

How to Note on Application of Social Safeguards Policies to Community-Driven Development Projects

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This note was prepared by Vincent Roquet, Senior Social Development Specialist from the Global Unit of the World Bank's Social, Urban, Rural and Resilience Global Practice (GSURR). It focuses primarily on social dimensions, and is intended as Social Development inputs into strengthening the management of safeguards for CDD projects. The note aims to complement existing guidance materials developed for environmental safeguards as well as guidance materials currently in development in Regional Safeguards Units, including country-based guidance documents.

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INTRODUCTION

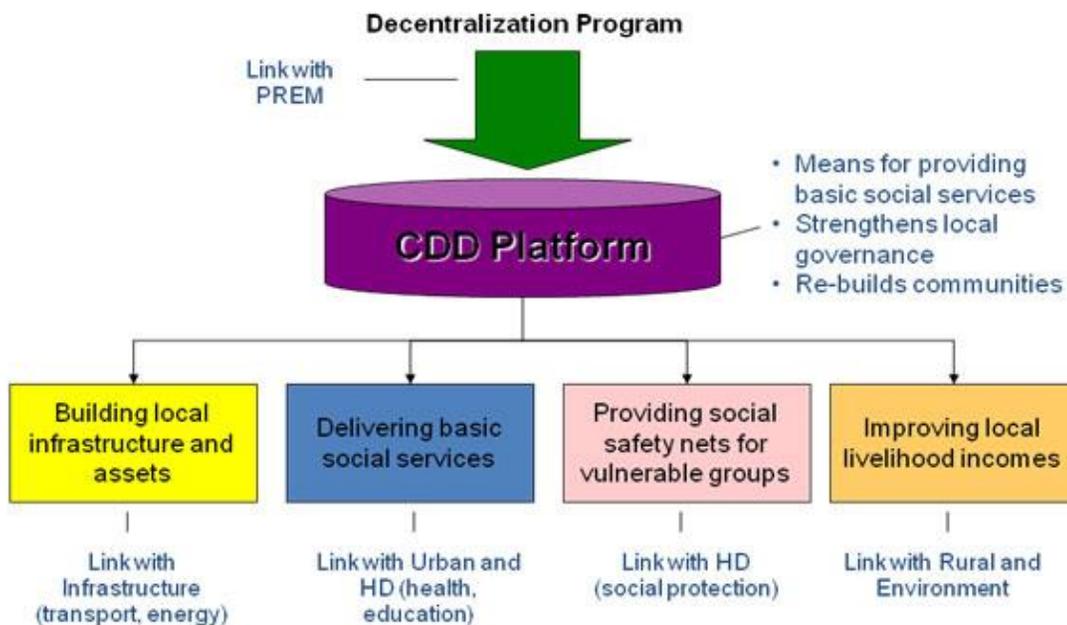
1. This note aims to provide World Bank task teams, social development specialists and consultants, as well as Borrowers, with a simple principles-based guide that may be used as a reference basis in applying social safeguards to community driven development (CDD) projects. It aims to draw on lessons learned from previous generations of projects and to complement existing safeguards guidance materials available on the World Bank's CDD Website and Safeguards Frameworks Website. It aims in particular to provide guidance on the application of certain social safeguards to practitioners involved in CDD operations.
2. Several task forces have been established over the past decade to address the challenge with which this note is concerned.¹
3. While there are different levels and types of CDD projects, community driven development projects can be defined as “*an **approach** to local development that gives control over planning decisions and investment resources to community groups and (including local governments).*”² They can also be defined as “*projects for which the majority of investment funding is for a large number of small and scattered subprojects. Such subprojects may be multisectoral or may be limited to a single sector, such as health or education...[...][They] are somewhat homogenous, with the following characteristics relevant to safeguard issues:*
 - *Overall size – small to medium*
 - *Often aimed at rural development*
 - *Numerous, scattered sub-projects*
 - *Nature and scope of sub-projects not known at the time of appraisal*
 - *Sub-projects selected by a community-driven mechanism*
 - *Implementation governed by an Operational Manual (OM) or equivalent*
 - *Monitoring and evaluation (M&E) mechanisms fairly elaborate to capture the quantity and quality of project outcomes.*”³
4. As described on the CDD Website, “*community driven development (CDD) programs are based on the principles of local empowerment, participatory governance, demand-responsiveness, administrative autonomy, greater downward accountability, and enhanced local capacity...*” The sectors covered by CDD projects are illustrated below (taken from CDD Website).

¹ This includes a CDD Safeguards Reference Group/Task Force that was established in 2004 and that recognized the need to develop a Bank-wide position on the application of safeguard policies in CDD projects as practice varied considerably from region to region. In the following years, MENA region developed a draft CDD Safeguards Manual and initiated a CDD stock taking exercise, Africa region prepared a CDD and Safeguards Toolkit, and a draft CDD Safeguard Guidance Note was presented by QACU. In 2014, EAP region prepared a draft report on *Environmental and Social Safeguards Procedures and Instruments for CDD Operations*.

² World Bank, 2013. CDD Core Course – *Community Driven Development (CDD) – An Introduction*. Janmejy Singh, CDD Coordinator, Social Development Department, PowerPoint presentation, March 2013.

³ World Bank, 2006. *The Effectiveness of World Bank Support for Community-Based and-Driven Development – Background Paper on Safeguard Policy Review*, Peter Whitford and Kavita Mathur, IEG, p. 8.

Organizing Framework: Linking the CDD Platform across sectors:



5. World Bank safeguard policies are designed to prevent and mitigate undue harm to people and their environment in the development process. They lay out requirements that must be complied with for all Bank-funded projects (refer to World Bank's Website on Safeguard Policies). They include: seven environmental and social policies – OP/BP 4.01 *Environmental Assessment*, OP/BP 4.04 *Natural Habitats*, OP/BP 4.09 *Pest Management*, OP/BP 4.10 *Indigenous Peoples*, OP/BP 4.11 *Physical Cultural Resources*, OP/BP 4.12 *Involuntary Resettlement*, and OP/BP 4.36 *Forests*; and three technical or legal/institutional policies – OP/BP 4.37 *Safety of Dams*, OP/BP 7.50 *Projects on International Waterways* and OP/BP 7.60 *Projects in Disputed Areas*. In addition to these ten safeguard policies, projects must also comply with the Bank's policy on Information Disclosure and other relevant policies.
6. OP/BP 4.01 *Environmental Assessment* requires that projects proposed for Bank financing be environmentally and socially sustainable. Natural and social aspects must be considered in an integrated way. Country and project conditions as well as the country's overall policy framework, national legislation, and institutional capabilities related to the environment and social aspects, should also be taken into account. Environmental Assessment 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.⁴
7. OP/BP 4.10 *Indigenous Peoples* aims to ensure that development activities financed by the Bank fully respect the dignity, human rights, economies, and cultures of Indigenous Peoples (or Ethnic Minorities that fulfill the definition of Indigenous Peoples). It requires screening by

⁴ While OP 4.01 is usually the main environmental and social policy triggered by CDD operations, other policies may also be triggered. Recently, for instance, it was decided that Myanmar NCDD AF and Lao PRF II AF should trigger OP 4.04 (Natural Habitats), OP 4.37 (Safety of Dams) and OP 7.50 (Projects on International Waterways), because both projects would likely finance subprojects inside protected areas (where local communities have been living for generations) and build small weirs to supply water for irrigation on creeks and streams (which are classified as "small dams" according to the policy) that flow into international waterways.

the Bank to determine whether Indigenous Peoples are present in, or have collective attachment to, the project area.

8. OP/BP 4.12 *Involuntary Resettlement* addresses direct economic and social impacts from project activities that may cause involuntary taking of land resulting in: (i) relocation or loss of shelter, (ii) loss of assets or access to assets, and/or (iii) loss of income sources or livelihoods. The policy also applies to projects that may lead to involuntary restriction of access to legally designated parks and protected areas. Where resettlement cannot be avoided, a Resettlement Action Plan (RAP) must be prepared on the basis of meaningful consultations with potentially affected people. A Process Framework (PF) is required for projects restricting access to natural resources in connection with legally designated parks and protected areas.
9. The fact that the precise nature of subprojects as well as their design and location are not known at project appraisal raises particular challenges for ensuring the sustainability of CDD projects. Indeed, in such cases, traditional safeguards instruments such as Environmental Assessments (EAs), Resettlement Action Plans (RAPs), or Indigenous Peoples Plans (IPPs), cannot be prepared before appraisal. As a result, CDD projects make use of a framework approach to define applicable safeguard requirements and procedures for subprojects during project implementation. This includes the preparation of an Environmental and Social Management Framework (ESMF), and where applicable, a Resettlement Policy Framework (RPF) or an Indigenous Peoples Planning Framework (IPPF).
10. The need to clarify and adapt social safeguards procedures for CDD projects has been frequently raised by task teams. Activities such as the building of schools, health facilities, water supply systems, etc., are usually distributed over wide geographic areas and a large number of communities. They are usually in a USD 10,000 to USD 30,000 cost range. Potential social impacts of such activities are relatively limited in scope and are minimized by the participatory processes that are at the very core of demand-driven community-based activities. How to apply social safeguard policies in a practical manner for these types of subprojects with low or minor impacts has proven challenging for task teams.
11. As a result, there is a need to clarify under what circumstances – or scenarios – the development of Indigenous Peoples Planning Frameworks (IPPFs) and Indigenous Peoples Plans (IPPs), or of Resettlement Policy Frameworks (RPFs), Resettlement Action Plans (RAPs), Abbreviated Resettlement Action Plans (ARAPs) or Process Frameworks (PFs), is required for CDD operations. The need for guidance on procedures to be applied to voluntary land donations in CDD projects has also been highlighted by a number of practitioners.

STEP 1: SOCIAL SAFEGUARD SCREENING PRIOR TO APPRAISAL

Screening of the Bank's Social Safeguards and determining project categorization

2. The Bank's social development specialist in the CDD project design team is responsible for screening of social safeguards. During project design, the screening of a CDD project involves assessing whether: a) the project is likely to trigger one or several of the safeguard policies; and b) the project should be categorized as a Category A, B, C, or FI project.
3. Undertaking this work early in the project concept stage is essential in order to properly integrate social considerations into project design and to define the relevant studies needed prior to project appraisal. The decision must be documented in the Concept Stage Integrated Data Safeguards Sheet (ISDS) and in other relevant project documents. The decision to trigger one or more safeguards at the concept stage can be revised as necessary through the appraisal stage and documented in the Appraisal Stage ISDS and other relevant documents.
14. The screening of social safeguards is conducted through:
 - A review of available secondary information on the project and the areas where it will be implemented (studies, statistics, reports, thematic maps, etc.)
 - Non-structured key informant interviews (the Bank's task team leader and team members, staff of the implementing agency, governmental organizations and major stakeholders)
 - Field visits to a sample of project areas.
15. In most cases, the Bank's policy on Environmental Assessment (OP/BP 4.01) is triggered by a CDD project. A specific framework document must be prepared for each triggered safeguard prior to project appraisal.⁵ The issues of whether or not the Bank's Indigenous Peoples and Involuntary Resettlement policies should be triggered and what instruments are required in each case are addressed in the following sections. In many cases, the decision to trigger or not either of these policies at the project stage is quite difficult to make given uncertainties concerning the specific location and nature of potential subprojects.
16. Most if not all CDD projects are categorized as B projects.⁶ Given the challenges involved in managing environmental and social issues related to Category A projects, it is recommended that CDD projects avoid any type of activities that could lead to a Category A rating. A Category A project is expected to have significant, large-scale irreversible or unpredictable impacts. However, if Category A subprojects are explicitly excluded from a CDD project, a clear technical justification should be provided to put such subprojects in the Negative List, such as the lack of capacity by communities to manage significant environment and social risks, high transaction costs to properly manage impacts, etc.

⁵ In situations where Bank clients may find themselves: a) in urgent need of assistance because of a natural or man-made disaster or conflict; or b) experiencing capacity constraints because of frailty or specific vulnerabilities (including for small states), the Bank's policy on Rapid Response to Crises and Emergencies (OP 10.00) allows for the preparation of an Environmental and Social Screening and Assessment Framework (ESSAF) prior to project appraisal rather than a full ESMF (refer to Guidance Note – Investment Project Financing, Projects in Situations of Urgent Need of Assistance or Capacity Constraints, 2013 on Bank's Website).

⁶ A Category B project is expected to have site-specific, predictable, and readily manageable impacts; a Category C project is expected to have no adverse material impacts; and a Category FI project involves many components financed through Financial Intermediaries and that can be screened as A, B, or C depending on the nature of the FI portfolio.

Triggering of the Bank's Indigenous Peoples Policy and instruments required

17. Triggering of the Bank's policy on Indigenous Peoples is related to whether or not Indigenous Peoples (or ethnic minority groups that fulfill the definition of Indigenous Peoples), are likely to be present in, or have collective attachment to the farthest potential extension of the project intervention area. Such peoples or groups could be negatively affected by project activities, could benefit to a lesser degree than other groups from project benefits, or could be altogether excluded from project benefits.⁷ Once the policy is triggered, the requirement for preparation of Indigenous Peoples planning instruments varies according to the two following scenarios.
18. ***Scenario 1 – Policy is triggered but no separate IPPF is required:*** Where all or an overwhelming majority of beneficiaries of a CDD project are Indigenous Peoples, there is no need to prepare an IPPF. Indeed, by its very nature, a CDD project or sub-project undertaken in an Indigenous community or groups of communities would be fully participatory and would integrate all of the requirements contained in an IPPF. This is particularly the case if project activities are selected by the communities themselves, community members are adequately consulted, there is broad community support, and the planning process is properly documented. Instead, similar planning elements to those required in an IPPF should be integrated into the overall project design and Project Appraisal Document (PAD).⁸ Particular care should be given in project planning to conducting extensive screening and social assessment in concerned communities, and to including provisions for culturally adapted consultations and for culturally appropriate project benefits to concerned Indigenous Peoples (see Box 1).

⁷ For the purposes of the Bank's Indigenous Peoples policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, social and cultural group possessing the following characteristics in varying degrees: i) Self-identification as members of a distinct social and cultural group and recognition of this identity by others; ii) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; iii) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society and culture; and iv) A distinct language or dialect, often different from the official language or languages of the country or the region in which they reside.

⁸ If Indigenous Peoples are potentially affected by the project, the policy requires (Guidebook to the World Bank Indigenous Peoples Policy, Draft for Internal Review, November 2014, p. 3):

- *"A social assessment by the borrower to evaluate the project's potential positive and adverse effects on Indigenous Peoples, and to examine project alternatives where adverse effects may be significant"*
- *A process of free, prior and informed consultation (an inclusive, transparent, and continuing process of consultation with affected Indigenous Peoples)*
- *A summary judgment by the Bank that affected Indigenous Peoples have provided broad community support to a proposed project*
- *Preparation of the appropriate planning instrument for affected Indigenous Peoples: either an Indigenous Peoples Plan, an Indigenous Peoples Planning Framework, or in cases where the majority of beneficiaries are Indigenous Peoples, similar planning elements integrated into the overall project design and Project Appraisal Document*
- *Public disclosure of the social assessment report and the relevant planning instrument*
- *Attention to particular issues that arise in certain kinds of projects affecting Indigenous Peoples, which may include an action plan for the legal recognition of Indigenous lands and territories, equitable benefits in commercial development of natural resources, or prior agreement of Indigenous Peoples to the commercial development of their cultural resources and knowledge."*

Box 1: Example of broad community support in indigenous communities - Mexico Sacred Orchids of Chiapas, 2008 – Cultural and religious values in conservation project (P098732):⁹

- *“This GEF financed conservation and local livelihood improvement project aimed to reduce pressure on endangered forest species in eco-regions of global importance while supporting the local communities’ capacity for the sustainable use of non-timber products. The project would increase the sustainability of bromeliad protection and harvesting for ceremonial use and support the sustainable production of other products for local use and for marketing via a fair network involving local, national and international religious organizations. Extensive screening and social assessment in these traditionally culturally strong and cohesive communities were the foundation for broad consultation and participation of community organizations and key leaders in project design. However, the demand-driven nature of the project risked exacerbating divisions among community members. One of the challenges in implementing the project was to enhance community cohesion and broad community support in a region of political and social strife and with a host of institutions involved in the implementation of the project.”*

19. **Scenario 2 – Policy is triggered and IPPF is required:** If a CDD project is developed for the benefit of Indigenous and non-Indigenous communities, preparation of an IPPF (or of an Ethnic Minorities Development Plan – EMDP) in a participatory manner is required for Indigenous Peoples or ethnic minority groups in the project area of influence in order to ensure the representativeness of community decision-making and equitable access to project benefits. In most cases, the heterogeneity of Indigenous and non-Indigenous communities requires that careful attention be paid to the nature of decision-making mechanisms and processes, both within and between communities, in order to understand the vulnerabilities of local populations to elite capture. The IPPF (or EMDP) lays out the specific conditions under which interventions in communities inhabited by Indigenous Peoples or ethnic minority groups may be undertaken during project implementation.¹⁰ A summary of the IPPF (or EMDP) should be annexed to the PAD and the IPPF (or EMDP) must be publicly disclosed.
20. Indeed, while broad community support from Indigenous Peoples may be implied in CDD projects given the participatory and demand-driven approach, this may not necessarily always be the case. Certain groups may be excluded from decision-making processes and project benefits (see Box 2). Broad community support is a requirement when Indigenous Peoples are involved. Good practice requires that broad community support be determined on the basis of meaningful consultation with concerned Indigenous Peoples and be fully documented. The engagement process should include Indigenous Peoples’ representative bodies and organizations (such as chieftains, councils of elders or village councils) and where appropriate other community members. Sufficient time should be provided for Indigenous Peoples’ decision-making processes. Consultations should allow, as feasible, effective participation of Indigenous Peoples in the design of project activities and related mitigation and enhancement measures. Broad community support does not require unanimity and may be achieved even when individuals or groups within or among concerned Indigenous Peoples explicitly disagree.

⁹ Implementation of the World Bank’s Indigenous Peoples Policy – A Learning Review (FY 2006-2008), OPCS Working Paper, August 2011, Box 7, p. 24.

¹⁰ Refer to required contents of an IPPF in Annex C of OP 4.10 *Indigenous Peoples*.

Box 2: Example of a CDD project policy for Indigenous Peoples – Kalahi-CIDSS Project in the Philippines (P077012) ¹¹

“The Philippines KALAHÍ-CIDSS Project included an IPPF (titled Indigenous People’s Strategy Paper; prepared under OD 4.20) which aimed to ensure that Indigenous Peoples would receive culturally compatible social and economic benefits, and that they would not be adversely affected by the project. The IPPF described the community-based participatory processes that served as an inherent design for ensuring Indigenous Peoples’ participation throughout the cycle of preparation, subproject development, implementation and monitoring. The inclusion of Indigenous Peoples was further conditioned by requiring a participation rate of at least 80 percent in village assemblies as one of the performance standards.

During project monitoring it was found that the non-participating community members were mostly Indigenous Peoples. This concern was recognized by the implementing agency and several measures were implemented, e.g. re-training of community facilitators on culturally-responsive techniques; adjustments of guidelines on the conduct of community assemblies that included focused consultations with Indigenous Peoples; reduction in number of municipalities per facilitator to allow more time to cover Indigenous Peoples areas; and more culturally-sensitive materials. Moreover, the need to enhance participation resulted in the proposal for funding from the Japan Social Development Fund for a Social Inclusion Project (SIP).

The SIP involved the conduct of an exclusion mapping and participation assessment. It was found that the lack of participation of Indigenous Peoples was largely due to their isolation from the rest of the village; their lack of confidence/trust in socializing with other community members; internal conflicts; lack of appreciation of participatory processes; and priority given to livelihood. The SIP subsequently provided grants for 77 community subprojects, the majority to Indigenous Peoples, involving activities such as literacy/development training, alternative learning activities, orientation on the Philippines Indigenous Peoples Rights Act, reviving customary laws and practices, capacity building in organizational development/indigenous leadership, inter-personal skills enhancement, upgrading of community halls, and conflict mediation/resolution.

The lessons learned from the SIP subprojects were to be integrated into the KALAHÍ field manual for community facilitators and documented as learning materials for officials and staff of local government units. Additional field visits and community-based evaluations have found that Indigenous Peoples appreciate the participatory processes for having restored their interest and trust in local governance; increased access to basic services; improved physical access to the rest of the village/town; enhanced community social cohesion; and contributed to resolution of conflicts. Case studies also found that community subprojects were responsive to the needs of Indigenous Peoples with some innovative designs for culturally-appropriate subprojects. In municipalities where Indigenous Peoples are the majority, the community plans that evolved from the participatory processes have been either integrated into, or served as, the Ancestral Domain Sustainable Development and Protection Plan required for the recognition of Indigenous Peoples’ Ancestral Domains in the Philippines. When project implementation has been transferred to Local Government Units, a thematic review of safeguards compliance that includes an assessment of the IPPF implementation was to be conducted.

Sources: PAD, August 23, 2002; and information from task team member.”

¹¹ Guidebook to World Bank Indigenous Peoples Policy, Draft for Internal Review, Nov. 2014, Section II.C, p. 91.

21. Development of an IPPF is also required in the case of a local community or communities where Indigenous and non-Indigenous people cohabit, or where the CDD unit is an ethnically mixed administrative amalgam of communities. However, in project contexts where Indigenous Peoples or ethnic minority groups as well as non-Indigenous vulnerable groups may be affected by the project, it is good practice to develop an Integrated Community Development Plan (ICDP) rather than focusing only on Indigenous Peoples or on ethnic minority groups. While Indigenous Peoples may need additional protections, non-Indigenous vulnerable groups may also need additional (possibly different) protections in order to ensure that they also benefit from the project. In some project settings, adoption of a more socially inclusive approach may also minimize risks of exacerbating ethnic tensions or civil strife.¹² A summary of the ICDP should be annexed to the PAD and the ICDP must be publicly disclosed.
22. During implementation of a project where an IPPF has been prepared, each Indigenous community subproject would normally require that a social assessment be carried out and an IPP be prepared in accordance with the requirements of the policy (OP 4.10, para 14). However, in the case of CDD projects, the Draft Guidebook to the World Bank's Indigenous Peoples Policy states: *“For small scale community development projects proposed and prepared by the communities, simple procedures for these requirements would suffice and should be integrated into the general preparation process for the individual subprojects. For instance, the need to assess and describe the legal and social context concerning the respective community would be less pertinent. In subprojects where Indigenous Peoples are the sole, or the overwhelming majority of, direct project beneficiaries the elements of an IPP are included in the overall subproject proposal”*.¹³
23. Accordingly, for subprojects prepared in Indigenous communities, the elements of an IPP can be integrated into an ESMP or alternatively into a Community Investment Plan (CIP) or Community Development Plan (CDP). Social assessment approaches used at the subproject level can also be adapted to local conditions and can include Participatory Situational Analysis (used in the Philippines Kalahi-CIDSS NCDPP), Participatory Community Assessments used in other projects – or other approaches.
24. According to the Draft Guidebook, key project design elements to consider when addressing Indigenous Peoples issues in CDD projects include: *“(i) overall targeting criteria which ensure that Indigenous Peoples (and other vulnerable groups) are included; (ii) an inclusive participatory planning and decision-making process to provide culturally appropriate benefits for different communities and subgroups within a community; (iii) baseline data on the ethnic and social composition of the project area as well as of individual beneficiary communities; (iv) monitoring, usually independent evaluations, to confirm that Indigenous Peoples are included in decision-making and benefit equally compared with other groups; and (v) training of community-level facilitators in participatory approaches and Indigenous Peoples issues to achieve social inclusion. In projects with a menu of eligible subprojects, the menu may also need to be adapted to the needs and priorities of Indigenous Peoples, and should in any case be developed through consultations with them”*.¹⁴

¹² Such issues may also arise in CDD projects in South Asia where the Bank's Indigenous Peoples policy may apply in contexts of caste-related social exclusion.

¹³ Ibid, p. 90.

¹⁴ Ibid, p. 90.

25. The Draft Guidebook also recommends that CDD projects in Indigenous communities address the weak capacity and particular difficulties experienced by Indigenous Peoples and other remote communities. This includes, for example, community-based procurement arrangements for subprojects: “*difficulty in obtaining multiple quotes for small scale projects, fiscal registration of beneficiaries, authority to contract consultants, purchase goods and services, and operating accounts*”.¹⁵ It should be noted that even under community-based procurement arrangements, three quotations are normally required if the procurement method is shopping. The task team needs to discuss with the procurement team and agree on a special arrangement (e.g. public announcement of procurement notice; establishment and regular updating of benchmark prices, etc.) if less than three quotations are allowed.

Triggering of the Bank’s Involuntary Resettlement Policy and instruments required

26. The triggering of the Bank’s policy on Involuntary Resettlement is related to whether or not it is likely that land will be acquired or restriction of access to resources will be required in the context of the project. Even when it is conducted on a small scale, providing adequate compensation for land acquisition and/or restriction of access to resources is a complex activity and may be beyond the capacities of local communities to be properly managed and supervised. The scenarios under which the Bank’s policy on Involuntary Resettlement may be triggered or not in a CDD project and instruments required in each case are described hereafter.

27. **Scenario 1 – Policy is not triggered:** A CDD project does not trigger the Bank’s policy on Involuntary Resettlement when:

- a) Physical displacement, land acquisition or restriction of access to economic, communal or natural resources are identified as proscribed activities in the CDD project’s Negative list (see example in Annex 1); and
- b) Where small amounts of land are required for a given sub-project in a CDD operation, they are conducted on the basis of voluntary land donations at the community level or on the basis of willing buyer/willing seller transactions between private parties at the community level.

When such circumstances apply, no RPF is required. Guidelines for voluntary land donations in CDD operations are provided in the following section. However, if physical displacement, land acquisition or restriction of access to resources are explicitly excluded from a CDD project, a clear technical justification should be provided to put such activities in the Negative List, such as the lack of capacity by local government agencies and community-based organizations to manage resettlement, high transaction costs to properly manage impacts, etc.

28. It should be noted that the systematic exclusion of physical displacement, land acquisition or restriction of access to resources from a CDD project risks leading to the exclusion of otherwise viable subprojects. The acquisition of what would typically be small pieces of land should not necessarily lead to the exclusion of an activity that would otherwise be eligible under the project. Therefore, careful consideration should be given to whether land acquisition should be put on the project’s Negative List.

¹⁵ Ibid, p. 90.

29. It should also be noted that the common understanding in CDD projects is that the loan proceeds cannot be used to purchase lands. The implementing agency, usually the government, may offer land as its counterpart contribution with the limitation on the use of loan proceeds to acquire land. This is where problems sometimes arise as the government agency (usually local government or a community-based organization) may use its influence to “convince” land owners to donate land for specific subprojects. Where there may be incentives to coerce land owners into donating their land for activities under the project, the Bank’s policy on Involuntary Resettlement should be triggered and an RPF prepared.
30. **Scenario 2 – Policy is triggered:** In a number of cases such as very large CDD programs over wide geographic areas, it may not be clear prior to appraisal whether the project will actually require that land be acquired or restrictions of access to resources be required or not. The likelihood of CDD subprojects or activities requiring land takings or restrictions of access to resources is generally quite high, but when it occurs, it is usually temporary or conducted on a very small scale (e.g.: small pieces of land or easements acquired for road widening or for a temporary bypass, for a school, for a public water pump, for a water line, etc.). When it is determined that there may be a risk of land acquisition or of restriction of access to resources, a RPF must be prepared and integrated into the project design. The RPF lays out the specific conditions under which land acquisition or restriction of access to resources may be undertaken during project implementation.¹⁶ It should be summarized in the PAD and the RPF must be publicly disclosed. If and when it is determined at a later stage that the project or a specific subproject will actually require such activities, a RAP or ARAP¹⁷ must be prepared and publicly disclosed. Approval of RAPs by the Bank prior to implementation is required when they involve significant numbers of PAPs and/or significant social risks.
31. It may also not be clear before appraisal whether the project will actually require the physical displacement of residential or commercial units or not.¹⁸ The likelihood of CDD sub-projects or activities requiring physical displacement of households or businesses is quite low, and should it occur, it would usually be conducted on a very small scale (e.g.: a house, a shop or residential or commercial structures acquired for road widening or for a temporary bypass, for a school, etc.). When it is determined that there may be a risk of physical or economic displacement, processes for managing such a risk must also be described in a RPF. If and when it is determined at a later stage that a specific sub-project will require physical or economic displacement, a RAP or ARAP must also be prepared and approved by the Bank, and publicly disclosed prior to implementation.

¹⁶ Refer to required contents of an RPF in Annex A of OP 4.12 Involuntary Resettlement.

¹⁷ Refer to OP 4.12, Annex A, for required contents of a RAP or an Abbreviated RAP or ARAP.

¹⁸ The Bank’s Involuntary Resettlement policy may also be triggered by non-Bank funded activities that are linked to Bank-assisted projects. This includes activities resulting in involuntary resettlement that are: a) directly and significantly related to the Bank-assisted project; b) necessary to achieve the objectives of the Bank project; and c) carried out, or planned to be carried out, within the same timeframe as the Bank project.

32. It should be noted that a number of CDD projects have triggered the Bank's Involuntary Resettlement policy and required a RPF due to uncertainties related to the risk of acquisition of small pieces of land.¹⁹

Guidelines for voluntary land donations in CDD projects

33. Where small-scale temporary or permanent land takings are required for a CDD sub-project or activity, they most often are conducted on a voluntary basis and in an open and transparent manner at the community level. While voluntary land donations carried out by local communities for CDD operations do not trigger the Bank's policy on Involuntary Resettlement, they may be based upon administrative or social coercion and may lead to unanticipated social impacts, particularly when they are not properly documented, or when they involve vulnerable or disadvantaged community groups.
34. Consequently, voluntary land donations should only be authorized for CDD subprojects if they can clearly document (a) Informed Consent and (b) Power of Choice. Procedures must be put into place in the ESMF (and/or the RPF) to ensure that the donation is indeed voluntary, that the donor is the legitimate owner of such lands, and that the donor is fully informed of the purpose of the donation and of the implications of donating the property.²⁰ If the land is donated on a conditional basis, the terms and conditions for the temporary use of the property must be clearly documented. Land acquisitions on a "willing buyer/willing seller" basis should also be properly documented in order to ensure that fair compensation has been paid and to avoid future conflicts over land due to lack of transparency.
35. During CDD project design, consideration should be given to setting clear limits beyond which voluntary land donations will not be considered acceptable. Box 3 below provides examples of CDD project policies for voluntary land donations.²¹

¹⁹ As stated in the PAD for the Kalahi-CIDDS Project in the Philippines (P077012), for instance: "...*Since the project is demand driven, and sub-project proposals are developed through a participatory planning process at the community level and finally selected through an inter-barangay meeting, the land acquisition impacts cannot be assessed in advance. Land acquisition under the project will therefore be based on a Resettlement Policy Framework agreed between the client and the Bank [...] Land for sub-projects will be furnished either as voluntary donations, as government land free of claims (e.g. from squatters or encroachers), or acquired after payment of compensation at replacement value. To ensure that sub-project implementation does not deprive individuals of land and other assets in the guise of voluntary donations and in the name of the "common good", procedures are established to (i) verify that voluntary donations are indeed voluntary, (ii) provide compensation at replacement value to individuals who are not prepared to donate land for a particular sub-project, and (iii) provide an avenue for grievance redress.*" (p. 25).

²⁰ Voluntary land donation is strictly defined in international practice as the ceding of a property by an owner who is: a) fully informed; and b) can exercise free will, i.e., can refuse to sell or to donate. "Fully informed" means that the owner has complete information regarding the proposed activity and its impacts, its land requirements and its alternate activity sites, as well as his or her rights to compensation. The owner has also been provided with sufficient time to consider his or her disposition of the property, and the owner has knowingly rejected the right to renege on his or her initial decision. "Free will" means that the owner can reject the possibility of giving up his or her land, because: a) there are viable alternatives available (such as rerouting of a water main if an owner refuses access to his or property), or b) where no viable alternatives are available, the donation will be to his or her benefit (such as a road rehabilitation project that will also benefit the owner of a small piece of land to be donated for the road works).

²¹ All of these CDD projects triggered the Bank's Involuntary Resettlement policy due to uncertainties regarding potential "land grabs" or illegal use of land.

Box 3: Examples of CDD project policies for voluntary land donations

- KRLP Project in Laos (P087716): *“Voluntary donation will not be applied for any assets except very minor losses of residential land. Voluntary donations of small strips of residential land will be according to the following criteria that will be strictly complied with: (i) the AP’s total residential land area is not less than 300 m²; (ii) if the AP’s total residential area is more than 300 m², the strip of land that can be donated cannot be more than 5% of the total land area; and (iii) there are no houses, structures or fixed assets on affected portion of land.*
- PNKM-Rural Project in Indonesia (P1005002): *“The community block grant funds from the project cannot be used to compensate private properties affected by the proposed sub-project. Any compensation issue has to be solved beforehand by the village community themselves. Voluntary submission of land/productive plants related to infrastructure development has to be proven by written statement from the owner(s) and legalized by the village head.”*
- PNPM-Urban Project in Indonesia (P124477): *“Voluntary land donations for a sub-project proposed by a community must be openly discussed in public consultations. Donors must not be coerced by peers, by local government or by project management. Donors must have the right “not to donate” their land. Circumstances under which voluntary land donations may take place are the following: (i) they [e.g.: donations] must apply to agreed priority sub-projects; (ii) the donor may or may not receive benefits from the activity; (iii) they must apply to small-scale community infrastructure; (iv) they must represent a small land proportion of the original land holding; v) land must not be the donor’s main source of income; vi) the reduction in land size does not significantly affect the donor’s livelihood; vii) the use of donated land does not affect the productivity of the remaining land.”*

36. Regardless of country and project specificities, it is recommended that the basic guidelines to be followed for voluntary land donation in CDD projects be as follows:²²

- Land to be donated must be identified by the community through a participatory approach
- Impacts of proposed activities on donated land must be fully explained to the donor
- The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign
- The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities
- The donor may request monetary or non-monetary benefits or incentives as a condition for donation
- The proportion of land that may be donated cannot exceed the area required to maintain the donor’s livelihood or that of his/her household
- Donation of land cannot occur if it requires any household relocation
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land
- Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses)

²² These basic guidelines as well as the contents of following paragraphs 37 and 38 were developed in a working group bringing together social development and legal specialists from GSURR, OPSOR, LEGEN and IFC.

- The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry
 - Any donated land that is not used for its agreed purpose is returned to the donor.
37. Each instance of voluntary land donation in a CDD sub-project must be documented. This requires written notification indicating the location and amount of land that is sought and its intended use for the subproject, and requires a formal statement of donation, establishing informed consent and signed by each owner or user involved. Taxes to be paid by the land donator for registration of the land transfer, if applicable, should be covered in full by the implementation agency. The implementation agency maintains a record with documentation for each instance of land donation. The documentation is made available for review in any grievance that may arise, and is provided to the World Bank upon request (refer to Annex 2 for example of land donation documentation).
38. The CDD project must specify means by which land donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised.²³ The grievance process includes participation of reviewers not directly affiliated with the project implementing agency. Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process. Alternatively, grievances may be referred to grievance mechanisms established for project purposes. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.
39. It is possible to distinguish between “pure” donations without any compensation or support given to the person affected, vis-à-vis “partial” donations which involve some monetary or non-monetary benefits or incentives provided to the affected person.²⁴ Both can be broadly classified as “voluntary donations” in the sense that the transfer of assets is done without involving the payment of compensation at replacement value.²⁵ Voluntary land donations may be allowed even if no viable alternative exists, as long as the donation is to the benefit of the donor (such as a road rehabilitation project that will also benefit the owner of a small piece of land to be donated for the road works).

²³ Well-functioning grievance redress mechanisms are rare and practice needs to be improved. When such mechanisms function appropriately, they can avoid escalation of conflict and reduce unnecessary project delays.

²⁴ For instance, in the case of the Asian Development Bank-funded Emergency Assistance for the Kalahi-CIDDS Project in the Philippines (2013), the Resettlement Framework prepared for the project (Dec. 2013, p. 17) stated that proponents can discuss possible incentive schemes for affected persons who voluntarily donate portions of their property to facilitate construction/rehabilitation of a proposed subproject. These schemes may include: “(i) *Privileges to use community facilities with minimal fees to be paid by the donor*; (ii) *Amnesty for payment of back taxes (for those with no Tax Declarations)*; (iii) *Employment during construction*; (iv) *Transfer/resettlement assistance, when necessary*; or (v) *Assistance in getting alternative employment*.”

²⁵ In certain cases, subprojects may require the acquisition of small pieces of land with full compensation for lost assets, while also allowing for voluntary land donations. This could apply in the case of subprojects involving the opening up of access roads or footpaths that cut across several private properties and where some people could be willing sellers or donors and others would require full compensation for lost assets.

40. All family members (including spouses) must be aware of the donation, in order to minimize the risks of women users of the land to be donated being passed over in decision-making on land donation and the risks of cross-generational conflicts.²⁶ Individuals using or occupying community or collective lands must also be aware of the donation to minimize risks of settlers or migrants being passed over in decision-making on land donation.
41. Box 4 below provides an example of formal documentation requirements for voluntary land donations at the local government and community levels in the Philippines. In this case, identified documentation requirements may be difficult to apply in other country settings. As a general rule, however, project policy and requirements for land donations must be clearly spelled out in the ESMF (and/or the RPF) prior to project appraisal.

Box 4: Example of CDD project policy for documenting voluntary land donations – Kalahi-CIDDS Project in the Philippines (P077012):

- *“Where land is donated, the following safeguards need to be applied, based on their relevance to the cases being encountered by sub-project proponents: (i) An assessment that the affected person does not suffer a substantial loss affecting his/her economic viability as a result of the donation; (ii) Certification that the land is free of claims or encroachments from any third party; (iii) Deed of Donation to the Community Association concerned, as witnessed by the local authorities; (iv) Declaration of Ownership with Waiver of Claims for Affected Assets; (v) Joint Affidavits of Two Adjoining Landowners or Local Officials (for unregistered lands); (vi) Waiver of Rights/Quit Claim (for plants, trees, houses, structures claimed by tenants, informal settlers); and (vii) Waiver of Rights/Quit Claim (With Sharing of Claim).”*

STEP 2: PREPARATION OF SOCIAL SAFEGUARDS INSTRUMENTS PRIOR TO APPRAISAL

Preparation of an ESMF for a CDD project

42. When the Bank’s policy on Environmental Assessment (OP/BP 4.01) is triggered, preparation of an ESMF must be carried out in a participatory manner and integrated into the project design prior to appraisal. The ESMF must be based upon an environmental and social assessment specifically undertaken for the project (refer to Safeguards Frameworks Website). This assessment should focus on the types of activities under consideration (ex: road works, community buildings, water supply, etc.), as well as the relevant existing physical, biological, socio-economic and physical cultural conditions and resources in the project area. It should be based upon the collection of information at an aggregated level and be supported by a review in the field of a sample of expected subproject schemes and by public consultations conducted at appropriate (e.g.: national or regional) levels.
43. The assessment of social conditions for an ESMF should address the potential extent and complexity of project-related social impacts and benefits on local communities, including the capacity to sustainably implement CDD subprojects and activities. Special attention should

²⁶ For further guidance on the management of gender aspects under CDD projects, refer to *Gender Dimensions of Community-Development Operations – A Toolkit for Practitioners* (EAP Social Development Report, Nov. 2011).

also be paid to vulnerable or disadvantaged groups who could be more severely affected than other groups in the project area – or less likely to benefit from project activities, including Indigenous Peoples or ethnic minority groups that fulfill the definition of Indigenous Peoples.²⁷

44. The ESMF prepared on the basis of the environmental and social assessment should contain a Negative list (or Exclusion list) of proscribed activities under the CDD project (refer to Annex 1 for example of a Negative list). As discussed previously (see paragraph 27), such a list can be used both to avoid potentially significant impacts and to avoid policy triggers. It thereby offers one of the strongest means of simplifying the management of the Bank's safeguards in the context of CDD projects.
45. The ESMF should describe clear procedures and responsibilities for environmental and social planning, screening and subproject EA to be applied to different subproject proposals. Such procedures should be predicated upon the full integration of consideration of adverse environmental and social impacts and benefits into CDD program planning, design, construction procurement, operations and monitoring at the local level. This ensures that environmental and social considerations are properly accounted for at the community level, while limiting the need for complex instruments to manage Bank safeguards.²⁸
46. The ESMF should identify specific environmental and social concerns and possible mitigation and optimization measures associated with each investment type, including measures to be included in construction clauses. It should refer to simplified environmental and social checklists, forms and guidance materials for use by technical facilitators and local communities responsible for implementation of sub-projects and activities (refer to examples in Annex 5). It should also define training and capacity building requirements for management of safeguards by parties preparing and executing subprojects.
47. The ESMF should define monitoring and evaluation requirements for safeguards as well as linkages to the overall CDD project monitoring and evaluation process. Such requirements include: i) listing of a set of indicators to be monitored; ii) assessment methods to be used, their frequency as well who should undertake such assessments; iii) identification of any external/third party audits; and iv) ensuring that safeguards performance evaluations are included in project monitoring and evaluation activities and audits. It is good practice to make use of participatory development or adjustment of monitoring indicators and of participatory project monitoring in CDD projects.

Preparation and disclosure of safeguard framework instruments prior to appraisal

48. Preparation of safeguards framework instruments (such as an ESMF, a RPF or an IPPF) during project design is the primary responsibility of the Borrower. The Bank must play a supporting role, providing guidance and approving Borrower safeguard-related activities. The Borrower is responsible for the timely disclosure of framework instruments to project-affected

²⁷ Useful reference materials for conducting such a social assessment include a brief Interim Guidance Note on *Assessing Social Impact and Risks Under OP/BP 4.01 – Environmental Assessment* (OPCS/QACU, February 2012) and a more in-depth Interim Guidance Note to Staff on *Social Aspects in the Application of the OP 4.01 – Environmental Assessment* (Social Development Department, April 2011).

²⁸ Refer to fully integrated *Environmental Analysis and Sub-project Review Procedures* in the Rural Investment and Local Governance Project in Cambodia (Annex 9 of the RILGP Implementation Manual, 2003 – P071146).

groups, local NGOs and the general public at the national and regional (e.g.: County Office or District) levels. The Bank is responsible for disclosing framework instruments at the Bank Infoshop prior to project appraisal.

STEP 3: SOCIAL SAFEGUARD IMPLEMENTATION SUPERVISION AFTER APPRAISAL

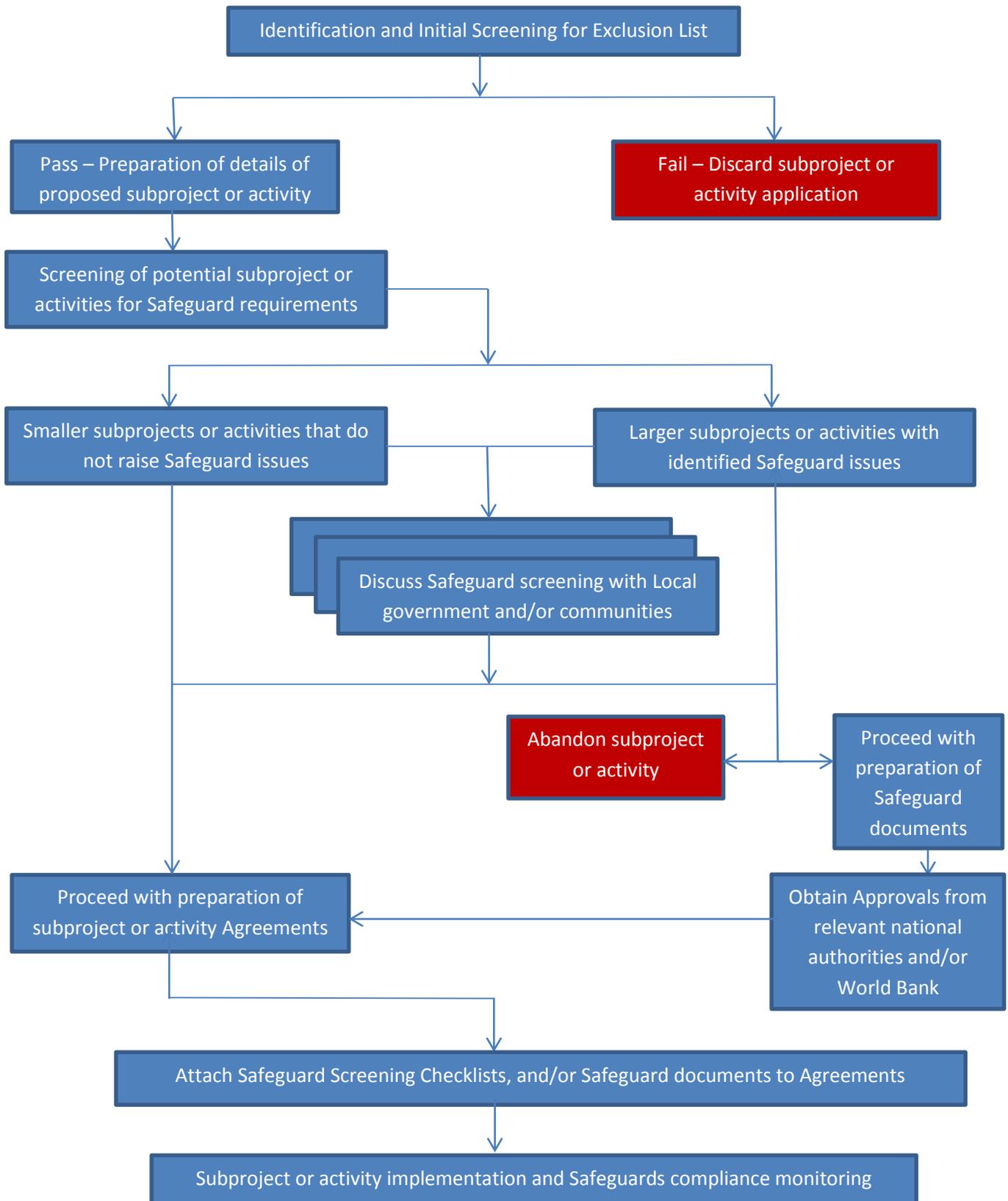
Incorporation of ESMF and of other social frameworks into Project Operations Manual

49. For CDD project implementation, the contents of the ESMF and other relevant social safeguard management frameworks (RPF or IPPF if applicable) must be incorporated in summary version into the Project Operations Manual or appended to the Project Operations Manual. The Project Operations Manual must clearly spell out requirements for the preparation, approval, implementation, and monitoring and evaluation of subproject or activity-specific safeguards instruments (see following example of CDD project implementation safeguards decision tree from a project in Laos²⁹ to be included in a Project Operations Manual and refer to example from a project in the Philippines in Annex 3).
50. The Project Operations Manual should elaborate the provisions of policy frameworks and provide details about who does what, how and when. The ESMF, IPPF and RPF typically provide only general processes and procedures to be followed, which are not sufficient to provide a detailed implementation guide. In order to ensure full compliance, more details (including forms and formats of safeguard monitoring and recording) have to be developed and integrated or appended to the Project Operations Manual.
51. Regardless of whether or not the management of CDD activities in Indigenous Peoples' communities is based upon an IPPF (refer to paragraphs 17 to 23 above), the key challenge for the implementation of such activities is to ensure that the preparation of subproject proposals meet key Bank policy requirements such as *“good socioeconomic diagnostics, a participatory approach whereby communities are consulted and provide support for the sub-project, as well as a detailed action plan, including monitoring and evaluation indicators”*.³⁰
52. For instance, in the Philippines Kalahi-CIDSS NCDPP, one of the main challenges was to integrate consultations with Indigenous Peoples groups into the subprojects cycle and to adjust the subproject development process to give further support to Indigenous Peoples communities. This included training for Indigenous Peoples communities, looking at different types of priorities that facilitators may need to be aware of, awareness raising/information sharing on Indigenous Peoples land rights, adjusting the criteria setting process to make sure additional “points” were given to subprojects in Indigenous Peoples areas/remote areas, etc.

²⁹ Adapted from Overview of KRLP Screening Process (Figure 1, p. 10) of Laos Khammouane Rural Livelihood Project (KRLP) Safeguard Manual, Final. February 18, 2008 (P087716).

³⁰ Implementation of the World Bank's Indigenous Peoples Policy – A Learning Review (FY 2006-2008), OPCS Working Paper, August 2011, para 22, p. 6.

Example of CDD Project Implementation Safeguards Decision Tree – Operations Manual



53. If required during CDD project implementation, small-scale land takings or restriction of access to resources for activities in certain communities must be based on RAPs or ARAPs that have been prepared in compliance with the RPF, approved by the World Bank and publicly disclosed (refer to paragraphs 26 to 32 above).³¹ The level of documentation required should be proportional to the expected impact. Permanent and temporary voluntary land donations must comply with admissibility criteria defined in the Project Operations Manual and must be documented at the community and local administration levels. Land acquisitions on a “willing buyer/willing seller” basis should also be properly documented. For reference purposes, the Project Operations Manual should provide a set of simplified social tools to be applied in concerned communities.

Requirements before commencement of civil works

54. If required during CDD project implementation, payment of compensation and provision of other entitlements and forms of assistance (in cash or in-kind) to affected persons must be satisfactorily completed for each subproject prior to the commencement of civil works. This requirement applies to all types of resettlement and must be tracked diligently. All deeds and other relevant legal instruments must also have been completed for persons who have voluntarily donated their land.

Allocation of resources and budgets for social safeguards implementation supervision

55. The allocation resources and budgets for safeguards implementation supervision should be tailored to CDD projects. Indeed, such projects involve the preparation and implementation of annual investment programs or multiple subprojects and must be supported appropriately. Resources and budgets for safeguards implementation supervision should be included in the project budget and should cover:

- Capacity building activities for management of social safeguards in local administrations and communities³²
- Review of subproject or activity-specific safeguards instruments, where necessary
- Supervision activities in the field for the most complex or socially sensitive sub-projects or activities
- Other supervision activities in the field on the basis of an explicit sampling strategy by categories or types of subprojects or activities in order to ensure sufficient coverage of project implementation.

³¹ In cases involving small numbers of PAPs (less than 200 persons), ARAPs are the instruments of choice (refer to OP 4.12, Annex A). An ARAP must include: (a) a census survey of displaced persons and valuation of assets; (b) description of compensation and other resettlement assistance 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. If some of the displaced persons lose more than 10% of their productive assets or require physical relocation, the ARAP must also include a socioeconomic survey and income restoration measures.

³² Consideration should be given to delegating such capacity building activities to qualified local consultants. Training should be focused on community facilitators who are recruited to assist communities in subproject definition and implementation.

Preparation, disclosure and implementation of RAPs and ARAPs after appraisal

56. If required, preparation and implementation of RAPs and ARAPs after project appraisal is the primary responsibility of the Borrower. The Bank must play a supporting role, providing guidance and approving Borrower safeguard-related activities. The Borrower is responsible for the timely disclosure of RAPs and ARAPs to project-affected groups, local NGOs and the general public at the community or village level. The Bank is responsible for disclosing RAPs and ARAPs at the Bank Infoshop following their approval via field offices.

STEP 4: SOCIAL SAFEGUARD MONITORING AND EVALUATION DURING AND AFTER IMPLEMENTATION

Timing and contents of social safeguard monitoring and evaluation

57. The timing and contents of CDD project safeguard monitoring and evaluation activities should be tailored to project supervision missions (Implementation Phase, Mid-Term Review and Final Evaluation). Social safeguard performance findings and lessons learned should be fully captured in mission Aide-memoires and Implementation Status Reports (ISRs) and in the final Implementation Completion Report (ICR). If need be, additional mitigation, remediation and compensation measures required after the project should be identified in the ICR with corresponding funding and implementation arrangements. Refer to Annex 4 for an example of a check-list to be used for social safeguards monitoring and evaluation activities conducted for a sample of CDD sub-projects or activities.

Reporting on results of social safeguard monitoring and evaluation

58. Good practice for safeguards implementation supervision of CDD projects is to conduct technical audits on a yearly or bi-yearly basis to assess compliance with safeguard policies on the basis of a sample of subprojects. Good practice for the Borrower is to include a Safeguards section in project Progress Reports and Monitoring and Evaluation Reports submitted by the Project Implementation Unit to the World Bank.³³ The Safeguards section of these reports should contain a sub-section on social safeguards that addresses, at a minimum, specific issues related to: i) Indigenous Peoples or Ethnic Minority Groups (if applicable); ii) Land donations, asset acquisition or resettlement; and iii) Social issues or grievances raised by local stakeholders.

59. The types of indicators to be considered for safeguards implementation supervision of CDD projects would include the following:

- a) Indigenous Peoples or Ethnic Minority Groups (if applicable): i) Level of participation of Indigenous Peoples in decision-making compared with other beneficiary groups;

³³ Examples of Terms of Reference for Monitoring and Evaluation of World Bank-funded CDD projects include:

- Nepal, 2014. Poverty Alleviation Fund (PAF). Terms of Reference (TORs) for Technical Audit of Infrastructure Sub-projects implemented in PAF Assisted Districts (PAFII-AF/S/QCBS-37/audinf).
- Myanmar, 2014. National Community Driven Development Project, Department of Rural Development. Terms of Reference (TORs) for Independent Technical Audit.
- Lao People's Democratic Republic, 2013. Poverty Reduction Fund. Terms of Reference (TORs) for Technical and Cost Effectiveness Study.

- ii) Level of benefits provided to Indigenous Peoples compared with other beneficiary groups; iii) Level of adaptation of menus of eligible subprojects to needs and priorities of Indigenous Peoples compared to those of other beneficiary groups; and iv) Changes to socioeconomic conditions in Indigenous communities compared with other beneficiary communities.
 - b) Land donations, asset acquisition or resettlement: i) Numbers of land donations processed and documented; ii) Number of “willing buyer/willing seller” land transactions processed and documented; iii) Number of cases of physical displacement, land acquisition or restriction of access to resources processed and documented on the basis of resettlement instruments (if applicable); iv) Implementation of procedures for affected persons participation, relocation, and delivery of compensation and other entitlements or forms of assistance in compliance with resettlement instruments (if applicable); and v) Assessment of whether restoration of living standards and income levels of affected persons have been met in compliance with resettlement instruments (if applicable).
 - c) Social issues or grievances raised by local stakeholders: i) Numbers of grievances submitted; ii) numbers of grievances addressed within an agreed timeframe; and iii) numbers of grievances satisfactorily resolved.
60. Reporting of the results of safeguards monitoring and evaluation during and after implementation is the primary responsibility of the Borrower. The Bank is responsible for supervision of the implementation of agreed safeguards measures.

ANNEXES

Annex 1 - Example of a CDD project Negative List – adapted from Kalahi-CIDSS Project in the Philippines, 2002

“Certain types of investments with negative environmental or social impacts cannot be undertaken and are hereby included in a negative list of prohibited investments. A negative list of sub-project investments and expenditures is as follows:

- Weapons, chainsaws, explosives, pesticides, insecticides, herbicides, asbestos, and other potentially dangerous materials and equipment;
- Fishing boats (beyond the weight limit set by the Bureau of Fisheries and Aquatic Resources) and related equipment;
- Civil works in or that affect protected areas
- **Purchase of or compensation for land³⁴**;
- Micro-credit and livelihood activities which involve on-lending of Project funds;
- Maintenance and operation of facilities that have been the subject of civil works financed by proceeds of the Loan;
- Activities that have alternative prior sources of committed funding;
- Recurrent Government expenditures, including salaries;
- Civil works for government administration or religious purposes;
- Political and religious activities (including rallies) and facilities and materials related to such activities;
- Activities that employ children below the age of 16 years;
- Activities that exploit an individual or individuals;
- International travel;
- Consumption items.”

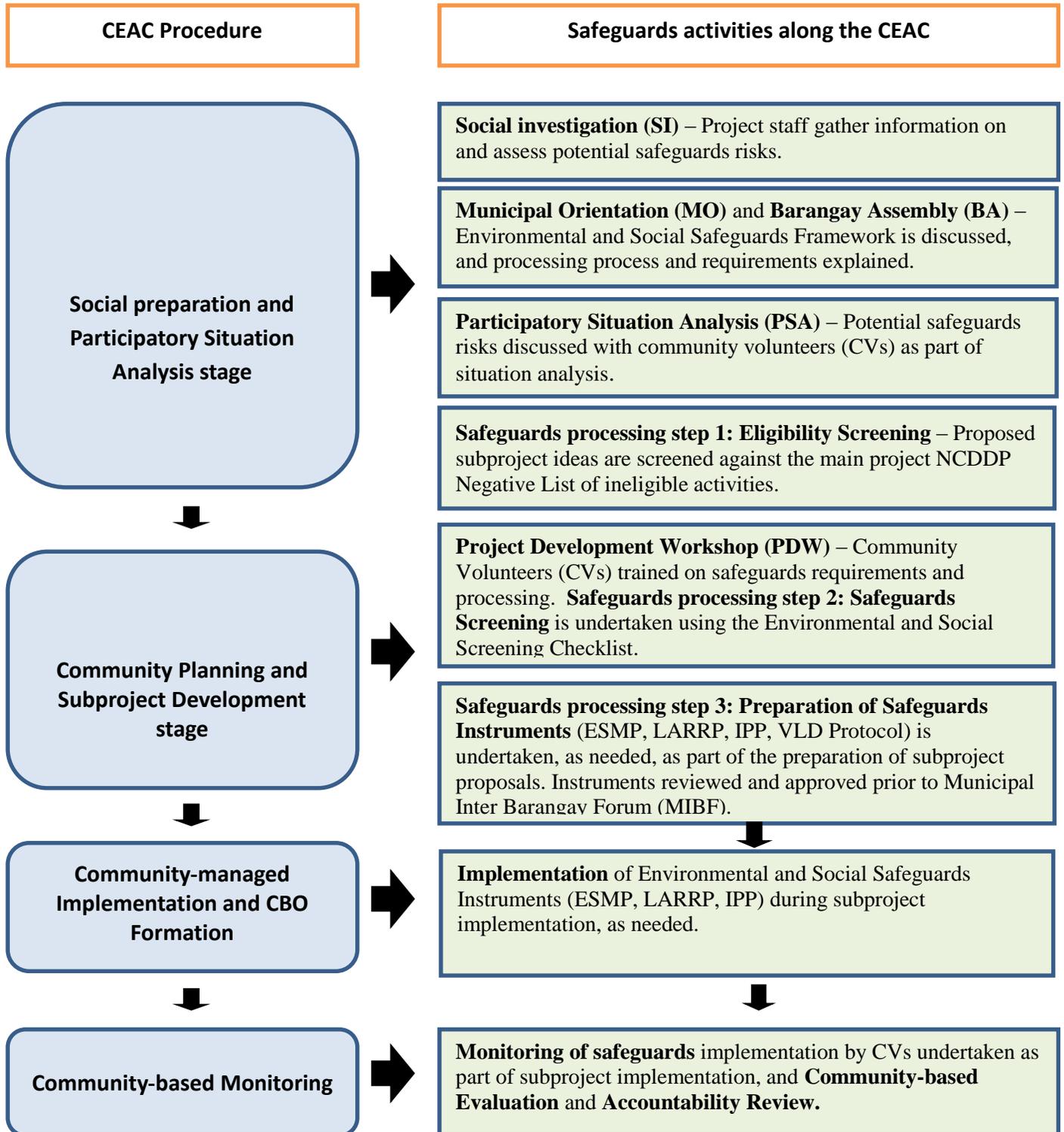
³⁴ Refer to Scenario 1 in preceding paragraph 27.

Annex 2 – Example of required contents of a form to be used at the community level for documenting voluntary land donations during the initial stages of sub-project or activity implementation – adapted from PNPM-Urban Project in Indonesia, 2011

Format of land donation letter/statement/deed

1. Landowner (name, address, occupation)
2. Purpose and context of voluntary land donation
3. Duration of voluntary land donation
4. Title, status, address and dimensions (length, width and total area) of land to be voluntarily donated
5. Current use of land to be donated
6. Proportion of total land owned by landowner
7. Site map and photos of land to be donated
8. Names and dated signatures of landowner, of head of village, and of witnesses
9. Names and dated signatures of Board of Trustee members
10. Designation of record keeping procedures (ex: Local administration offices, Project Website, etc.)
11. Designation of disclosure procedures (ex: Notification on community information board, in community media, on Project Website, etc.)
12. Designation of applicable grievance mechanism(s).

Annex 3 - Philippines' Kalahi-CIDSS NCDDP Operations Manual, p. 16 – Diagram 2 - Community Empowerment Activity Cycle (CEAC) Procedure and Safeguards Activities



Annex 4 - Example of a CDD project check-list to be used for social safeguards monitoring and evaluation activities conducted for a sample of CDD sub-projects or activities

Negative List

- Does the subproject involve any investments and expenditures that are included in the Negative List?
- If yes, identify which one(s).
- If required, identify corrective measures to be implemented for the subproject as well as related administrative, funding and technical arrangements.

Social Management

1) Indigenous Peoples or Ethnic Minorities (if applicable)

- Are there Indigenous Peoples or ethnic minority groups that fulfill the definition of Indigenous Peoples present in, or with collective attachment to the subproject area?
- In case of presence or collective attachment of Indigenous Peoples or of ethnic minority groups in the sub-project area, has there been an IPPF or an Integrated Community Development Plan prepared for the project? (Required but not done, Unsatisfactorily completed or Satisfactorily completed).
- If required, have the local participatory processes and grievances mechanisms for implementation of an IPPF been put into place? (Required but not done, Unsatisfactorily implemented or Satisfactorily implemented).
- If required, have the specific measures identified in the IPPF been implemented for the sub-project? (Not implemented, Poorly implemented, or Satisfactorily implemented).
- If required, identify additional processes, mechanisms and compensation measures to be implemented for the subproject as well as related administrative, funding and technical arrangements.

2) Involuntary Resettlement (if applicable)

- Has there been any **physical displacement** carried out for the subproject (e.g.: a house, a shop or residential or commercial structures acquired temporarily or permanently for road widening or for a temporary bypass, for a school, etc.)?
- Has there been any **land acquisition** carried out for the subproject (e.g.: small pieces of land or easements acquired temporarily or permanently for road widening or for a temporary bypass, for a school, for a public water pump, for a water line, etc.)?
- Has there been any **restriction of access to resources** carried out for the subproject (e.g.: temporary or permanent restriction of access to a public water source, to a source of income, etc. for road widening or for a temporary bypass, for a school, for a public water pump, for a water line, etc.)?
- In case of physical displacement, land acquisition or restriction of access to resources, has there been a resettlement plan (RAP, ARAP or PF) prepared for the subproject? (Required but not done, Unsatisfactorily completed or Satisfactorily completed).
- If required, has the resettlement plan prepared for the subproject (RAP, ARAP or PF) been approved by the World Bank and publicly disclosed?
- If required, have the local participatory processes and grievances mechanisms for preparation and implementation of the resettlement plan been put into place? (Required but not done, Unsatisfactorily implemented or Satisfactorily implemented).

- If required, have affected vulnerable persons been identified and properly assisted during preparation and implementation of the resettlement plan? (Required but not done, Unsatisfactorily implemented or Satisfactorily implemented).
 - If required, have the compensation measures identified in the resettlement plan been implemented? (Not implemented, Poorly implemented, or Satisfactorily implemented).
 - If required, identify additional processes, mechanisms and compensation measures to be implemented for the subproject as well as related administrative, funding and technical arrangements.
- 3) Voluntary Land Donations and “Willing buyer/willing seller” Land Transactions
- Have voluntary land donations been conducted for the sub-project? (Not conducted, Conducted).
 - If conducted, have voluntary land donations complied with the CDD project’s policy on land donations? (Comply, Partially comply, Do not comply).
 - If conducted, have voluntary land donations been properly documented for the sub-project? (Not documented, Unsatisfactorily documented, Satisfactorily documented).
 - Have “willing buyer/willing seller” land transactions been conducted for the sub-project? (Not conducted, Conducted).
 - If conducted, have “willing buyer/willing seller” land transactions been properly documented for the sub-project? (Not documented, Unsatisfactorily documented, Satisfactorily documented).
 - If required, identify additional documentation measures for voluntary land transactions to be implemented for the subproject as well as related administrative, funding and technical arrangements.

Annex 5: Links to reference materials on social safeguards for CDD operations

Safeguard Policies

<http://www.worldbank.org/safeguards>

- OP 4.01 Environmental Assessment
- OP 4.10 Indigenous Peoples
- OP 4.10 Annex C – Indigenous Peoples
- BP 4.10 Indigenous Peoples
- OP 4.12 Involuntary Resettlement.
- OP 4.12 Annex A – Involuntary Resettlement
- BP 4.12 Involuntary Resettlement
- *Participation and Social Assessment: Tools and Techniques*, The World Bank (1998)

Safeguard Guidance Materials for CDD

- Safeguards Frameworks Website, World Bank.
- Voluntary Land Donations in Community-Driven Development (CDD) Programs in Indonesia: Issues and Challenges, Power Point Presentation by Ida Dharmapatni (2011)
- Safeguards in Community Driven Development and Decentralization projects in South Asia, Kenneth Green, The World Bank (2010)
- A set of useful materials for safeguard issues in CDD operations based on experience in the Africa region, including:
 1. *Assessing the Use of Environmental and Social Frameworks in Africa*, Green et al.
 2. Case studies (Ethiopia, Malawi, Tanzania and Uganda)
 3. Executive summary: Safeguard framework review in Africa can be found here:
- Examples of “Negative Lists” of items which will not be funded from CDD Projects:

Operational and other Manuals

- Cambodia, *Environmental Analysis and Sub-project Review Procedures* in the Rural Investment and Local Governance Project (Annex 9 of RILGP Project Implementation Manual, 2003 – P071146)
- Cambodia, Commune/Sangat Fund RILGP Project Implementation Manual (January 2009 – P071146): Section 2.8 *Guidelines for Carrying Out an Environmental Analysis*, Section 2.9 *Guidelines for Preparing a Land Study Report*, Section 2.10 *Guidelines on the Highlands People Safeguards*.
- Laos Khammouane Rural Livelihood Project (KRLP) Safeguard Manual, Final. February 18, 2008.
- Philippines KALAHI Community-Based Infrastructure Subprojects Manual
- Philippines KALAHI Roads and Bridges Manual
- India Maharashtra Rural Water Supply Community Operational Manual (2003)

TORs

- Nepal, 2014. Poverty Alleviation Fund (PAF). Terms of Reference (TORs) for Technical Audit of Infrastructure Sub-projects implemented in PAF Assisted Districts (PAFII-AF/S/QCBS-37/audinf).
- Myanmar, 2014. National Community Driven Development Project, Department of Rural Development. Terms of Reference (TORs) for Independent Technical Audit.
- Lao People's Democratic Republic, 2013. Poverty Reduction Fund. Terms of Reference (TORs) for Technical and Cost Effectiveness Study.

Guidance Materials for Communities

- Indonesia PNPM - Good and Bad Infrastructure (Vol. A – Roads and Bridges)
- Indonesia PNPM - Good and Bad Infrastructure (Vol. B – other infrastructure)
- Bangladesh LGSP Good Practices Handbook
- India Handbook for Gram Panchayats (Water)
- India RWSS O&M Training Course Outline for Engineers
- Nepal RWSS Post-Construction Guidelines
- Philippines Roads and Bridges Manual
- Philippines Small Scale Infrastructure Manual
- Nepal Handbook on Community-Wide Water Safety Planning
- Training Toolkit on Building Maintenance for Engineers (HSMI/F/GR 2003).

Other

- Philippines KALAHI-CIDSS Sustainability Evaluation Tool Example

Annex 6: Other References

- World Bank, 2014. *Guidebook to the World Bank Indigenous Peoples Policy*, Draft for Internal Review, November 2014.
- World Bank, 2014. *Protocol on Voluntary Land Donations for the PICs*, Draft for Internal Review, Una Meades, LEGEN, July 2014.
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- World Bank, 2012. *Interim Guidance Note on Assessing Social Impact and Risks Under OP/BP 4.01 – Environmental Assessment*, OPCS/QACU, February 2012.
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