use of bonded labor, where asbestos cement sheeting asbestos is less than 20%.
- Net drifting from fishing in the marine environment using nets in excess of 2.5 km in length.
- Production or activities involving harmful effects or exploitation of forms of forced labor / harmful or child labor
- Production or trade in timber or other forest products from sustainably managed forests
- Projects which fall into Category A of BOAD. A project is classified as Category A if its impacts on the environment and society are very negative, various, sensitive and unprecedented. These effects can be felt in an area larger than the sites or facilities subject to physical works. This category includes projects such as:
 - Transport and distribution of energy: high voltage line
 - Thermal Plants
 - Installation of gas turbines
 - Storage of gas and oil
 - Hydro-electric power plants
 - Projects which involuntary land acquisition affect more than 200 people
 - Projects which have Category A impacts on Indigenous Peoples

Annex 2: BOAD Definitions on Environmental and Social Assessment

1. *Environmental audit*: An instrument to determine the nature and extent of all environmental areas of concern at an existing facility. The audit identifies and justifies appropriate measures to mitigate the areas of concern, estimates the cost of the measures, and recommends a schedule for implementing them.
2. *Environmental and social impact assessment (ESIA)*: An instrument to identify and assess the potential environmental and social impacts of a proposed project, evaluates alternatives, and design appropriate mitigation, management, and monitoring measures.
3. *Environmental and social management plan (ESMP)*: An instrument that details
 - (a) the measures to be taken during the implementation and operation of a project to eliminate or offset adverse environmental impacts, or to reduce them to acceptable levels; and
 - (b) the actions needed to implement these measures.

The ESMP is an integral part of Category B, as well as ESIA's (irrespective of other instruments used).

4. *Hazard assessment*: An instrument for identifying, analyzing, and controlling hazards associated with the presence of dangerous materials and conditions at a project site. The Bank requires a hazard assessment for projects involving certain inflammable, explosive, reactive, and toxic materials when they are present at a site in quantities above a specified threshold level. For certain projects, the ESIA report may consist of the hazard assessment alone; in other cases, the hazard assessment is part of the ESIA documentation.
5. *Project area of influence*: The area likely to be affected by the project, including all its ancillary aspects, such as power transmission corridors, pipelines, canals, tunnels, relocation and access roads, borrow and disposal areas, and construction camps, as well as unplanned developments induced by the project (e.g., spontaneous settlement, logging, or shifting agriculture along access roads). The area of influence may include, for example,
 - (a) the watershed within which the project is located;
 - (b) any affected estuary and coastal zone;
 - (c) off-site areas required for resettlement or compensatory tracts;
 - (d) the airshed (e.g., where airborne pollution such as smoke or dust may enter or leave the area of influence;
 - (e) migratory routes of humans, wildlife, or fish, particularly where they relate to public health, economic activities, or environmental conservation; and

- (f) areas used for livelihood activities (hunting, fishing, grazing, gathering, agriculture, etc.) or religious or ceremonial purposes of a customary nature.

6. *Regional Environment and Social Assessment*: An instrument that examines environmental issues and impacts associated with a particular strategy, policy, plan, or program, or with a series of projects for a particular region (e.g., an urban area, a watershed, or a coastal zone); evaluates and compares the impacts against those of alternative options; assesses legal and institutional aspects relevant to the issues and impacts; and recommends broad measures to strengthen environmental management in the region. Regional Environment and Social Assessment pays particular attention to potential cumulative impacts of multiple activities.
7. *Risk assessment*: An instrument for estimating the probability of harm occurring from the presence of dangerous conditions or materials at a project site. Risk represents the likelihood and significance of a potential hazard being realized; therefore, a hazard assessment often precedes a risk assessment, or the two are conducted as one exercise. Risk assessment is a flexible method of analysis, a systematic approach to organizing and analyzing scientific information about potentially hazardous activities or about substances that might pose risks under specified conditions. The Bank routinely requires risk assessment for projects involving handling, storage, or disposal of hazardous materials and waste, the construction of dams, or major construction works in locations vulnerable to seismic activity or other potentially damaging natural events. For certain projects, the *Environment and Social Assessment* report may consist of the risk assessment alone; in other cases, the risk assessment is part of the ESIA or other Environment and Social Assessment documentation.
8. *Sectoral Environment and Social Assessment*: An instrument that examines environmental issues and impacts associated with a particular strategy, policy, plan, or program, or with a series of projects for a specific sector (e.g., power, transport, or agriculture); evaluates and compares the impacts against those of alternative options; assesses legal and institutional aspects relevant to the issues and impacts; and recommends broad measures to strengthen environmental management in the sector. Sectorial Environment and Social Assessment pays particular attention to potential cumulative impacts of multiple activities.

Annex 3: BOAD Indicative template of an ESIA Report for a Category B project

1. The Report of Environmental and Social Impact Assessment (ESIA) of a Category B project will be presented summarily.
2. The ESIA summary report should include the following items (not necessarily in that order):
 - a) *Analytical Summary: Concisely exposes key findings and recommended actions.*
 - b) *Directive, legal and administrative framework related to the project*
 - c) *Project description: describes the proposed project and its geographic, ecological, social and temporal context, including off-site investments that it may engender. Normally includes a map of the site and the project area.*
 - d) Summary analysis of options based on the technology used.
 - e) Prediction of positive and negative impacts on the environment and the social environment
 - f) Environmental and Social Management Plan. Present the mitigation measures, monitoring arrangements and institutional strengthening.
 - g) *Annexes*
 - i. List of individuals and organizations that have established the ESIA report.
 - ii. References: documents, published or unpublished, which was used for the analysis.
 - iii. Minutes of the public consultation meetings during the preparation of the ESIA report.
 - iv. Tables presenting the relevant data of which it is reported, in full or abbreviated in the text.
 - v. List of supporting reports

Annex 4: Guidelines on the Environmental and Social management plan (ESMP)

1. A project's environmental and social management plan (ESMP) consists of the set of mitigation, monitoring, and institutional measures to be taken during implementation and operation to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. The plan also includes the actions needed to implement these measures.⁵² For many Category B projects, the ESIA may result in a management plan only. To prepare a management plan, the borrower and its ESIA design team (a) identify the set of responses to potentially adverse impacts; (b) determine requirements for ensuring that those responses are made effectively and in a timely manner; and (c) describe the means for meeting those requirements.⁵³ More specifically, the ESMP includes the following components.

Mitigation

2. The ESMP identifies feasible and cost-effective measures that may reduce potentially significant adverse environmental and social impacts to acceptable levels. The plan includes compensatory measures if mitigation measures are not feasible, cost-effective, or sufficient. Specifically, the ESMP
 - (a) identifies and summarizes all anticipated significant adverse environmental impacts (including those involving indigenous people or involuntary resettlement);
 - (b) describes--with technical details--each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate;
 - (c) estimates any potential environmental and social impacts of these measures; and
 - (d) provides linkage with any other mitigation plans (e.g., for involuntary resettlement, indigenous peoples, or cultural resources) required for the project.

Environmental and social monitoring

3. Environmental and social impact assessment monitoring during project implementation provides information about key environmental aspects of the project, particularly the environmental and social impacts of the project and the effectiveness of mitigation measures. Such information enables the

⁵² The management plan is sometimes known as an "action plan." The ESMP may be presented as two or three separate plans covering mitigation, monitoring, and institutional aspects, depending on borrowing country requirements.

⁵³ For projects involving rehabilitation, upgrading, expansion, or privatization of existing facilities, remediation of existing environmental problems may be more important than mitigation and monitoring of expected impacts. For such projects, the management plan focuses on cost-effective measures to remediate and manage these problems.

borrower and BOAD to evaluate the success of mitigation as part of project supervision, and allows corrective action to be taken when needed. Therefore, the ESMP identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the ESIA report and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP provides (a) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

Capacity Development and Training

4. To support timely and effective implementation of environmental project components and mitigation measures, the ESMP draws on the ESIA's assessment of the existence, role, and capability of environmental units on site or at the agency and ministry level.⁵⁴ If necessary, the ESMP recommends the establishment or expansion of such units, and the training of staff, to allow implementation of ESIA recommendations. Specifically, the ESMP provides a specific description of institutional arrangements-which is responsible for carrying out the mitigatory and monitoring measures (e.g., for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). To strengthen environmental management capability in the agencies responsible for implementation, most ESMPs cover one or more of the following additional topics: (a) technical assistance programs, (b) procurement of equipment and supplies, and (c) organizational changes.

Implementation Schedule and Cost Estimates

5. For all three aspects (mitigation, monitoring, and capacity development), the ESMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables.

Integration of ESMP with Project

6. The borrower's decision to proceed with a project, and the BOAD's decision to support it, are predicated in part on the expectation that the ESMP will be executed effectively. Consequently, BOAD expects the plan to be specific in its description of the individual mitigation and monitoring measures and its

⁵⁴ For projects having significant environmental implications, it is particularly important that there be in the implementing ministry or agency an in-house environmental unit with adequate budget and professional staffing strong in expertise relevant to the project (for projects involving dams and reservoirs, see [BOAD Procedure on Environmental and Social Impact Assessment](#)).

assignment of institutional responsibilities, and it must be integrated into the project's overall planning, design, budget, and implementation. Such integration is achieved by establishing the ESMP within the project so that the plan will receive funding and supervision along with the other components.

7. The monitoring of the implementation of Environmental and social management Plan by the proponent is a condition to any loan or grant given by BOAD. The disbursement of funds during the execution of the project may be suspended by the Bank if the monitoring of the implementation of the ESMP has not been judged satisfactory and the corrective measures requested by the Bank have not been applied within the limit time

Annex 5: Indicative Outline of Stakeholder Engagement Plan

Stakeholder Engagement at the project-level should follow the World Bank Group E&S Standards⁵⁵ and the IFC's Stakeholder Engagement Good Practice Handbook⁵⁶, for all matters relating to the identification and engagement of stakeholders, strategies and actions relating to consultation and information disclosure and capacity required for ensuring the implementation of project-level Stakeholder Engagement Plan based on the following template:

1. Introduction
 - 1.1. Project presentation
 - 1.2. Project context
 - 1.3. Principles of stakeholder engagement related to the project
2. Applicable regulations related to stakeholder engagement
 - 2.1. Applicable national regulations and related requirements
 - 2.2. Applicable international standards and related requirements
 - 2.3. Other applicable standards
3. Analysis of project stakeholders
 - 3.1. Approach to stakeholder's identification
 - 3.2. Definition and proposed approach to groups of stakeholders
4. Activities related to stakeholder engagement
 - 4.1. Communications and information disclosure for the project and related studies
 - 4.2. Consultation activities carried out to date
 - 4.3. Activities and monitoring indicators for stakeholder engagement
5. Grievance redress mechanism
 - 5.1. Principles
 - 5.2. Procedure
6. Monitoring and reporting for stakeholder engagement activities
 - 6.1. Monitoring

⁵⁵ <http://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards#ess10> and

https://www.ifc.org/wps/wcm/connect/938f1a0048855805beacfe6a6515bb18/IFC_StakeholderEngagement.pdf?MOD=AJPERES

⁵⁶ <https://www.scribd.com/document/16903354/Stakeholder-Engagement-A-Good-Practice-Handbook-for-Companies-Doing-Business-in-Emerging-Markets-May-2007#fullscreen>

6.2. Reporting of activities

6.3. Annual reporting

Appendixes

- Stakeholders Matrix
- Communications and information disclosure scheme
- Grievance redress scheme

Annex 6: Indicative Template for Indigenous Peoples Plan (IPP) and Indigenous Peoples Planning Framework (IPPF)

The Indigenous Peoples Plan (IPP) is prepared in a flexible and pragmatic manner, and its level of detail varies depending on the specific project and the nature of effects to be addressed.

The IPP includes the following elements, as needed:

- a) A summary of the information referred to in the Policy, paragraph 2 (a) and (b).
- b) A summary of the social assessment.
- c) A summary of results of the free, prior, and informed consultation with the affected Indigenous Peoples' communities that was carried out during project preparation and that led to broad community support for the project.
- d) An action plan of measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies.
- e) When potential adverse effects on Indigenous Peoples are identified, an appropriate action plan of measures to avoid, minimize, mitigate, or compensate for these adverse effects.
- f) The cost estimates and financing plan for the IPP.
- g) Accessible procedures appropriate to the project to address grievances by the affected Indigenous Peoples' communities arising from project implementation. When designing the grievance procedures, the borrower takes into account the availability of judicial recourse and customary dispute settlement mechanisms among the Indigenous Peoples.
- h) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPP. The monitoring and evaluation mechanisms should include arrangements for the free, prior, and informed consultation with the affected Indigenous Peoples' communities.

1. The Indigenous Peoples Planning Framework (IPPF) sets out:

- a) The types of programs and subprojects likely to be proposed for financing under the project.
- b) Potential positive and adverse effects of such programs or subprojects on Indigenous Peoples.
- c) A plan for carrying out the social assessment for such programs or subprojects.
- d) A framework for ensuring free, prior, and informed consultation with the affected Indigenous Peoples' communities at each stage of project preparation and implementation (see paragraph 10 of this policy).
- e) Institutional arrangements (including capacity building where necessary) for screening project-supported activities, evaluating their effects on Indigenous Peoples, preparing IPPs, and addressing any grievances.
- f) Monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project.
- g) Disclosure arrangements for IPPs to be prepared under the IPPF.

Annex 7: Indicative Template for Social Assessment

1. The breadth, depth, and type of analysis required for the social assessment are proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples.

2. The social assessment includes the following elements, as needed:
 - a) A review, on a scale appropriate to the project, of the legal and institutional framework applicable to Indigenous Peoples.

 - b) Gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.

 - c) Taking the review and baseline information into account, the identification of key project stakeholders and the elaboration of a culturally appropriate process for consulting with the Indigenous Peoples at each stage of project preparation and implementation (see paragraph 9 of this policy).

 - d) An assessment, based on free, prior, and informed consultation, with the affected Indigenous Peoples' communities, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples' communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live.

 - e) The identification and evaluation, based on free, prior, and informed consultation with the affected Indigenous Peoples' communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

Annex 8: Example of Indicators and Validation Methods for Informed Consultation and Participation Process

These guidelines follow the IFC Guidance Notes on Environmental and Social Performance Standards and are to be interpreted and applied jointly with BOAD’s Policies and Procedures described in Section 4.

Material Consideration	Examples of Validation Methods
<p>Company Strategy, Policy, or Principles of Engagement Strategy, policy, or principles for on-going stakeholder engagement with explicit mention of Affected Communities and relevant standards.</p>	<p>Client’s strategy, policy or principles or other supporting documents.</p>
<p>Stakeholder Identification and Analysis As part of the environmental and social assessment process, identification of all Affected Communities, their disaggregation (numbers, locations) in terms of different levels of vulnerability to adverse project impacts and risks, and an analysis of the effect of adverse project impacts and risks on each group. As part of the environmental and social assessment process, this analysis should also look at communities and individuals that will benefit from the project.</p>	<p>Stakeholder analysis document as part of SEIA or SEA.</p> <p>Client’s planning documentation for stakeholders engagement, e.g., communications strategy, consultation plan, Public Consultation and Disclosure Plans, and stakeholder engagement plan.</p>
<p>Stakeholders Engagement A process of consultation that is ongoing during the project planning process (including the process of environmental and social assessment), such that: (i) Affected Communities have been engaged in: (a) identifying potential impacts and risks; (b) assessing the consequences of these impacts and risks for their lives; and (c) providing input into the proposed mitigation measures, the sharing of development benefits and opportunities and implementation issues; and that (ii) new impacts and risks that have come to light during the planning and assessment process have also been consulted upon</p>	<p>Client’s schedule and record of stakeholder engagement.</p> <p>Client’s record of discussions with recognized stakeholder representatives, respected key informants, and legitimate representatives of sub-groups (e.g., women, minorities).</p>
<p>Information Disclosure Timely disclosure by the client of project information by the client to Affected Communities about (i) the purpose, nature, and scale of the project; (ii) the duration of proposed project activities; (iii) any risks to and potential impacts on such communities and relevant mitigation measures; (iv) the envisaged stakeholder engagement process; and (v) the grievance mechanism. Disclosure should be in a form that is understandable and meaningful.</p>	<p>Client’s materials prepared for disclosure and consultation. Client’s record of discussions with recognized stakeholders representatives; respected key informants; and legitimate representatives of subgroups.</p>
<p>Consultation</p> <p>a) Free Evidence from the Affected Communities that the client or its representatives have not coerced, intimidated or unduly incentivized the affected population to be supportive of the project.</p>	<p>Client’s record of discussions with recognized stakeholder representatives, respected key informants, and legitimate representatives of subgroups.</p>

<p>b) Prior Consultation with Affected Communities must be sufficiently early in the project planning process (i) to allow time for project information to be interpreted and comments and recommendations formulated and discussed; (ii) for the consultation to have a meaningful influence on the broad project design options (e.g., siting, location, routing, sequencing, and scheduling); (iii) for the consultation to have a meaningful influence on the choice and design of mitigation measures, the sharing of development benefits and opportunities, and project implementation</p> <p>c) Informed Consultation with Affected Communities on project operations and potential adverse impacts and risks, based on adequate and relevant disclosure of project information, and using methods of communication that are inclusive (i.e., accommodating various levels of vulnerability), culturally appropriate, and adapted to the communities' language needs and decision-making, such that members of these communities fully understand how the project will affect their lives.</p>	<p>Client's record of discussions with recognized stakeholder representatives, respected key informants, and legitimate representatives of subgroups.</p> <p>Client's record of discussions with recognized stakeholder representatives, respected key informants, and legitimate representatives of subgroups.</p>
<p>Informed Participation Evidence of the client's organized and iterative consultation, leading to the client's specific decisions to incorporate the views of the Affected Communities on matters that affect them directly, such as the avoidance or minimization of project impacts, proposed mitigation measures, the sharing of project benefits and opportunities, and implementation issues.</p>	<p>Client's schedule and record of stakeholder engagement.</p> <p>The client's documentation of measures taken to avoid or minimize risks to and adverse impacts on Affected Communities in response to stakeholders' feedback received during consultation.</p> <p>Drafts of relevant Action Plans.</p>
<p>Vulnerable Groups – Consultation and Mitigation Evidence that individuals or groups particularly vulnerable to adverse project impacts and risks have been party to effective free, prior, and informed consultation as well as informed participation, and evidence that the potential impacts and specific or exacerbated risks to them will be mitigated to the satisfaction of these parties.</p>	<p>Stakeholder analysis as part of SEIA or SEA or socioeconomic baseline data.</p> <p>Client's record of stakeholder engagement, including record of discussions with legitimate representatives of vulnerable groups.</p> <p>Client's documentation of measures taken to avoid or minimize risks to and adverse impacts on vulnerable groups in response to feedback received during consultation.</p> <p>Drafts of relevant Action Plans.</p>
<p>Grievance Mechanism – Structure, Procedure, and Application An effective grievance mechanism procedure that is fully functioning (i) throughout the process of environmental and social assessment; and (ii) that is suitable for the operational phase of the project to receive and address the Affected Communities' concerns about the client's environmental and social performance. The mechanism should be culturally</p>	<p>Client's organizational structure and responsibilities, and procedures for managing grievances.</p> <p>Client's record of grievances received about the project and addressed, including expressions in support or dissent.</p> <p>Client's record of discussions with recognized stakeholder representatives, respected key</p>

<p>appropriate, readily accessible to all segments of the Affected Communities, and available to Affected Communities at no cost and without retribution.</p>	<p>informants, and legitimate representatives of subgroups.</p>
<p>Feedback to Affected Communities Documentation that the client provided the results of consultation to the Affected Communities, and either (i) demonstrated how the comments and recommendations made by the Affected Communities have been accommodated in the project design, mitigation measures, and/or sharing of development benefits and opportunities; or (ii) provided a rationale why these comments and recommendations have not been accommodated.</p>	<p>Client's record of stakeholder engagement.</p> <p>Client's documentation of measures taken to avoid or minimize risks to and adverse impacts on Affected Communities.</p> <p>Discussions with recognized stakeholder representatives, respected key informants, and legitimate representatives of subgroups.</p> <p>Client's ongoing reporting on implementation of relevant Action Plans.</p> <p>Revised management program or Action Plans.</p>

Annex 9: Indicative template for developing a Grievance Redress Mechanism at project-level and associated planning procedures

Grievance Redress Mechanism (GRM) at project-level

The GRM in each project to be funded under this BOAD-GCF Programme will be established under the guidance provided in BOAD's Manual of Policy and Procedures for the Settlement of Grievances, BOAD's Manual of Policies and Procedures on Verification and Conformity, Environmental Guidelines (EG) EG-07 on Involuntary Resettlement of Populations and EG-42 on Issues of Projects Social Analysis. The first step in the design of a GRM at project-level is to determine its primary goal which would generally be to resolve specific grievances in a manner that meets both project management and community needs, but with important local variations. The scope of the grievances that may legitimately be brought forward by the communities and/or individuals affected shall be defined in advance. That scope will generally cover most, if not all, of the issues raised in a typical Environmental and Social Assessment: natural resources, pollution, cultural property, land acquisition, the income of resettled/displaced populations, the welfare of vulnerable groups, etc.

1. The scope, scale and type of grievance mechanism required will be proportionate to the nature and scale of the potential risks and impacts of the project.
2. The grievance mechanism may include the following:

(a) Different ways in which users can submit their grievances, which may include submissions in person, by phone, text message, mail, email or via a web site;

(b) A log where grievances are registered in writing and maintained as a database;

(c) Publicly advertised procedures, setting out the length of time users can expect to wait for acknowledgement, response and resolution of their grievances;

(d) Transparency about the grievance procedure, governing structure and decision makers; and

(e) An appeals process (including the national judiciary) to which unsatisfied grievances may be referred when resolution of grievance has not been achieved.

3. The Borrower may provide mediation as an option where users are not satisfied with the proposed resolution.

The second step would be to design the GRM by:

- Preparing a preliminary design/structure
- Selecting ways and means to receive, register, assess and respond to grievances, taking into account language barriers/limitations and the need for anonymity if a complainant fears retaliation or submission by an authorized representative or civil society organisation
- Selecting grievance resolution approaches
- Designing a means to track and monitor grievances i.e a log where grievances are registered in writing and maintained as a publicly available database. The database should include information about the complaint and the resolution of the complaint, including the remedy provided, taking into consideration that complainant's identities can be kept anonymous if requested. This database should be shared with the GCF independent Redress Mechanism
- Publicly advertised procedures, identifying the means for submitting grievances, setting out the length of time users can expect to wait for acknowledgement, response and resolution of their grievances, descriptions of the transparency of the procedures, and the governing and decision-making structures
- Develop the grievance mechanism infrastructure, including an appeals process to which unsatisfied grievances may be referred when the resolution of grievance has not been achieved
- Information about other available grievance mechanisms, including the GCF independent Redress Mechanism and BOAD and implemented entities' grievance mechanisms
- Review and refine the design, which may be done with the assistance of a specialised independent consulting firm (if resources are available).

To facilitate and enhance the conduct of grievance management, the Programme will require the formulation of a Grievance Redress Committee (GRC) at project-level. GRM members should be qualified, experienced and

competent personnel who can gain respect and confidence from the affected communities. Gender balance is a key element of the composition of the GRM team. Indicative criteria for constituting the GRM could be:

- Knowledge of the project, its objectives, and outcomes
- Technical knowledge and expertise to understand project design and requirements;
- Understanding of the social, economic, and cultural environments and the dynamics of the communities;
- Capacity to absorb the issues dealt with and to contribute actively to decision-making processes;
- Social recognition and standing; and
- Gender balanced representation within the team

The GRM team may also include members from local government authorities, NGOs or community representatives.

Procedures, means of complaints and time frame for Grievance Redress Mechanisms at project-level

As there is no “one-size-fits-all” approach to grievance resolution, the best solutions to conflicts are generally achieved through mechanisms that take account of the specific issues at a local-level, cultural context, local customs, and project conditions and scale. The process by which a complaint will be accepted or rejected shall be carefully designed, and shall maximise interactivity and cultural sensitivity. The acceptance/rejection of a complaint will go through a discussion stage where the plaintiff and the GRM staff interact on the grounds and motives of the complaint, after which the plaintiff should clearly and transparently be told whether or not the complaint is eligible and will be processed. The acceptance/rejection of the complaint shall be based on objective criteria that are posted by the GRM, including a written copy displayed in the public access area of the GRM in an appropriate language.

The processing of the complaint, if accepted should go through various phases:

- Filing of the complaint and labeling with an identification code communicated immediately to the plaintiff.
 - Assessment of the complaint (including severity of the risk/impact).
- Formulation of the response.
- Selection of the grievance resolution approach is a key.

There are four general approaches to choose from:

- 1 - The project’s management proposes a solution.
- 2 - The community and the project’s management decide together.
- 3 - The project’s management and the community defer to a third party to decide.
- 4 - The project’s management and the community utilize traditional or customary practices to reach a solution.

An indicative step-by-step guide to managing a grievance can be found below:

1. Receive and file a complaint
2. Screen and validate the complaint
3. Formulate a response
4. Select a resolution approach (see above) based on consultation with the affected group/person
5. Implement the approach
6. Settle the issues
7. Track and evaluate results
8. Learn from the experience and communicate back to all parties involved

Annex 10: Indicative outline for the development of a Resettlement Action Plan

This outline is based on the IFC Handbook for Preparing a Resettlement Action Plan and should be developed in compliance with BOAD Policies and Procedures, GCF requirements and national legislation with regards to Involuntary Resettlement.

Introduction

Briefly describe the project.

- List project components including associated facilities (if any).
- Describe project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.

Minimizing Resettlement

- Describe efforts made to minimize displacement.
- Describe the results of these efforts.
- Describe mechanisms used to minimize displacement during implementation.

Census and Socioeconomic Surveys

- Provide the results of the census, assets inventories, natural resource assessments, and socioeconomic surveys.
- Identify all categories of impacts and people affected.
- Summarize consultations on the results of the various surveys with affected people.
- Describe need for updates to census, assets inventories, resource assessments, and socioeconomic surveys, if necessary, as part of RAP monitoring and evaluation.

Legal Framework

- Describe all relevant local laws and customs that apply to resettlement.
- Identify gaps between local laws and World Bank Group policies, and describe project-specific mechanisms to address conflicts.
- Describe entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP.
- Describe method of valuation used for affected structures, land, trees, and other assets.
- Prepare entitlement matrix

Resettlement Sites

- Does the project require community relocation sites? Have affected people been involved in a participatory process to identify sites, assess advantages and disadvantages of each site, and select preferred sites?
- Have the affected people been involved in developing an acceptable strategy for housing replacement? Will new housing be constructed/allocated?
- Does the project involve allocation of agricultural land or pasture/rangeland? Have the individual households that will be allocated lands been involved in identifying potential new sites, and have they explicitly accepted the selected sites?
- Describe the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites.
- Describe the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.
- Demonstrate that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land. Provide data on land quality and capability, productive potential, and quantity.
- Give calculations relating to site requirements and availability.
- Describe mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands.

- Provide detailed description of the arrangements for site development for agriculture, including funding of development costs.
- Have the host communities been consulted about the RAP? Have they participated in the identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RAP? Do the host communities have a share of the resettlement benefits?

Income Restoration

- Are the compensation entitlements sufficient to restore income streams for each category of impact? What additional economic rehabilitation measures are necessary?
- Briefly spell out the restoration strategies for each category of impact and describe their institutional, financial, and technical aspects.
- Describe the process of consultation with affected populations and their participation in finalizing strategies for income restoration.
- How do these strategies vary with the area of impact?
- Does income restoration require change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation.
- How are the risks of impoverishment to be addressed?
- What are the main institutional and other risks for the smooth implementation of the resettlement programs?
- Describe the process for monitoring the effectiveness of the income restoration measures.
- Describe any social or community development programs currently operating in or around the project area. If programs exist, do they meet the development priorities of their target communities? Are there opportunities for the project proponent to support new programs or expand existing programs to meet the development priorities of communities in the project area?

Institutional Arrangements

- Describe the institution(s) responsible for delivery of each item/activity in the entitlement policy; implementation of income restoration programs; and coordination of the activities associated with and described in the resettlement action plan.
- State how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time.
- Identify the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?
- Describe the external (non-project) institutions involved in the process of income restoration (land development, land allocation, credit, training) and the mechanisms to ensure adequate performance of these institutions.
- Discuss institutional capacity for and commitment to resettlement.
- Describe mechanisms for ensuring independent monitoring, evaluation, and financial audit of the RAP and for ensuring that corrective measures are carried out in a timely fashion.

Implementation Schedule

- List the chronological steps in implementation of the RAP, including identification of agencies responsible for each activity and with a brief explanation of each activity.
- Prepare a month-by-month implementation schedule (using a Gantt chart, for example) of activities to be undertaken as part of resettlement implementation.
- Describe the linkage between resettlement implementation and initiation of civil works for each of the project components

Participation and Consultation

- Describe the various stakeholders.
- Describe the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning.
- Describe the process of involving affected populations and other stakeholders in implementation and monitoring.

- Describe the plan for disseminating RAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

Grievance Redress

- Describe the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication modes.
- Describe the mechanism for appeal.
- Describe the provisions for approaching civil courts if other options fail.

Monitoring and Evaluation

- Describe the internal/performance monitoring process.
- Define key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring.
- Describe institutional (including financial) arrangements.
- Describe frequency of reporting and content for internal monitoring.
- Describe process for integrating feedback from internal monitoring into implementation.
- Define methodology for external monitoring.
- Define key indicators for external monitoring.
- Describe frequency of reporting and content for external monitoring.
- Describe process for integrating feedback from external monitoring into implementation.
- Describe arrangements for final external evaluation

Costs and Budgets

- Provide a clear statement of financial responsibility and authority.
- List the sources of funds for resettlement and describe the flow of funds.
- Ensure that the budget for resettlement is sufficient and included in the overall project budget.
- Identify resettlement costs, if any, to be funded by the government and the mechanisms that will be established to ensure coordination of disbursements with the RAP and the project schedule.
- Prepare an estimated budget, by cost and by item, for all resettlement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies.
- Describe the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations.
- Describe the provisions to account for physical and price contingencies.
- Describe the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of resettlement.

Annexes

- Copies of census and survey instruments, interview formats, and any other research tools
- Information on all public consultation including announcements and schedules of public meetings, meeting minutes, and lists of attendees.
- Examples of formats to be used in monitoring and reporting on RAP implementation

Annex 11: List of relevant documents to the Environmental and Social Management Framework

The following documents are available from:

<https://www.boad.org/politiques-procedures-directives/>

BOAD – Manuel de Politique et Procédures de vérification de la conformité de la BOAD, Novembre 2013

Environmental Guidelines of BOAD:

- EG01 – Financial Intermediary
- EG02 – Natural Sites
- EG03 – Sustainable Forest Management
- EG04 – Dams and Reservoirs
- EG05 – Land and Water Resources Management
- EG06 – Watershed
- EG07 – Involuntary Resettlement of Populations
- EG08 – Indigenous Peoples, Tribes, Lower Caste and Ethnic Minorities
- EG09 – Cultural Property
- EG10 – Integrated Pest Management and Use of Agrochemicals
- EG11 – Biological Diversity
- EG12 – Planting and Reforestation
- EG13 – Wetlands
- EG14 – Coastal and Littoral Management
- EG15 – Natural Hazards
- EG16 – Flood Prevention
- EG17 – Irrigation and Drainage
- EG18 – Fisheries
- EG19 – Agricultural Production
- EG20 – Livestock and Rangeland Management
- EG21 – Arid and Semi-Arid Zones
- EG22 – Social Issues in Ecologically Sensitive Areas
- EG23 – Tourism Development
- EG24 – Port and Harbour Facilities
- EG25 – Petroleum Refining
- EG26 – Oil and Gas Pipelines
- EG27 – Hydroelectric Projects
- EG28 – Electricity Transmission Networks
- EG29 – Thermal Power Projects
- EG30 – Large-scale Housing Projects
- EG31 – Solid Waste and Disposal Systems (Collection, Treatment, Recycling)
- EG32 – Management of Hazardous Materials
- EG33 – Agroindustry
- EG34 – Food Industry
- EG35 – Fertilizer Factory
- EG36 – Chemical and Petrochemical Industry
- EG37 – Cement Industry
- EG38 – Steel Industry
- EG39 – Non-ferrous Metals Industry
- EG40 – Industrial Hazard Management
- EG41 – Public Health and Safety
- EG42 – Issues of Projects Social Analysis
- EG43 – Induced Development
- EG44 – Institutional Capacity Reinforcement

- Guide Sectoriel ESRM sur les systèmes solaires autonomes hors réseau pour les prestataires de services financiers – ECREEE, BOAD, BIDC

National Frameworks :

- République du Togo – Loi n°2008-005 portant loi-cadre sur l'environnement
- République du Mali – Loi n°91-47/AN-RM Relative à la Protection de l'Environnement et du Cadre de Vie
- République du Bénin – Loi n°98-030 portant loi-cadre sur l'environnement en République du Bénin
- République du Burkina Faso – Loi n°008-2014/AN portant loi d'orientation sur le développement durable au Burkina Faso
- République du Niger – Loi n° 98-56 portant loi-cadre relative à la Gestion de l'Environnement
- République du Mali – Décret 03-594 PRM, Étude d'impact sur l'environnement
- République du Niger – Ordonnance n° 97-001 portant institutionnalisation des études d'impact sur l'environnement
- République du Niger – Ordonnance n° 2010-09 portant Code de l'Eau au Niger
- République du Mali – Politique Nationale de Protection de l'Environnement
- République du Burkina Faso – Politique Nationale en Matière d'Environnement
- République du Bénin – Liste des Textes en vigueur sur les secteurs de l'environnement et de la protection de la nature
- République du Bénin – Décret n° 2005-466 fixant les modalités de mise en œuvre de l'audit environnemental en République du Bénin
- République du Burkina Faso – Décret n° 2013-406/PRES promulguant la loi n°006-2013/AN portant Code de l'environnement au Burkina Faso
- République du Togo – Décret n° 2009-090/PR portant attributions, organisation et fonctionnement de l'Agence Nationale de Gestion de l'Environnement (ANGE)