
Samoa Pacific Resilience Program

OPERATIONS MANUAL

Section 10: Safeguards

Updated – March 2021

The Government of Samoa
Ministry of Natural Resources and Environment
Apia, Samoa

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1. Introduction

This section 10 on Safeguards is part of the Samoa Pacific Resilience Program (PREP) Project Operations Manual (POM). The document describes key requirements of the World Bank Environmental and Social Safeguards Policies and Resettlement Policy Framework including operational health and safety (OH&S) requirements and the Samoa PREP-specific Grievance Redress Mechanism (GRM) developed for the project's sub-projects and activities.

The purpose of this section is to provide a quick guide to the Samoa PREP project implementers including staff of MNRE, MOF and project implementation unit contracted staff.

2. Environmental and Social Management Requirements

2.1. World Bank Safeguard Policies

The initial screening by the World Bank of the Regional PREP had the following social safeguard policies triggers as a result of the Project activities and investments.

Safeguard Policies Triggered	Yes	No
Environmental Assessment (OP/BP 4.01)	X	
Natural Habitats (OP/BP 4.04)	X	
Forests (OP/BP/4.09)	X	
Pest Management (OP 4.09)		X
Physical Cultural Resources (OP/BP 4.11)	X	
Indigenous Peoples (OP/BP 4.10)	X	
Involuntary Resettlement (OP/BP 4.12)	X	
Safety of Dams (OP/BP 4.37)		X
Projects on International Waterways (OP/BP 7.50)		X
Projects in Disputed Areas (OP/BP 7.60)		X

In the case of Samoa, with three physical investments and their locations known, the follow WB Safeguards Policies are considered triggered:

Safeguard Policies Triggered	Yes	No
Environmental Assessment (OP/BP 4.01)	X	
Natural Habitats (OP/BP 4.04)		X
Forests (OP/BP/4.09)		X
Pest Management (OP 4.09)		X
Physical Cultural Resources (OP/BP 4.11)	X	
Indigenous Peoples (OP/BP 4.10)		X
Involuntary Resettlement (OP/BP 4.12)	X	
Safety of Dams (OP/BP 4.37)		X
Projects on International Waterways (OP/BP 7.50)		X
Projects in Disputed Areas (OP/BP 7.60)		X

The following paragraphs explain the reasons for triggering of the identified policies:

OP/BP 4.01: Environmental Assessment. This policy is triggered because sub-projects involving civil works (Component 1) and entry level investments in resilience such as retrofitting public buildings (Component 2) may generate negative environmental or social impacts. Similarly, future subprojects developed under Components 3 (i.e., the CERC) may have environmental and social interactions. An ESMF will be the key safeguard instrument and will contain guidance on preparation of environmental and social impact assessments and associated safeguards documents. To this end, an ESMF has been prepared in accordance with the PIC guidelines and templates. The ESMF was disclosed locally and at the Infoshop on March 5, 2015 prior to appraisal of the Program.

All three subprojects funded under Samoa PREP are of Category B for OP 4.10 (Environmental Assessment) and will require a preliminary assessment of environmental impacts. In accordance with the PUMA Act 2004, a Preliminary Environmental Assessment Report (PEAR) and Environmental and Social Management Plan (ESMP) are required. Both are required to support PUMA's Development Consent Application (DCA).

OP/BP 4.11: Physical Cultural Resources. The Project is not expected to finance any civil works that could significantly affect Physical Cultural Resources (i.e. these subprojects will be screened out). However building refurbishment may include retrofitting of historical buildings, and civil works may involve chance finds of historically or culturally important resources.

OP/BP 4.12: Involuntary Resettlement. Although it is expected that the majority of Samoa PREP activities will be undertaken on state-owned or Crown land, there is potential for certain project activities (e.g. construction of Vaigaga Primary School,) to encroach on customary or private lands. A Resettlement Policy Framework (RPF) has been incorporated into the Program's ESMF.

2.2. National Safeguards Requirements

Legislation on Environmental Protection and Management in Samoa is governed principally by the Planning and Urban Management Act 2004 (PUM Act 2004) and specific requirements for environmental assessment of projects is provided by the Planning and Urban Management (Environmental Impact Assessment) Regulations 2007 (EIA Regulations 2007). The PUM Act provides the legal basis for development consents, which are required for new land uses and developments. The principle used in the act to guide the development consent process is consideration of both positive and negative effects of a proposed activity, including control or mitigation of negative effects, in the form of environmental impact assessment (EIA). The EIA Regulations 2007 set out requirements for project screening, the level and detail of environmental assessment, consultation requirements, and the review process for environmental assessment reports.

Also of relevance for environmental management is the Lands, Survey and Environment Act 1989 (LSE Act 1989) which covers land allocation and the environmental management of land. Under the act, regulations can be made to address specific issues including forest protection, regulation of various forms of land use, and biodiversity conservation. The LSE Act is amended by the PUM Act in requiring consideration of the provisions of the PUM Act and of approved plans under the PUM Act.

The PUM Act establishes the Planning and Urban Management Agency (PUMA) within the Ministry of Natural Resources and Environment (MNRE). The PUMA, which is governed by the Planning and Urban

Management Board, is the lead agency in environmental management for new developments and is housed in the Ministry of Natural Resources, Environment (MNRE) and is responsible for setting the criteria for the requirements of EIAs, the format, structure, subject matter of EIAs, review of EIAs and consideration of their findings in decisions relating to development consents.

Under the EIA Regulations, environmental assessments are required for any public or private development proposal that triggers qualifying criteria. The qualifying criteria relate to potential negative impacts on people, property, places, habitats and a range of situations detailed in the regulations. Depending on the nature and scope of the development, either a Preliminary Environmental Assessment Report (PEAR) or a Comprehensive Environmental Assessment Report (CEAR) is required for a development that meets the qualifying criteria. The PEAR is required where the PUMA does not consider that significant adverse impacts on the environment are likely, and a CEAR where adverse impacts are likely to be significant.

The qualifying criteria for triggering the preparation of an environmental assessment include impacts on or in the coastal zone, developments associated with coastal inundation or flooding, developments with potential impacts that may arise in conjunction with natural hazard risks (EIA regulations 2007). Most subprojects under the PPCR project will therefore require environmental assessment. However, the emphasis on ecological based approaches, and on infrastructure that is adaptive to the natural environment ensures that subprojects will be intrinsically designed to minimize or avoid negative impacts. It is therefore anticipated that a PEAR will be required for all subprojects.

Consequently it is important that consultations with PUMA starts early in the sub-project design phase to discuss and agree on the Environmental Screening categorization and, flowing from it, the appropriate safeguards instruments (PEAR or CEAR) to be prepared as well as other PUMA requirements.

Once completed by the project, the PEAR or CEAR is submitted with the Development Consent Application to the PUMA. Both the PEAR and the CEAR are reviewed by PUMA staff, but the CEAR is also open for public comment before a final recommendation is made to the Planning and Urban Management Board. The Board has representation of various ministries and public communities, and can therefore act independently of MNRE.

The PUMA Board may approve the application, decline it or approve it with conditions.

Where the cost of the subproject is less than SAT\$1 million, the development consent application (DCA) must be processed by PUMA within ten working days. If the subproject is to cost more than SAT\$1 million, a notice must be published in a Government newspaper and one other local newspaper. The PUMA must process the application within two months. The DCA is completed on a specified form and accompanied by final design drawings, a site plan, certified survey plans, written consent from property owners, lease agreements, deeds of conveyance and a fee.

If conditions are made to the approval decision, these must be complied with during construction, and regular reports made to PUMA as specified in the consent. In the event of any breach of conditions, the PUMA is authorized to issue a warning, following which work should stop and the PUMA may reconsider the approval and conditions reviewed.

Environmental Safeguards Requirements for PREP-Samoa Physical Investments

The PREP will be funding the following physical investments (i) National Emergency Operations Centre (NEOC); (ii) Vaigaga Village Primary School and (iii) Seismic Operations Centre (SOC). For each of these subprojects, table XX _ gives the Initial Screening OP 4.10 and OP 4.12 Categories, and the corresponding safeguards instruments to be prepared for each.

Physical Investment	Location	Categorization	Required safeguards instruments
National Emergency Operations Centre (NEOC)	Faleata Sports Complex	OP/BP 4.01 Env Assessment – Cat B; OP/BP 4.12 Involuntary Resettlement (IR) – Cat C	PEAR; ESMP Lease confirmation
Vaigaga Primary School	Faleata; existing school footprint	OP/BP 4.01 Env Assessment – Cat B; OP/BP 4.12 Involuntary Resettlement (IR) – Cat C	PEAR; ESMP Voluntary Land Donation (VLD) Agreement
Seismic Operating Centre (SOC)	Mulinuu peninsula ¹	OP/BP 4.01 Env Assessment – Cat B; OP/BP 4.12 Involuntary Resettlement (IR) – Cat C	PEAR; ESMP; Lease confirmation

It is possible that the location for the Seismic Operations Centre may change, in which case, a rescreening will be carried out for the new site, and a possible change in the safeguards instruments may result. All three subprojects, notwithstanding any subsequent changes in location, will require a Development Consent from PUMA, MWTI for which a PEAR and ESMP need prepared as supporting documentation for a Development Consent Application (DCA). The PMU (ESS Specialist) will ensure the application and supporting documentation are prepared.

The three physical investments will not trigger WB Safeguards Involuntary Resettlement (IR) Policy (OP4.12) mainly because there is no land acquisition involved. There are also no physical and or economic displacement impacts. In such cases, the sub-projects are assessed as Category C and no further safeguards documentations (including resettlement plans) are required. For the Vaigaga Village Primary School retrofit, because the affected land is donated by the community, a Voluntary Land Donation (VLD) Agreement is necessary to confirm landowner consent and their willing and voluntary donation of the affected land for the PRE-funded school. .

3. Proposed Environmental and Social Screening Processes

3.1. Institutional Responsibilities

The key responsibilities for the implementation of safeguards are summarized in the table below:

Tasks	Responsible party/organization
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¹ This site may change.

Safeguards Screening, Categorization and determination of applicable safeguards instruments for proposed subprojects	ESS Expert
Environmental Assessment (CEAR or PEAR) and ESMP Preparation	ESS Expert
Review and approval of PEAR and ESMP	PUMA,
Design Phase	
Incorporation of mitigation measures into design	Consultant Designer and ESS Expert
Prepare cost estimates	Consultant Designer
Review and approval of designs	Climate Resilience Steering Committee
Approve budget	MOF, Climate Resilience Steering Committee
Construction	
Integration of safeguards measures into Construction design/Preparation of Contractor's ESMP	Construction Contractor
Implement measures required in ESMP	Construction Contractor (s)
Establish grievance redress committee	MNRE (PREP-PMU) and MOF
Monitor compliance with ESMP and RAP	MNRE (PREP-PMU) and ESS Expert
Operation	
Maintenance	MNRE and MOF

3.2. Consultation

Consultation is mandated by the World Bank's Safeguards Policies on Environment Assessment and Involuntary Resettlement,. Consultation for the preparation of environmental assessments (CEAR and PEAR) is also mandated by the PUMA Act 2004, and EIA Regulation 2007.

For each of PREP Samoa's approved sub-projects, the MNRE DMO shall consult with directly affected people early in the design phase, to explain (i) the sub-project and how it will affected the community; , (ii) the process of project preparation and how the affected people will participate in it; and (iii) to explain the project design as it evolves and to solicit affected peoples inputs and (iii) s to inform stakeholders of the planned timelines from design to project completion. Consultations will by necessity involved several face-to-face meetings, as and when new information become available and or when there are issues needing dialogue for stakeholders knowledge and or resolution. Minutes of all consultations will be documented and confirmed, and attendance sheets signed by participants. Other evidences of consultation such as photographs will be captured.

Properly planned meaningful dialogue and consultation is critical where customary and or privately owned land is to be acquired for the project. This is especially important where the land is to be acquired by eminent domain, or by voluntary land acquisition². A detailed Consultation Plan will be prepared by the MNRE

² Leased land require face-to-face consultation and negotiation with confirmed landowner or his/her representative.

(DMO) and will be implemented accordingly. The consultations in the plan include not only those related to simply informing and engaging the affected stakeholders or community, but as well consultations mandated by the PUM Act when preparing environmental and social assessments.

PUMA Development Consent review process requires public notification of subprojects with budgets above a certain threshold.

3.3. Disclosure

Requirement for disclosure is mandated by the Environmental Assessment, Involuntary Resettlement, Indigenous Peoples and Forest Policies. This means all instruments to be prepared for EA, Resettlement and Indigenous Peoples Policies will be disclosed in such a way that they are accessible to the public and NGOs in the MNRE office and other appropriate locales, as well as on the World Bank InfoShop.

For PREP Samoa, the PEAR and ESMP for the Vaigaga Primary School and the Seismic Operations Centre (SOC) will be disclosed by PUMA and WB, the latter on its InfoShop.

4. Land Acquisition and Access to Resources

4.1. Resettlement Policy Framework (RPF)

The Land Acquisition and Resettlement Framework (LARF) requires Project activities involving land acquisition or loss of property to prepare Resettlement Action Plans (RAPs) that need to be approved by MNRE and submitted for World Bank review and concurrence along with public disclosure prior to implementation. Sub-project land acquisition impacts are expected to be relatively minor, and in such cases, Abbreviated (or simplified) RAPs can be prepared.

For Project activities that have already been completed and had land acquisition impacts, a Land Access Due Diligence Report (LADDR) should be prepared in lieu of a RAP. A template for DDRs is in Appendix 3.

For Project activities with land acquisition impacts that have not yet commenced, and where the initial IR Screening is a Category B, RAPs will be prepared and submitted for World Bank review and approval in advance of implementation. Guidelines for the preparation of RAP and ARAP is set out in the project approved LARF.

Where there are no resettlement impacts (IR Category C) but the land is acquired via a Voluntary Land Donation, a brief LADDR should be prepared detailing the consultation process involved and attaching the signed VLD. For PREP Samoa, this requirement may apply to the Vaigaga Primary School subproject if the village agrees to the occupation of the site for the subproject via a VLD.

4.2. Determining the Need for a Resettlement Action Plan

In general, the need for Resettlement Action Plan (RAP) will be assessed once detailed descriptions of approved Project activities are available. Project activities affecting 200 plus people will require a RAP. An abbreviated Plan will be required for activities affecting less than 200 people. MNRE will undertake the assessment in consultation with the Bank.

For PREP Samoa subprojects, two subprojects (NEOC and SOC) will be on Government owned land. No land acquisition is therefore necessary. For the Vaigaga Primary School, the school will be rebuilt on the existing footprint, requiring no new land acquisition. It is necessary however that the Vaigaga Village formally give consent to the use of the village owned land for this purpose. A Voluntary Land Donation (VLD) is the expected mechanism for land acquisition. In its existing condition, there are no involuntary resettlement impacts expected, hence a LARP is not required. In its place, a Land Access Due Diligence Report will be prepared.

5. Grievance Redress

5.1. Grievance Redress Mechanism in PREP Activities

The purpose of the grievance redress mechanism is to a) increase participation of beneficiaries, b) protect basic rights of persons affected by poor environmental performance or social management of a project, c) manage project-related disputes and d) ensure projects achieve its intended objectives.

Communities and individuals who believe PREP activities are adversely affecting them can submit complaints to the following project coordinators in the Government of Samoa (GoS) - MNRE and MOF:

Amituanai Lameko Simanu
ACEO Disaster Management Office
(DMO), MNRE (Contact: +685-32759)

Litara Taulealo
ACEO Climate Resilience Investment Coordination Division (CRICD)
MOF (Contact: +685-34333)

5.2. Grievances and Complaints and process for responding

Grievance can related to anything ranging from noise, property damage, enquiring about a job on the project etc. It is good practice to maintain the following when it comes to complaints and grievances by the communities:

- ✓ Timely response to complaints
- ✓ Clear and culturally-appropriate procedures for receiving, documenting, and addressing complaints.

-
- ✓ Qualified staff accessible to all complainants (including vulnerable and marginalized groups, women).
 - ✓ Informs people about judicial and administrative mechanisms for managing disputes within the country.
 - ✓ Confidential and transparent; proportional to the project
 - ✓ Objective and accountable
 - ✓ Easily accessible

5.3. Grievance Redress Process for PREP

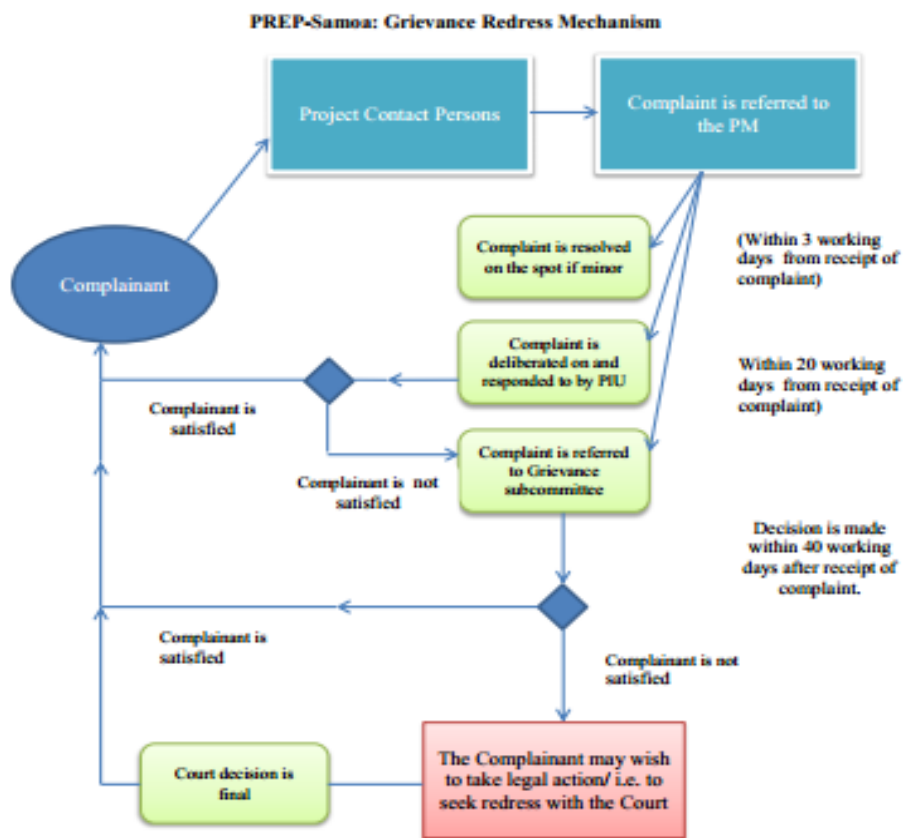
1. All complaints are to be addressed to either one or both of the individuals named below -

Amituanai Lameko Simanu
ACEO Disaster Management Office
(DMO), MNRE (Contact: +685-32759)

Litara Taulealo
ACEO Climate Resilience Investment Coordination Division (CRICD)
MOF (Contact: +685-34333)

2. On receipt of the complaint by either one or both of the contact persons, the complaint is referred immediately to the Project Manager of the PIU.
3. If the complaint is an issue that can be remedied easily and immediately on the spot, the PM will determine the appropriate action(s) and likewise inform the Complainant in writing of remedial measures to be taken. This action should be taken within 5 working days of the PM having received the Complaint.
4. If the complaint is of a more serious nature, the PM through the CEO MNRE will formally write to the complainant to (i) acknowledge receipt of his/her complaint, and (ii) to advise that the Ministry will henceforth conduct an investigation of the matter, and will communicate back in writing within 20 working days of having received the Complaint, with a considered response.
5. Consideration including an investigation of the complaint following Step 4 will be carried out by the PM and the PIU M&E Specialist, Procurement Specialist and ESS Specialist, on behalf of the Ministry.
6. If the investigation shows that (i) the complaint is a serious issue with significant risks for the Project, the PM will then refer the matter to the Project's Grievance Committee. Otherwise, the PM with the advice of the PIU specialists (including ESS Specialist) will formulate a response and communicate it to the Complainant within 20 working days of having received the complaint.
7. The Complaint is referred to the Project's Grievance subcommittee if (i) the PM considers it a serious matter that cannot be resolved satisfactorily by the PIU, and or (ii) if the Complainant is dissatisfied with the measures/solution proposed by the PIU/Ministry under Steps 5 and 6 above. The Project's Grievance Subcommittee, comprising of the two Contact Persons (ACEO DMO, and ACEO CRICD-MOF), PM, ESS Specialist, and any other members of the Project Steering Committee and PIU as deemed required by the PM, will meet and consider the complaint, using all available information, and will determine the most appropriate response for resolving it. The Grievance Subcommittee will deliver its response to the Complaint within 20 working days of having received the Complaint from the PM.

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8. The PM will formally write to communicate the Project's response to the Complainant, within 3 days following the Grievance Subcommittee's meeting.
 9. Should the Complainant following receipt of the Project's response, indicates that he/she is dissatisfied with the Project's response, the Project will inform the Complainant in writing that the Project has exhausted the options available to it and have no further recourse to offer.
 10. The Complainant may wish to exercise his/her right to seek legal counsel or take the matter to the Courts for its consideration. Should this avenue be taken and the Court delivers a decision on it, a decision of the Court will be final and binding on all parties.
 11. All information pertaining to the complaint will be documented by the ESS Advisor in the Grievance Log. This includes the (i) name of the complaint; (ii) date and time when the complaint is received (iii) the manner in which the complaint was received by the Project (iv) details including time and dates, of all actions including meetings, taken by the Project to respond to the complaint.
 12. The Project's GRM will be disclosed on the MNRE website and that of the Bank. As well, the GRM will be posted on a notice board in the NEOC's foyer, on the main entrance into the NEOC building and in a prominent location in the TATTE Building foyer.



6. Occupational Safety and Health (OSH)

6.1. Regular Inspections for Compliance

PREP funded investments will be inspected to ensure compliance by employers and employees on standards and requirements of safety, and health in the place of work as mandated under the OSH Act 2002 and OSH Regulations 2017. Key workplace safety and health fundamentals:

- ✓ Employer and employee obligations include:
 - Safeguard the welfare of their workers and maintain a safe and healthy working environment to include providing : first aid kit, fresh drinking water, provide relevant personal protective equipment, suitable sanitation facilities

✓ Employees obligations including:

- To take reasonable care of his or her safety and the safety of others including members of the public
- To use PPE for its intended purpose
- To advise employer when dangerous work arises

✓ Accident Reporting

- Accident register – Every employer shall keep a register containing details of every accident/incident which causes or which nearly causes death, serious injury, or illness to any person whether employed at the workplace or not. Such register shall comprise copies of all accident report forms and all accident investigation sheets as approved from time to time by the Commissioner of Labour and notified or published in the Savali.
- Accident notification and investigation- (1) Where there occurs in or about an employers' place of work an accident that causes death or serious injury or illness to any person, the employer shall:
 - (a) Notify the Commissioner as soon as possible; and
 - (b) Give written notice of the occurrence within seven (7) days.
- (2) Every notice under subsection (1) of this section shall be in accordance with the forms applicable under section 20, and shall specify:
 - (a) The name, place of residence, and age, of every person killed or suffering serious injury or illness as a result of the accident concerned; and
 - (b) The nature and circumstances of the accident; and
 - (c) Such details as are sufficient to enable an Inspector to locate with accuracy the place where the accident occurred.
- (3) If the Commissioner considers that the accident should be investigated he shall, as soon as practicable after receiving the notice, make such enquiries as are necessary to determine the nature and cause of the accident and where necessary, the nature and extent of the injury or illness it caused.
- (4) Except for the purpose of caring for an injury, no person shall do any act likely to prevent the discovery of the cause of the accident until the Inspector has visited the scene thereof and completed an inquiry.

✓ Penalties - Commissioner may issue penalty notice-(1) The Commissioner may serve a penalty notice on a person if it appears that the person has committed an offence under this Act (or the regulations under this Act) or a provision of any associated health and safety legislation.



Appendix 1: Exclusion List/Activities Not Permitted.

BOX 1: ACTIVITIES NOT PERMITTED

1. Sand mining or removal of material from the coastal zone, without a permit;
2. Land reclamation;
3. Clearing of any area bearing a natural habitat of conservation significance (e.g. mangrove forests);
4. Use of pesticides not on the Approved Registered Pesticide list;
5. Structures that severs breeding routes of marine organisms (e.g., vertical seawalls higher than 0.5m and longer than 20m);
6. Structures likely to alter coastal processes and/or cause coastal erosion without PUMA development consent;
7. Activities that damage or result in the loss of physical cultural resources;
8. Activities that result in a loss of public access to designated protected areas, national parks and MNRE designated Key Biodiversity Areas;
9. Construction of buildings in a designated Hazard Zone;
10. Activities that require involuntary land acquisition or resettlement
11. Activities proposed to be located adjacent to existing nationally designated protected areas.

Appendix 2: Environmental and Social Safeguards (ESS) Checklist

Name of District Sub-project Location:.....

Name and Address of Community Representative:

Sub-project Components: Rate the sensitivity of the proposed components in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable, but identify potential risks of causing adverse environmental and social effects, in which case an Environmental Management Plan is required to ensure that such effects are avoided, mitigated or managed.

Issues	Environmental Sensitivity			Rating
	<u>Low</u>	<u>Medium</u>	<u>High</u>	
Ecological connectivity	No barrier or impediment to plant or animal colonisation	Minor barrier (<0.5 m)	Large barrier (<0.5m) unless the structure is in sections, not continuous	
Coastal erosion	No interference with wave action or coastal processes		Significant effects on wave action or coastal processes	
Exposure of coral to freshwater	No development of drainage to the coast other than by natural watercourses		New outfalls or drains that open to the sea, exposing coral formations to freshwater	
Integrity of natural habitats	Planting to restore damaged habitats	Avoiding disturbance of habitats such as mangroves	Removal of existing vegetation	
Cultural property	No known physical or suspected cultural heritage sites will be affected.		Known cultural heritage sites will be affected.	

Completeness of Sub-project Application

Does the sub-project application document contain, as appropriate, the following information?

	Yes	No	N/A
Description of proposed sub-project and where it is located			
Reasons for proposing project			
Estimated cost of operation and construction			
Information about how the site was chosen, and what alternatives were considered			
A map or drawing showing the location and boundary of the project including any land required temporarily during construction			
The plan for any physical works (e.g. layout, buildings, other structures, construction materials)			
Any new access arrangements or changes to existing road layouts			

Any land that needs to be acquired, as well as who owns it, lives on it or has right to use it			
A work program for construction, operation and decommissioning the physical works, as well as any site restoration needed afterwards			
Resources used in construction and operation (e.g. materials, water, energy)			
Information about measures included in the sub-project plan to avoid or minimize adverse environmental and social impacts			
Details of any permits required for the project			

Environmental and Social Checklist

	A. Environment –will the sub-project	Yes	No
Negative Checklist			
1	Entail any land reclamation		
2	Entail any clearance of an area bearing a natural habitat of conservation significance (such as mangrove forest)		
3	Entail sand mining, or removal of any material from the coastal zone?		
4	Entail the use of pesticides?		
5	Include construction of a structure the severs breeding routes for marine organisms (such as vertical sea walls of a height greater than 0.5m and length of more than 20m).		
6	Include construction of a structure that will alter coastal processes and cause coastal erosion		
7	Entail removal of any physical cultural resources.		
Categorization Checklist			
1	Include a sea wall of length/design that may cause or exacerbate coastal erosion (as determined by a costal engineer)?		
2	Involve any increase in drainage into systems that open into the sea via an artificial outfall or channel, or involve construction of a new outfall or channel?		
3	Potentially affect any known or suspected item of cultural significance?		
4	Cause a significant barrier or impediment to plant or animal colonisation (as determined by an ecologist)?		
5	Be located in or adjacent to a protected area or key biodiversity area, as shown in Figure 1 in this ESMF.		
<i>If the answer to any question from the negative checklist is “Yes” the sub-project cannot proceed as these are excluded activities. If the answer to questions in the categorization checklist is “Yes”, and/or if the sub-project will involve construction using cement, rock or other inert materials of a value of over WST\$50,000 please include an assessment of environmental effects and an Environmental Management Plan (EMP) with the sub-project application as per the ESMF.</i>			
Land Acquisition and Access to Resources – Will the Sub-project			
8	Require that land (public or private) be acquired (temporarily or permanently) for its development?		
9	Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing, forests)		
10	Displace individuals, families, businesses? Have any individuals, families, businesses been displaced up to 2 years prior to project enrolment?		

11	Result in the temporary or permanent loss of crops, fruit trees or household infrastructure such as crop storage facilities, outside toilets and kitchens		
12	Result in the involuntary restriction of access by people to legally designated parks and protected areas?		
<i>If the answer to any of the questions 8 -12 is “Yes”, please inform the Bank Social Safeguard staff and, if needed, prepare a Resettlement Action Plan (RAP) as per ESMF.</i>			

Category for the sub-project (referring to the World Bank categorization system):

Category	Description	Applicable Yes/No
B	Sub-projects that may have adverse environmental impacts, of which few if any are irreversible/sub-project that qualifies for CEAR or PEAR under Government of Samoa EIA Regulations, 2007	
C	Sub-projects that are unlikely to have any adverse environmental impacts	

Note: No sub-projects will entail major irreversible negative environmental impacts or entail large population displacement, **and therefore none will be Category A.**

CERTIFICATION

We certify that we have thoroughly examined all the potential adverse effects of this sub-project. To the best of our knowledge, the sub-project plan as described in the application and associated planning reports (e.g. EMP, RAP), if any, will be adequate to avoid or minimize all adverse environmental and social impacts.

DLSS Representative (signature):.....

PMS Safeguards Specialist (signature).

Date:.....

Appendix 3: Outline of a Land Access Due Diligence Report (DDR)

The Land Access Due Diligence Reports are to be used for subprojects where land acquisition or land access has already been effected. For planned land acquisition/access, a simple ARAP should be prepared in advance.

SUBPROJECT BACKGROUND

DETAILS OF LAND REQUIRED FOR THE SUBPROJECT

- How will the land be used for the subproject
- Area
- Ownership
- Current usage
- Details of affected non-land assets, if any
- Severity of impacts/confirmation that there will be no relocation of housing or impacts on livelihood.

MODE OF LAND ACQUISITION/ACCESS

- Acquisition through compensation/land donation/land use agreement?

If acquisition via compensation, indicate if at replacement cost and how this established.

- Set out details of compensation provided.

If land access through donation/land use agreement, indicate the reason for this approach.

If through donation, describe:

- How PAPs are direct beneficiaries
- That the PAPs were aware of their right to compensation
- That the impacts are marginal and PAPs are not vulnerable
- Include the VLD forms in annex

If through land use agreement

- Describe details of the agreement
- Details of lease
- Attach land lease agreement or similar as annex

CONSULTATIONS

- Provide information about consultations conducted

ANEXES

- ¶ Completed VLD forms
- ¶ Land use/lease agreements
- ¶ Site photos
- ¶ Others as needed.

Appendix 4: Outline of an Abbreviated Resettlement Action Plan (ARAP)

An Abbreviated Resettlement Plan covers the following minimum elements:

- a. A census survey of displaced persons and valuation of assets;
- b. Description of compensation and other resettlement assistances to be provided;
- c. Consultations with displaced people about acceptable alternatives;
- d. Institutional responsibility for implementation and procedures for grievance redress;
- e. Arrangements for monitoring and implementation; and
- f. A timetable and budget.

Appendix 5: WB Voluntary Land Donation Agreement

1. Voluntary Land Donation Principles

The principles governing voluntary donation are as follows.

Voluntary land donation refers to a process by which an individual or communal owner agrees to provide land or property for project-related activities. In general, voluntary land contribution is undertaken without compensation. Voluntary contribution is an act of informed consent, made with the prior knowledge of other options available and their consequences, including the right not to contribute or transfer the land. It must be obtained without undue coercion or duress.

Voluntary land donation requires a declaration by the individual, household or group that they are donating the use of the land for a specific purpose and a specific duration of time. It is provided freely and without compensation, and is acceptable only if the following safeguards are in place:

- 1) Full consultation with landowners and any non-titled affected people on site selection
- 2) Voluntary donations should not severely affect the living standards of affected people
- 3) Any voluntary donation will be confirmed through written record and verified by an independent third party such as customary tribunal, NGO or legal authority
- 4) Adequate grievance redress mechanism should be in place.

2. WB Voluntary Land Donation - Sample Consent Form

Date: _____
I/We: _____ male household head _____ female household head,
AND/OR person exercising custom over the affected
land _____

Resident/s of _____ Village in _____ District _____,
Declare that I/We/the group is voluntarily donating the use of (specify land, assets, location, size,
type etc)

For the purpose of: (specify activity)

For the duration of: (specify commencement date and duration)

Of My/Our own free will, I/We are waiving My/Our right to compensation of any kind for the specified
duration of the activity.

Signed:

Male household head _____ Female household head _____
Person exercising Custom _____