



JAMAICA SOCIAL INVESTMENT FUND

ISO 14001:2015 CERTIFIED

Investing for Community Development

ENVIRONMENTAL AND SOCIAL FRAMEWORK (ESF)

for the

JAMAICA SOCIAL INVESTMENT FUND (JSIF)

June 12, 2020

INTRODUCTION

The Jamaica Social Investment Fund (JSIF) is a limited liability company incorporated under the Company's Act of Jamaica. It was established in 1996 as a component of the Government of Jamaica's (GoJ's) national poverty alleviation strategy. The Fund was designed primarily to channel resources to small-scaled community-based projects. This is done with the use of an Operations Manual that acts as a guide to ensure transparency, accountability and efficiency in project implementation.

The operations of the JSIF were initially funded by a loan negotiated between the GoJ and the World Bank. Though the Fund was initially established as a temporary organization with an initial lifespan of four (4) years, it has been in operation for over twenty-one (21) years; invested an estimated USD 200 million, of which approximately 80% is on infrastructure.

The Jamaica Social Investment Fund (JSIF) mobilizes resources and channels these to community-based socio-economic infrastructure and social services projects. Through a national partnership between central and local government, communities and private and public organizations. These projects are expected to have generally positive environmental impacts, albeit some could result in minor adverse environmental impacts that would be mostly local and reversible.

BACKGROUND TO THE ESF

In May 2005, the Government of Jamaica (through the Planning Institute of Jamaica - PIOJ), the World Bank and the JSIF began discussions regarding the development of an Environmental Management System (EMS) for the JSIF which would be certified against ISO 14000 Standards. This was the first seed sown that would forty-three (43) months later result in the successful implementation of an Environmental Management System (EMS) and the achievement of ISO 14001:2004 certification. These discussions would fit perfectly within the framework of the government's thrust towards environmental responsibility as outlined in the Green Paper "Towards a National Policy and Strategy on Environmental Management Systems."

The discussions gained further traction with the firm resolve by JSIF's top management, and the Board of Directors, to promote responsible interaction with the

environment and environmental sustainability. The first tangible manifestation of this commitment was the development of an Environmental and Social Management Framework (ESMF) in January 2006 which binds JSIF to, and ensures conformance with the Government of Jamaica's environmental laws and regulations, and guards against adverse impacts on the natural and cultural environment as a result of our activities.

One of the guiding operational principles (principle # 9) of JSIF is that projects funded by JSIF must conform to the Government of Jamaica's environmental regulations and have minimum impacts on the natural and cultural environment. Thus, the ESMF became an integral part of JSIF's Operational Manual (OM) and the Environmental Management System (EMS). The EMS was certified to ISO 14001:2004 standards in January 2009; after which it became certified to ISO 14001:2015 in 2017, an upgrade to the previous standard.

The EMS and ESMF are interlinked and serve as policy documents. Both documents are continually reviewed and updated to reflect the considerations of new and emerging activities being undertaken by the Fund, global trends and donor requirements. The EMS and by extension the ESMF is applicable to all project portfolios regardless of funding sources including the Government of Jamaica, World Bank, Caribbean Development Bank, European Union, Inter-American Development Bank, PetroCaribe Development Fund, *inter alia*.

The ESMF is a significant element of the EMS and is included in all JSIF works contracts. Historically, the ESMF was updated in 2013, 2015 and 2018 for the approval of the Integrated Community Development Project (ICDP), the Disaster Vulnerability Reduction Project (DVRP), and for the second Rural Economic Development Initiative (REDI II), respectively. The ESMF was based on the World Bank's Operational Policies which are currently being phased out and will be replaced by new policies regarded as environmental and social standards (ESSs). Multilateral funding partners require Borrowers to comply with the conditions of the ten (10) ESSs which appear to be a consistent requirement for most if not all JSIF's multilateral funding partners.

The development of this environmental and social framework (ESF) is in response to the new requirements of our funding partners. The ESF integrates both environmental and social standards into a single policy document. The Framework is aimed at ensuring that the execution of JSIF's projects is in alignment with national

laws and the requirements of project funders. It provides the approach for identifying and managing environmental and social risks and impacts which may be encountered during sub-project execution.

PURPOSE THE ESMF

The purpose of the ESF is to outline the compulsory management procedures that are required to be followed during the execution of development projects to avoid or reduce environmental and social risks and impacts.

PRINCIPLES OF THE ESMF

The JSIF is committed to the development and execution of projects that are environmentally and socially sustainable, and to building the capacity of applicable project stakeholders to identify and manage environmental and social risks and impacts associated with development projects within its portfolio. Therefore, the JSIF has outlined and defined specific Environmental and Social Performance Standards (ESPSs), which are designed to avoid, minimize, reduce, mitigate or compensate for any adverse environmental and social risks and impacts associated with development projects. The JSIF will comply with the environmental and social requirements of its funders and ensure that stakeholders involved in project implementation adopt and apply the necessary requirements of the ESPSs to manage environmental and social risks.

In order to execute the policies contained in this ESF, the JSIF will do the following:

- i. Partner with project funders to develop an environmental and social commitment plan (ESCP) that will govern project execution;
- ii. Develop a clear understanding of the environmental and social standards of its funders and integrate these in the execution of projects;
- iii. Consult with funders to develop suitable and appropriate tools to assess and manage potential environmental and social risks and impacts;
- iv. Conduct environmental and social due diligence of proposed projects using prescribed environmental and social screening tool;

- v. Establish a standardized stakeholder engagement plan and conduct meaningful and substantial community engagements throughout all stages of the project;
- vi. Integrate stakeholder feedback into project development and execution and provide clear mechanism(s) for stakeholders to register grievances without fear and intimidation;
- vii. Monitor and report on the environmental and social management performance of project in accordance with the ESCP and the ESPSSs.

The environmental and social risks and impacts which the JSIF will take into consideration as part of the due diligence process will include those outlined in the table below.

Environmental risks and impacts related to:	Social risks and impacts, related to:
<ul style="list-style-type: none"> i. Funders' Environmental, Health, and Safety Guidelines (EHSGs); ii. Community safety (including safe use of pesticides); iii. Climate change and other transboundary or global risks and impacts; iv. Any material threat to the protection, conservation, maintenance and restoration of natural habitats and biodiversity; and v. Ecosystem services and the use of living natural resources, such as fisheries and forests. 	<ul style="list-style-type: none"> i. Threats to human security through the escalation of personal, communal or interstate conflict, crime or violence; ii. Risks that project impacts fall disproportionately on individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable; iii. Any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of those who may be disadvantaged or vulnerable; iv. Negative economic and social impacts relating to the involuntary taking of land or restrictions on land use; v. Risks or impacts associated with land and natural resource tenure and use, including (as relevant) potential project impacts on local land use patterns and tenurial arrangements, land access and availability, food security and land values, and any

	corresponding risks related to conflict or contestation over land and natural resources;
	vi. Impacts on the health, safety and well-being of workers and project-affected communities; and
	vii. Risks to cultural heritage.

OBJECTIVES OF THE ESF

The main objectives of this ESF are to:

- Develop and implement sub-projects that are environmentally and socially sustainable;
- Identify and determine project environmental and social risks and establish procedures to avoid, minimize, reduce or mitigate the potential adverse risks and impacts;
- Build the capacity of stakeholders to successfully implement projects in accordance with the environmental and social standards of international funders.
- Establish a foundation for continual improvement in the management of environmental and social risks; and
- Establish a set of standardized environmental and social guidelines and due diligence procedures that must be followed in order to access international funding.

In an effort to meet the requirements of funding partners and those of the applicable local authorities and regulatory entities, the JSIF has aligned its ESF with the following ten (10) international Environmental and Social Standards.

ESPS 1: Assessment and Management of Environmental and Social Risks and Impacts
ESPS 2: Labour and Working Conditions
ESPS 3: Resource Efficiency and Pollution Prevention and Management
ESPS 4: Community Health and Safety
ESPS 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement
ESPS 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources
ESPS 7: Indigenous Peoples
ESPS 8: Cultural Heritage
ESPS 9: Financial Intermediaries
ESPS 10: Stakeholder Engagement and Information Disclosure

These Environmental and Social Standards are established to help the JSIF to manage the risks and impacts of a project, and improve its environmental and social performance, through a risk and outcomes-based approach.

SCOPE OF THE ESF

This Policy document applies to all projects to be executed by the JSIF regardless of funding source. The JSIF will execute all projects within the confines of the Legal Agreements with its funding partners to include meeting requirements of the Environmental Policies and ESSs and in a timeframe that is acceptable. The ESF is applicable to new facilities or activities and/or existing facilities or activities, or a combination these.

Where projects are jointly funded, the JSIF will corporate with the funders in developing and agreeing on a common approach to assess and manage environmental and social risks and impacts that will enable the project to achieve its objectives and outcomes but in a manner that is consistent with the ESPs. The JSIF

will also coordinate with funding entities so that a single set of project-related documents could be disclosed for stakeholder engagement.

Where there are “Associated Facilities” meaning facilities or activities that are not funded as part of the project and, but are agreed to be: (a) directly and significantly related to the project; and (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist, the ESPs will be applied, however only under the condition that the JSIF has control or influence over such Associated Facilities.

Also, where a common approach has been agreed for the project, the common approach will apply to the Associated Facilities.

JSIF’S COMMITMENTS UNDER THE ESF

1. The JSIF will conduct environmental and social assessment of projects proposed for support by its funder in accordance with the applicable Standards;
2. The JSIF will prepare and implement projects in compliance with funders’ requirements and in a manner and a timeframe acceptable to them.
3. The JSIF **Will Not** perform any activities or take any actions in relation to a project that may cause material adverse environmental or social risks or impacts until the relevant plans, measures or actions have been completed in accordance with the environmental and social commitment plan (ESCP) agreed with the funder.
4. If a project comprises or includes existing facilities or existing activities that do not meet the funders’ environmental and social standards (ESSs) at the time of approval, the JSIF will, as part of the ESCP, adopt and implement measures satisfactory to the funder so that the material aspects of such facilities or activities meet the requirements of the ESSs within a timeframe acceptable to the funder.
5. The JSIF will apply the relevant performance levels and measures contained in the funders’ EHSGs that are normally acceptable and applicable to projects.
6. The JSIF will seek to achieve or implement the more stringent standards when the Jamaican requirements differ from the levels and measures presented in the funders’ EHSGs.

7. The JSIF will provide the funder with full and detailed justification if it believes that less stringent measures or alternatives can be applied to the implementation of the project that are consistent with the objectives of the ESPs and the applicable EHSGs, and is unlikely to result in any significant adverse environmental or social impacts.
8. The JSIF will corporate with project funders to classify all projects into one of four categories: High Risk, Substantial Risk, Moderate Risk or Low Risk; considering factors such as the type, location, sensitivity, and scale of the project; the nature and magnitude of the potential environmental and social risks and impacts; local capacity to manage the environmental and social risks and impacts associated with the project in a manner consistent with the ESSs.
9. The JSIF will disclose an environmental and social management framework (ESMF) on its website to include the risk category of the project. This is applicable for projects with multiple sub-projects where the exact location of the sub-projects is unknown at the time of project appraisal.
10. The JSIF will corporate with project funders and participate in environmental and social safeguards training to build capacity.
11. The JSIF will provide capacity building training for stakeholders including project implementation unit, contractors, consultants, partner agencies and project beneficiaries, inter alia to improve management of environmental and social risks and impacts;
12. The JSIF will corporate with funders in conducting environmental and social due diligence of all projects proposed for support to determine the way in which environmental and social risks and impacts will be addressed in the assessment, development and implementation of the project.
13. The JSIF will provide funders the necessary information required to conduct environmental due diligence or any other assessment in accordance with their Environmental Policies.
14. Where necessary or as required by funders, JSIF will retain independent third-party environmental and social specialists to assist in the assessment of environmental and social risks and impacts.

15. Where the proposed project consists of multiple sub-projects, the JSIF will conduct environmental and social assessment using the environmental and social screening tool for each sub-project.
16. The JSIF will develop and implement **High Risk** subprojects in accordance with funders' ESSs; while **Substantial Risk**, **Moderate Risk** and **Low Risk** subprojects, in accordance with national law and any requirement of the ESSs that the funder considers relevant to such subprojects.
17. If there are instances where the JSIF does not have the capacity to implement a high risk or substantial risk sub-project, the JSIF will seek prior review and approval from the funder until the necessary capacity is built;
18. If the risk rating of a subproject increases to a higher risk rating, the JSIF will apply relevant requirements of the ESSs in a manner agreed with the funder. The ESCP will be amended to include the measures and actions agreed with the funder.
19. The JSIF will agree with the funder on an ESCP which set out the material measures and actions required for the project to meet the ESSs over a specified timeframe. The ESCP will form part of the project's legal agreement.
20. The JSIF will disclose the draft ESCP as early as possible, and before project appraisal;
21. The JSIF will implement the measures and actions identified in the ESCP diligently, in accordance with the timeframes specified;
22. The JSIF will review the status of implementation of the ESCP as part of its monitoring and reporting;
23. The JSIF will prepare and submit to the funder for approval and implement a process that allows for adaptive management of proposed project changes or unforeseen circumstances. The agreed adaptive management process will be set out in the ESCP. The process will specify how such changes or circumstances are to be managed and reported, and how any necessary changes will be made to the ESCP and the management tools used by JSIF.
24. The JSIF will provide sufficient information about the potential risks and impacts of the project for consultations with its stakeholders. The information will be disclosed on the JSIFs website in a timely manner, and in English language so that

project-affected parties and other interested parties can understand and make an input.

25. The JSIF will engage with stakeholders, including communities, groups, or individuals affected by proposed projects, and with other interested parties, through information disclosure, consultation, and informed participation in a manner proportionate to the risks to and impacts on affected communities. The JSIF will invite funders to participate in stakeholder consultation activities where necessary and appropriate.
26. The JSIF will conduct social screening activities to determine if Indigenous Peoples are present in, or have a collective attachment to, the proposed project area, and where that is the case, carry out meaningful consultation and involve them in the decision making about the project.
27. The JSIF will obtain the Free, Prior and Informed Consent (FPIC) of the affected Indigenous Peoples prior to the execution of any project. The consent must represent the majority view of the Indigenous People, otherwise the project will not be implemented.
28. The JSIF will make detailed documentation of consultations with project stakeholders including engagements with Indigenous People.
29. The JSIF will corporate with funders in the monitoring the environmental and social risks of the project in accordance with their required protocols.
30. The JSIF will perform monitoring and supervision of environmental and social performance in accordance with the legal agreement with the funder. The JSIF has established a project monitoring protocol and will continue to make improvements as needs arise and plausible recommendations made for change.
31. Where appropriate the JSIF will engage stakeholders and third parties, such as environmental and social experts, local communities or non-governmental organizations (NGOs), to perform independent monitoring to complement or verify JSIF's internal project monitoring information.
32. Where other agencies or third parties are responsible for managing specific risks and impacts and implementing mitigation measures, the JSIF will collaborate with them to establish and monitor these mitigation measures.

33. The JSIF will maintain a grievance mechanism to receive and facilitate resolution of concerns and grievances of project-affected parties arising in connection with the project, in particular about the environmental and social performance.
34. The JSIF will provide resources and assign responsibilities as appropriate to support the effective implementation of its environmental and social policies.
35. The JSIF will develop and maintain directives, procedures and appropriate guidance and information tools to assist in implementing its environmental and social Policies.
36. The JSIF will continue to review and update its environmental and social policies as appropriate on an ongoing basis.

JSIF’S ENVIRONMENTAL AND SOCIAL SAFEGUARD STANDARDS

Development projects typically present a number of environmental and social risks, some of which can be highly impactful. Project funders, especially multi-lateral partners are particularly concerned about the environmental and social sustainability of the projects they finance. There is a paradigm shift from the “Do No Harm” to the “Do Good” approach to project implementation. Consequently, a new set of environmental and social standards (ESSs) have been developed by Funders to which Barrowers are required to comply. This new Environmental and Social Framework establishes compulsory requirements for both Funder and Barrowers in relation to execution of development projects as outlined in ten (10) ESSs.

The JSIF’s environmental and social framework is developed in response to the new environmental and social requirements of funding partners. The ESF outlines how the JSIF will manage environmental and social risks to be in alignment with funders’ environmental and social safeguard requirements and other international best practice protocols such as environmental, health and safety guidelines (EHSGs). It comprises of environmental and social policies that are regarded herein as environmental and social performance standards (ESPSs). The ESPSs are designed to be consistent with the funders’ ten (10) ESSs, however ESS 9 (Financial Intermediaries) is not applicable to the JSIF and therefore its content will not be discussed as a requirement in this document.

The requirements of the applicable ESPSs are outlined in the following chapters.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 1 (ESPS 1)

ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS



**ROAD CONSTRUCTION IN PSM SQUARE, KINGSTON
JAMAICA (JIS PHOTOGRAPH)**

ESPS 1

ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS

INTRODUCTION

ESPS 1 is considered the umbrella Policy for the other nine environmental and social performance standards (ESPS 2-ESPS 10) and will be triggered for all projects to be implemented by JSIF. The Standard sets out the JSIF's and GOJ's responsibilities for assessing, managing and monitoring environmental and social risks and impacts associated with projects/sub-projects in order to meet the requirements of our funders and regulatory and monitoring entities.

OBJECTIVES

The objectives of ESPS 1 are as follows:

- To identify, evaluate and manage the environmental and social risks and impacts of the project/sub-projects in a manner consistent with the internationally acceptable environmental and social standards.
- To adopt a mitigation hierarchy approach to manage environmental and social risks as follows:
 - i. Anticipate and avoid the risks;
 - ii. Where avoidance is impossible, minimize or reduce risks and impacts to acceptable levels;
 - iii. Once risks and impacts have been minimized or reduced, mitigate; and
 - iv. Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible.
- To adopt differentiated measures so that adverse impacts do not fall disproportionately on disadvantaged or vulnerable people, and they are not disadvantaged in sharing project's development benefits and opportunities.

- To utilize national environmental and social institutions, systems, laws, regulations and procedures in assessment, development and implementation of projects whenever appropriate.
- To promote improved environmental and social performance, in ways which recognize and enhance stakeholders' capacity.

SCOPE AND APPLICABILITY OF ESPS 1

The policies and guidelines outlined in ESPS 1 apply to all projects and sub-projects to be executed by the JSIF regardless of funding source.

The ESPS 1 is applicable to new facilities or activities and/or existing facilities or activities, or a combination these.

Where projects are jointly funded, the JSIF will corporate with the funders in developing and agreeing on a “Common Approach” to assess and manage environmental and social risks and impacts that will enable the project to achieve its objectives and outcomes but in a manner that is consistent with the ESPSs. The JSIF will also coordinate with funding entities so that a single set of project-related documents could be disclosed for stakeholder engagement.

ESPS 1 is applicable to Associated Facilities. The term “Associated Facilities” means facilities or activities that are not funded as part of the project and, but are agreed to be: (a) directly and significantly related to the project; and (b) carried out, or planned to be carried out, concurrently with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist. However, the ESPSs will be applied only under the condition that the JSIF has control or influence over such Associated Facilities. Also, where a common approach has been agreed on for the project as indicated earlier, the common approach will apply to the Associated Facilities.

REQUIREMENTS OF ESPS 1

The following are some of the JSIF's environmental and social policies under ESPS 1.

- The JSIF will assess, manage and monitor the environmental and social risks and impacts of all project/sub-projects throughout the project life cycle so as to meet

the requirements of funders' ESSs in a timely manner and within an acceptable timeframe;

- The JSIF will conduct an environmental and social assessment of the proposed project/subprojects, including stakeholder engagement;
- The JSIF will undertake stakeholder engagement and disclose appropriate information in accordance with ESPS 10;
- The JSIF will develop an ESCP, and implement all measures and actions set out in the legal agreement including the ESCP;
- The JSIF will conduct monitoring and reporting on the environmental and social performance of the project against the ESPSs;
- No project activities should be carried out that may cause material adverse environmental or social risks or impacts until the relevant plans, measures or actions have been completed in accordance with the ESCP where the ESCP or Legal Agreement requires a plan or specific measures and actions over a specified timeframe to avoid, minimize, reduce or mitigate specific risks and impacts of the project;
- The JSIF will adopt and implement measures acceptable to project funder(s) in accordance with the ESCP or legal agreements for existing facilities or existing activities that did not meet the requirements of the ESPSs at the time of the funders' Board approval.
- The JSIF will apply the relevant requirements of the local Environmental Health and Safety Guidelines (EHSGs) or that of the funder, whichever is more stringent when implementing projects.
- Where less stringent EHSGs is proposed for implementation of projects, the JSIF will provide justification and obtain the approved of the project's funder. The alternative performance level must be consistent with the objectives of the ESPSs and the applicable EHSGs and is unlikely to result in any significant environmental or social impacts.

ENVIRONMENTAL AND SOCIAL ASSESSMENT

The JSIF will carry out an environmental and social assessment of all projects/sub-projects throughout the life cycle to assess the environmental and social risks and impacts. The level of the potential risks and impacts will determine the extent of the assessment. All assessment will be conducted in an integrated manner to include all relevant direct, indirect and cumulative environmental and social risks and impacts.

The JSIF will ensure that the data used for environmental and social assessment are current and reflect an accurate description and delineation of the project and any associated aspects. The JSIF will acquire and use environmental and social baseline data at an appropriate level of detail sufficient to inform proper characterization and identification of risks and impacts of the project and mitigation measures.

Some of the key objectives of the assessment will be to determine:

- i. The project's potential environmental and social risks and impacts;
- ii. If there are project alternatives;
- iii. Ways of improving project selection, siting, planning and design and implementation in order to apply the mitigation hierarchy for adverse environmental and social impacts and seek opportunities to enhance the positive impacts of the project; and
- iv. Which stakeholders will be impacted with a view to develop and execute the stakeholders' engagement plan.

The environmental and social assessment will be performed by qualified persons internal and independent of JSIF. In cases where project risks are considered high or substantial, the JSIF will retain independent specialists with the support of internal personnel to conduct the environmental and social assessments. The JSIF will seek to ensure that the assessment is an adequate, accurate, and objective evaluation and presentation of the risks and impacts of the project.

The environmental and social assessment will take into consideration issues relevant to the project, including:

- i. Jamaica's applicable policy framework, national laws and regulations, and institutional capabilities (including implementation) relating to environment and social issues; variations in country conditions and project context; country

environmental or social studies; national environmental or social action plans; and obligations of the country directly applicable to the project under relevant international treaties and agreements;

- ii. Applicable requirements of funders' ESSs; and
- iii. The EHSGs, and other relevant Good International Industry Practice (GIIP).

The environmental and social assessment will apply a mitigation hierarchy, which will:

- i. Anticipate and avoid risks and impacts;
- ii. Where avoidance is not possible, minimize or reduce risks and impacts to acceptable levels;
- iii. Once risks and impacts have been minimized or reduced, mitigate; and
- iv. Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible.

The environmental and social assessment will also take into consideration all relevant environmental and social risks and impacts of the project as indicated in the table below.

Environmental risks and impacts	Social risks and impacts
<ul style="list-style-type: none"> i. Funders' Environmental, Health, and Safety Guidelines (EHSGs); ii. Community safety (including safe use of pesticides); iii. Climate change and other transboundary or global risks and impacts; iv. Any material threat to the protection, conservation, maintenance and restoration of natural habitats and biodiversity; and v. Ecosystem services and the use of living natural resources, such as fisheries and forests. 	<ul style="list-style-type: none"> i. Threats to human security through the escalation of personal, communal or interstate conflict, crime or violence; ii. Risks that project impacts fall disproportionately on individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable; iii. Any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of those who may be disadvantaged or vulnerable; iv. Negative economic and social impacts relating to the involuntary taking of land or restrictions on land use; v. Risks or impacts associated with land and natural resource tenure and use,

	<p>including (as relevant) potential project impacts on local land use patterns and tenurial arrangements, land access and availability, food security and land values, and any corresponding risks related to conflict or contestation over land and natural resources;</p> <p>vi. Impacts on the health, safety and well-being of workers and project-affected communities; and</p> <p>vii. Risks to cultural heritage.</p>
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The JSIF will propose and implement various measures as appropriate in order to prevent adverse impacts from disproportionately impacting any vulnerable and disadvantaged individuals or groups identified during the environmental and social assessment of the project; and will ensure that they are not disadvantaged in sharing any development benefits and opportunities resulting from the project.

The JSIF typically implements projects which involve multiple sub-projects (Special Projects) whose locations are only identified after the funders' Board approval. With regards to these projects, the JSIF will carry out appropriate environmental and social assessment of each subproject, and prepare and implement such subprojects, as follows:

- i. High Risk subprojects, in accordance with the funders' ESSs;
- ii. Substantial Risk, Moderate Risk and Low Risk subprojects, in accordance with national law and any requirements of the funder's ESSs that it deems relevant.

If the results of the environmental and social assessment revealed that the actual risks rating of the sub-project is greater than what is documented, the JSIF will apply the relevant requirements of the funders' ESSs and the ESCP or Legal Agreement will be updated as appropriate.

Where applicable, the JSIF will conduct the environmental and social assessment to identify and evaluate, to the extent appropriate, the potential environmental and social risks and impacts of Associated Facilities. The JSIF will address the risks and impacts of Associated Facilities in a manner that is proportionate to its control or influence over the Associated Facilities. To the extent that the JSIF cannot control or influence the

Associated Activities to meet the requirements of the funders' ESSs or any other requirements, the environmental and social assessment will at least identify the risks and impacts the Associated Facilities may present to the project.

In circumstances where a project is considered *High Risk* or contentious, or involve serious multidimensional environmental or social risks or impacts, the JSIF may engage one or more internationally recognized independent experts in the capacity of a consultant or otherwise employed to the organization to provide independent advice and oversight to the project.

The JSIF will consider risks and impacts associated with the primary suppliers as part of the environmental and social assessment. The JSIF will address such risks and impacts in a manner that is proportionate to its control or influence over these suppliers.

The JSIF's environmental and social assessment will consider potentially significant project-related transboundary and global risks and impacts, such as impacts from effluents and emissions, increased use or contamination of international waterways, emissions of short- and long-lived climate pollutants, climate change mitigation, adaptation and resilience issues, and impacts on threatened or depleted migratory species and their habitats.

The JSIF will use the applicable methods and tools to perform the environmental and social assessment and to document the results, including the mitigation measures to be implemented, depending on the nature and scale of the project. This will include, as appropriate, one or a combination of elements of the following:

- A. ***Environmental and Social Impact Assessment (ESIA)*** - Environmental and social impact assessment is an instrument used to identify and assess the potential environmental and social impacts of a proposed project, evaluate alternatives, and design appropriate mitigation, management, and monitoring measures. The outline of the any ESIA to be conducted by JSIF will be in accordance with the requirements of the funder(s).
- B. ***Environmental and Social Audit*** - Environmental and social audit is an instrument to determine the nature and extent of all environmental and social areas of concern at an existing project or activities. The outline of any Environmental and Social audit to be conducted by JSIF will be in accordance with the requirement of the funder(s).

- C. ***Hazard or Risk Assessment*** - Hazard or risk assessment is an instrument for identifying, analyzing, and controlling hazards associated with the presence of dangerous materials and conditions at a project site. The outline of the Hazard and Risk Assessment will be in accordance with the requirement of the funder(s).
- D. ***Cumulative Impact Assessment*** - Cumulative Impact Assessment is an instrument to consider cumulative impacts of the project in combination with impacts from other relevant past, present and reasonably foreseeable developments as well as unplanned but predictable activities enabled by the project that may occur later or at a different location. The outline of the Cumulative Impact Assessment will be in accordance with the requirement of the funder(s).
- E. ***Social and Conflict Analysis*** - Social and conflict analysis is an instrument that assesses the degree to which the project may (a) exacerbate existing tensions and inequality within society (both within the communities affected by the project and between these communities and others); (b) have a negative effect on stability and human security; (c) be negatively affected by existing tensions, conflict and instability, particularly in circumstances of war, insurrection and civil unrest. The outline of the Social and Conflict Analysis will be in accordance with the requirement of the funder(s).
- F. ***Environmental and Social Management Plan (ESMP)*** - Environmental and social management plan is an instrument that details (a) the measures to be taken during the implementation and operation of a project to eliminate or offset adverse environmental and social impacts, or to reduce them to acceptable levels; and (b) the actions needed to implement these measures. The outline of the ESMP will be in accordance with the requirement of the funder(s).
- G. ***Environmental and Social Management Framework (ESMF)*** - Environmental and social management framework (ESMF) is an instrument that examines the risks and impacts when a project consists of a programme and/or series of subprojects, and the risks and impacts cannot be determined until the programme or subproject details have been identified. The outline of the ESMF will be in accordance with the requirement of the funder(s).
- H. ***Regional Environmental and Social Impact Assessment*** - Regional ESIA examines environmental and social risks and impacts, and issues, associated with a particular strategy, policy, plan, or programme, or with a series of projects, for a particular

region (e.g. an urban area, a watershed, or a coastal zone); evaluates and compares the impacts against those of alternative options; assesses legal and institutional aspects relevant to the risks, impacts and issues; and recommends broad measures to strengthen environmental and social management in the region. Regional ESIA pays particular attention to potential cumulative risks and impacts of multiple activities in a region but may not include the site-specific analyses of a specific project, in which case the JSIF will develop supplemental information. The outline of the Regional ESIA will be in accordance with the requirement of the funder(s).

- I. *Sectoral Environmental and Social impact Assessment* - Sectoral ESIA examines environmental and social risks and impacts, and issues, associated with a particular sector in a region or across a nation; evaluates and compares the impacts against those of alternative options; assesses legal and institutional aspects relevant to the risks and impacts; and recommends broad measures to strengthen environmental and social management in the region. Sectoral ESIA also pays particular attention to potential cumulative risks and impacts of multiple activities. A Sectoral ESIA may need to be supplemented with project- and site-specific information. The outline of the Sectoral ESIA will be in accordance with the requirement of the funder(s).
- J. *Strategic Environmental and Social Assessment (SESA)* - Strategic environmental and social assessment (SESA) is a systematic examination of environmental and social risks and impacts, and issues, associated with a policy, plan or programme, typically at the national level but also in smaller areas. The examination of environmental and social risks and impacts will include consideration of the full range of environmental and social risks and impacts incorporated in ESPS 1 through ESPS 10. SESAs are typically not location-specific. They are therefore prepared in conjunction with project and site-specific studies that assess the risks and impacts of the project. The outline of the SESA will be in accordance with the requirement of the funder(s).

Where applicable, the JSIF will develop and utilize specialized methods and tools to complement the environmental and social assessment. These include **Resettlement Plan, Livelihood Restoration Plan, Indigenous People's Plan, Biodiversity Action Plan, Cultural Heritage Management Plan**, and other plans as agreed with funders.

The JSIF will initiate environmental and social assessment of projects in a timely manner; and will consult with project funder(s) as early as possible so that the

environmental and social assessment can be designed from the outset to meet the requirements of the ESPs.

The JSIF will closely integrate the environmental and social assessment with the project's economic, financial, institutional, social, and technical analyses so that environmental and social considerations are taken into consideration in project selection, siting, and design decisions.

The JSIF will implement measures to ensure that when individuals or entities are engaged to carry out environmental and social assessment, any conflict of interest is avoided. In order to minimize the possibility of conflict of interest, the JSIF will not engage the individuals or groups that conducted the environmental and social assessment to prepare the engineering design.

MECHANISM OF ENVIRONMENTAL AND SOCIAL ASSESSMENT

The JSIF will assess, manage and monitor the environmental and social risks and impacts of all applicable projects/sub-project throughout life cycle and in accordance with the funder's Standards. The JSIF will assess projects with considerations for requirements of the applicable Standards of ESPS 1- ESPS This will include issues related to Labour and working Conditions; Resources Efficiency and Pollution Prevention and Management; Community Health and Safety; Land Acquisition, Restrictions on Land Use and Involuntary Resettlement; Biodiversity Conservation and Sustainable Management of Living Natural Resources; Indigenous people; Cultural Heritage; Financial Intermediaries; and Stakeholder Engagement and Information Disclosure.

The following will be considered during the assessment of the project risk: potential level or magnitude of impact in terms of number of people or area; environmental sensitivity of the location of the project; permanence of the impacts; potential for impact to spread to other areas including adjacent properties; probability for significant adverse impact; concerns of social issues; presence of indigenous population; area is suspected or known to have historical artifacts; area is disputed; level of stakeholder engagement; and the capacity and experience of implementing unit and project partners to implement subproject type.

At the Project level, environmental and social assessment will be conducted by JSIF and the funding partner during identification and appraisal to determine the overall risk level for the project and to outline any additional assessment that should be conducted throughout the implementation of the Project. Where a Project involves the implementation of multiple sub-projects for which the exact location cannot be ascertained during Project appraisal, an environmental and social management framework (ESMF) will be used as the tool for environmental assessment and monitoring. A generic environmental and social management plan (ESMP) will be included in the ESMF which outlines the potential risks; mitigation measures; who is responsible for implementation of the proposed mitigation measures; and the associated costs of the mitigation measures. The ESMF will be used to manage the environmental and social risks of the sub-projects throughout the project cycle.

While a generic ESMP will be developed for Projects with multiple sub-projects, each sub-project once identified will be assessed for site specific environmental and social risks. This environmental and social assessment will be conducted during sub-project appraisal by a JSIF team consisting of the Environmental, Social and Technical Officers along with support from project stakeholders in accordance with ESPS 10. This exercise will include both desk review and field evaluation using the JSIF's standardized Environmental and Social Assessment (Screening) Tool. Depending on the magnitude of the project to be implemented and/or the results of the JSIF's environmental and social risk screening, a consultant may be contracted to conduct and document in more details, the environmental and social risk which could include using several tools and methods such as Environmental and Social Impact Assessment, Sectoral Environmental and Social Impact Assessment, Regional Environmental and Social Impact Assessment, Strategic Environmental and Social Assessment, Social and Conflict Assessment, Hazard and Risk Assessment, Cumulative Impact Assessment, and Environmental and Social Audit, etc.

Like at the Project level assessment, environmental and social assessments at the sub-project level will be done with a view to establish the environmental and social risk level. The project risk level may also be categorized as High, Substantial, Moderate, or Low. The risk level of the sub-project will be indicated on the environmental screening tool which will be documented in Fund Manager, the JSIF's critical Project Management Information System Tool/Software. Based on the risks identified for the particular sub-

project, measures will be developed to either avoid, minimize, mitigate or compensate for any potential impacts. The results of the environmental and social screening of the sub-project, may also recommend additional assessments for example, an ESIA, based on the risk level posed by the sub-project.

All projects or sub-projects will be monitored during implementation to ensure that work activities are being carried out in accordance with the environmental and social performance standards. The and social monitoring will be carried out by JSIF's applicable technical staff including environmental and social officers. However, where applicable, qualified external consultants will be contracted to carryout monitoring activities and to assess for potentially new or unforeseen environmental and social risks. Measures will be implemented to avoid, minimize, mitigate or compensate for any potential impacts from the risks identified during monitoring. The results of the environmental monitoring may also signify the need for additional assessment; for example, a Hazard and Risk Assessment may be necessary if there was a chemical spill onsite during implementation. In other words, an adaptive environmental and social management approach will be taken on by JSIF.

Reporting is a critical aspect of the environmental and social assessment process. All officers and/or consultants that are involved in the assessments must produce reports as per JSIF job description or terms of reference (TOR). Detailed reports must be submitted outlining existing and new risks; mitigation measures implemented and their effectiveness; proposed mitigation measures for newly identified risks and cost to implement them; and recommendations for further assessments, where applicable. All reports will be documented by JSIF in Fund Manager.

PROJECT/SUB-PROJECT RISK LEVEL

Depending on the magnitude of the potential impacts of the Project or sub-project the risk level may be categorized as High, Substantial, Moderate or Low. The risk level of the project will determine the type of additional assessments that may be required and the extent of the mitigation measures to be implemented or perhaps the design of the project. The risk level will also be a determinant as to whether or not JSIF pursue the sub-project, at least in the proposed location. Where the risk of significant impact is too high and/or where the proposed mitigation measures is not guaranteed to cauterize the

situation, the JSIF will forego the sub-project and seek alternative site if possible or feasible. The following outlines the risk categories for projects/sub-projects.

High Risk

These sub-projects may require an environmental permit to be obtained and an environmental and social impact assessment to be conducted prior to implementation. A site-specific environmental and social management plan (ESMP) will be developed for these types of sub-projects. The following are characteristics of sub-projects that are considered high risk.

- I. The sub-project is likely to generate a wide range of significant adverse risks and impacts on human populations or the environment. This could be because of the complex nature of the project, the scale (large to very large) or the sensitivity of the location(s) of the project. This would take into account whether the potential risks and impacts associated with the project have the majority or all of the following characteristics:
 - ✓ Long term, permanent and/or irreversible (e.g. loss of major natural habitat or conversion of wetland), and impossible to avoid entirely due to the nature of the project
 - ✓ High in magnitude and/or in spatial extent (the geographical area or size of the population likely to be affected is large to very large)
 - ✓ Cumulative and/or transboundary in nature
 - ✓ A high probability of serious adverse effects to human health and/or the environment (e.g. due to accidents, toxic waste disposal, etc.)
 - ✓ Significant resettlement of people
 - ✓ High probability for discrimination based on gender, nationality and physical ability
 - ✓ High risk of labour exploitation
 - ✓ Significant risk of physical and economic dislocation

- ✓ High reported incidence of child labour in project community
 - ✓ Significant reported incidence of human trafficking in the project community
 - ✓ More than ten (10) cases of murder in the community within the last year
 - ✓ Project will significantly impact the livelihood and/or property of indigenous people
 - ✓ The project will significantly impact the health and safety of the community
 - ✓ High likelihood of injury including fatalities at worksite
- II. The area likely to be affected is of high value and sensitivity, for example sensitive and valuable ecosystems and habitats (protected areas, National Parks, World Heritage Sites, Important Bird Areas), lands or rights of indigenous people or other vulnerable minorities, intensive or complex involuntary resettlement or land acquisition, impacts on cultural heritage or densely populated urban areas;
- III. Some of the significant adverse environmental and social risk and impacts of the project cannot be mitigated or specific mitigation measures require complex and/or unproven mitigation, compensatory measures or technology, or sophisticated social analysis and implementation;
- IV. There are concerns that the adverse social impacts of the project, and the associated mitigation measures, may give rise to significant social conflict;
- V. There is a history of unrest in the area of the project or the sector, and there may be significant concerns regarding the activities of security forces;
- VI. The project is being developed in a legal or regulatory environment where there is significant uncertainty or conflict as to jurisdiction of competing agencies, or where the legislation or regulations do not adequately address the risks and impacts of complex projects or changes to applicable legislation are being made, or enforcement is weak;
- VII. The past experience of the Borrower and the implementing agencies in developing complex projects is limited, and their track record regarding environmental and social issues generally is poor;

- VIII. Stakeholder engagement is weak; and
- IX. There are a number of factors outside the control of the project which could have a significant impact on the environmental and social performance and outcomes of the project

Substantial Risk

These sub-projects may require an environmental permit, however, an environmental and social impact assessment almost always not required. Standard environmental and social screening and assessment is required. The JSIF's generic environmental management plan (EMP) and social policies will be applied to the management of environmental and social issues for these types of sub-projects. The following are characteristics of sub-projects that are considered substantial risk.

- I. The project may not be as complex as High Risk projects, its scale may be smaller (large to medium) and the location may not be in such a sensitive area. This would take into account whether the potential risks and impacts have the majority or all of the following characteristics:
- ✓ Mostly temporary, predictable and/or reversible, and the nature of the project does not preclude the possibility of avoiding or reversing them (although substantial investment and time may be required)
 - ✓ Medium in magnitude and/or in spatial extent (the geographical area and size of the population likely to be affected are medium to large)
 - ✓ The potential for cumulative and/or transboundary impacts may exist, but they are less severe and more readily avoided mitigated than for High Risk projects
 - ✓ Medium to low probability of serious adverse effects to human health and/or the environment (e.g. due to accidents, toxic waste disposal, etc.), and there are known and reliable mechanisms available to prevent or minimize such incidents
 - ✓ Some resettlement of people will be required
 - ✓ Discrimination based on gender, nationality and physical ability is a possibility
 - ✓ Labour exploitation is a possibility

- ✓ Some risk of physical and economic dislocation
 - ✓ Occasional reported cases of child labour in project community
 - ✓ Occasional reported incidences of human trafficking in the project community
 - ✓ More than five (5) to ten (10) reported cases of murder in the community within the last year
 - ✓ Project will have some impact on the livelihood and/or property of indigenous people
 - ✓ The project will have some impact on the health and safety of the community
 - ✓ Injury including fatalities at worksite is a strong possibility
- II. The effects of the project on areas of high values or sensitivity will be lower than High Risk projects
- III. Mitigation and/or compensatory measures that may be designed more readily and be more reliable than those of High Risk projects.

Moderate Risk

These sub-projects do not require an environmental permit, however or an environmental impact assessment. Standard environmental and social screening and assessment is required. The JSIF's generic environmental management plan (EMP) and social policies will be applied to the management of environmental and social issues for these types of sub-projects. The following are characteristics of sub-projects that are considered substantial risk.

- I. The potential adverse risks and impacts on human populations and/or the environment are not likely to be significant. This is because the project is not complex and/or large, does not involve activities that have a high potential for harming people or the environment, and is located away from environmentally or socially sensitive areas. As such, the potential risks and impacts and issues are likely to have the following characteristics:
- ✓ Predictable and expected to be temporary and/or reversible

- ✓ Low in magnitude
- ✓ Site-specific, without likelihood of impacts beyond the actual footprint of the project
- ✓ Low probability of serious adverse effects to human health and/or the environment (e.g. do not involve use or disposal of toxic materials, routine safety precautions are expected to be sufficient to prevent accidents, etc.)
- ✓ Two (2) to five (5) households to be resettled
- ✓ Low probability for discrimination based on gender, nationality and physical ability
- ✓ Low risk of labour exploitation
- ✓ Low risk of physical and economic dislocation
- ✓ Low reported incidence of child labour in project community
- ✓ Low reported incidence of human trafficking in the project community
- ✓ Two (2) to five (5) cases of murder in the community within the last year
- ✓ Project will have low impact on the livelihood and/or property of indigenous people
- ✓ The project will have low impact on the health and safety of the community
- ✓ Low likelihood of injury including fatalities at worksite

II. Risks and impacts can be easily mitigated in a predictable manner

Low Risk

A sub-project will be classified as Low Risk if its potential adverse risks and impacts and issues on human populations and/or environment are likely to be minimal or negligible. These projects, with few or no adverse risks and impacts and issues, will not require further environmental and social assessment. As such, the potential risks and impacts and issues are likely to have the following characteristics:

- ✓ Predictable and expected to be temporary and/or reversible
- ✓ Negligible or no environmental and social impacts
- ✓ Site-specific, without likelihood of impacts beyond the actual footprint of the project
- ✓ Negligible or no adverse effects to human health and/or the environment (e.g. do not involve use or disposal of toxic materials, routine safety precautions are expected to be sufficient to prevent accidents, etc.)
- ✓ Less than two (2) households to be resettled
- ✓ Probability of discrimination based on gender, nationality and physical ability non-existent
- ✓ Zero risk of labour exploitation
- ✓ Zero risk of physical and economic dislocation
- ✓ Zero reported incidence of child labour in project community
- ✓ Zero reported incidence of human trafficking in the project community
- ✓ Less than two (2) cases of murder in the community within the last year
- ✓ No impact of project on the livelihood and/or property of indigenous people
- ✓ The project will have no impact on the health and safety of the community

Once the project's environmental and social risks and potential impacts are established, the JSIF will apply the mitigation hierarchy approach to risk management.

Considering that specific sub-projects will not be identified until closer to project implementation, it will be difficult to precisely determine the potential impacts beforehand, and therefore which specific ESPS to be triggered. Consequently, as a precautionary measure, all ESPS will be activated to start. However, with the adaptive management approach now adopted in the new Environmental and Social Framework, the project specific EMF could be modified to account for the risks identified prior to and during implementation, and therefore the ESMF could then be updated to trigger the appropriate ESPS.

ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP)

The ESMP is a tool developed to manage environmental and social risks during project implementation. It identifies potential project risks and outlines applicable mitigation, monitoring, and institutional measures to be taken during implementation and operation of a project to eliminate adverse environmental and social risks and impacts, offset them, or reduce them to acceptable levels. The ESMP may be developed as a generic tool where the Project consists of multiple sub-projects or it may be developed as a site-specific document where the project is typically confined a known location. In developing the ESMP, the JSIF will identify the potential environmental and social risks and establish a set of responses to mitigate potentially adverse impacts; and determine what the applicable requirements for ensuring that those responses are effective and timely.

The JSIF will develop a generic environmental and social management plan (ESMP) as outlined in **Appendix 3**, for Projects with multiple sub-projects. The format of the ESMP will be dependent on the requirements of the funder. The document will detail the specific risks, proposed mitigation measures, who is responsible for implementation and the associated cost of mitigation. The ESMP provides an outline for the management of environmental and social risks identified during assessment. The ESMP may be modified throughout the project cycle to accommodate any unforeseen risks identified during implementation. For sub-projects that may present significant environmental and social risks, a detailed site specific ESMP may be prepared either by JSIF or through a contracted consultant depending on the requirement of the funder.

The ESMP can be presented as a standalone document or may be incorporated in the Project's ESMF which will be published on the JSIF's and funder's websites for public review and comments. The ESMP may also be incorporated in the ESCP as part of the legal agreement with the funder. The JSIF will conduct monitoring and reporting on the environmental and social performance of the project against all or the applicable ESSs that were triggered based on assessment during the Project Appraisal. The JSIF will adopt an adaptive management approach and in so doing, continue to update and implement new measures as applicable to ensure continual compliance with the ESSs and provisions of the ESCP.

The cost to manage the risks outlined in the ESMP will be incorporated in the sub-project's budget. Typically, cost for managing environmental and social risks are included in the Preliminary section of the sub-project's bill of quantities. The ESMP including the ESMP will be incorporated in Contractors' bidding documents and forms part of the project works contract which therefore is a legally binding document.

In the execution of projects, the JSIF will adhere to the relevant requirements of the Funder's environmental health and safety guidelines (EHSGs). In situations where the Funder's EHSGs differ from the National guidelines, the more stringent guidelines will be adopted. However, where less stringent standards are considered necessary, the JSIF will make representation to the funder with justification to arrive at common consensus.

MANAGEMENT OF CONTRACTORS

The JSIF will maintain a system of management for contractors to ensure that they remain compliant with the ESPS requirements including those set out in the ESCP. As part of the system of contractor management, the JSIF will:

- a. Assess the environmental and social risks and impacts associated with the project;
- b. Design the project to avoid environmental and social risks and impacts to the greatest extent possible;
- c. Incorporating all relevant aspects of ESCP and ESMP as well as the Environmental Policy in the tender documents;
- d. Ensuring that only legitimate contractors are engaged to implement projects;
- e. Contract consultants to supervise the works of the contractor to ensure environmental and social risks are adequately and effectively managed;
- f. Assign applicable internal technical staff to monitor and manage the consultants to ensure proper environmental and social monitoring are being conducted to ensure compliance;
- g. Contract external environmental consultant to conduct independent assessment of environmental and social performance of the contractor against required Standards;

- h. Conduct assessment of mitigation measures implemented to determine their effectiveness and make changes as required;
- i. Contractually requiring contractors to apply the relevant aspects of the ESCP and the relevant management tools, and including appropriate and effective non-compliance remedies;
- j. Update the ESCP as necessary to include any new requirements based on changes in environmental and social risks associated with the Project/sub-project.
- k. Conduct project information meeting (PIM) with project stakeholders to provide full details about the project prior to start of implementation;
- l. Conduct and document monthly site meetings with project stakeholders to provide update on project performance;
- m. Hold contractors responsible environmental and social performance of sub-contractors.

ENVIRONMENTAL COMMITMENT PLAN

The Environmental and Social Commitment Plan (ESCP) is an instrument required specific project funders and form part of the legal agreement for Projects. The ESCP reflect an accurate summary of the material measures and actions to address the potential environmental and social risks and impacts of the project in accordance with the mitigation hierarchy. The JSIF in collaboration with the Funder will develop and implement the ESCP. The ESCP establishes the measures and actions required for the project to achieve compliance with the ESPs. The ESCP will form part of the legal agreement between applicable project funders and the GoJ and by extension, JSIF. The ESCP will be disclosed by JSIF to promote transparency and for information sharing. Information from the environmental and social assessment, Funder's environmental and social due diligence, and results of stakeholder engagements will help to determine the content of the ESCP. All actions outlined in the ESCP will have a timeline attached.

The JSIF will endeavor to take the necessary actions within the necessary timeframe to avoid, minimize, reduce or mitigate specific project risks or impacts. Activities that will present adverse environmental and social risks will not be pursued until the requirements of the ESCP are fully implemented.

The ESCP will form the basis for monitoring the environmental and social performance of the Project/sub-projects. All the environmental and social performance requirements of the Project/sub-project will be set out clearly in the ESCP, so that there is no ambiguity around compliance, timing and monitoring. Depending on the requirements of the funding entity, the JSIF may require the funds to implement measures to manage the environmental and social risks to be specified in the ESCP.

The ESCP will be designed to allow for an adaptive management approach for proposed project changes or unforeseen circumstances. This approach will outline how such changes or circumstances will be managed and reported and how the necessary changes will be made to the ESCP and other relevant management tools.

The JSIF will come to an agreement with the funder to determine the organizational structure that should be established and maintained to implement the actions agreed in the ESCP. The organizational structure will take into account the different roles and responsibilities of the GoJ/JSIF and any other agencies responsible for implementing the project; and identify specific personnel with clear lines of responsibility and authority.

The JSIF will maintain, and strengthen as necessary throughout the project life cycle, the organizational structure established to oversee environmental and social aspects of the project. The JSIF will define key social and environmental responsibilities in the ESCP; and communicated to all personnel involved. JSIF's Top Management will provide sufficient high-level commitment, and human and financial resources on an ongoing basis to implement the ESCP.

The JSIF will ensure that persons with direct responsibility for activities relevant to the implementation of the ESCP are adequately qualified and trained so that they have the knowledge and skills necessary to perform their work. The JSIF will either directly or through agencies responsible for implementing the project, provide training to address the specific measures and actions required by the ESCP, and to support effective and continuous social and environmental performance. The JSIF will outline in the ESCP, the training that will be required to address the specific actions required under the ESCP, identifying the recipients of such training and the required human and financial resources.

The JSIF will outline in the ESCP the systems, resources and personnel that will be required to perform monitoring, and will identify any third parties that will be used to complement or verify the monitoring activities.

The JSIF will work with the funder to agree on the type of ESCP required for the project. Where the ESCP do not capture all the relevant obligations of the GoJ/JSIF but instead refers to other plans, for example, an ESMP, a resettlement plan, or a hazardous waste plan which set out detailed project requirements, the JSIF will summarize key aspects of the plans in the ESCP. Where plans are to be developed, the JSIF will ensure that they are completed in the timeframe established in the ESCP.

The JSIF will notify the funder in quick succession of any proposed changes to the scope, design, implementation or operation of the project that are likely to cause an adverse change in the environmental or social risks or impacts of the project. In such circumstances, the JSIF will carry out, as appropriate, additional assessment and stakeholder engagement in accordance with the ESPs, and propose changes, for approval by the funder, to the ESCP and relevant management tools, as appropriate, in accordance with the findings of such assessments and consultation. The updated ESCP will be disclosed by JSIF and possibly by the funder.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 2 (ESPS 2)

LABOUR AND WORKING CONDITIONS



**WORKERS AT THE MONTEGO BAY FIRE STATION, ST.
JAMES, JAMAICA**

ESPS 2

LABOUR AND WORKING CONDITIONS

INTRODUCTION

The JSIF recognizes that the implementation of projects provides a source of employment and income for residents of the affected communities. Projects help accelerate poverty reduction and promote inclusive economic growth by providing employment opportunities for community members some of whom would have otherwise found it very difficult to obtain job opportunities. These workers contribute significantly to the success of the project and must be provided a work environment where safety, equity, respect and freedom from fear is a standardized. The JSIF will always promote sound worker-management relationships and enhance the development benefits of Projects by treating project workers fairly and by providing a safe and healthy working environment.

OBJECTIVES

The objectives of ESPS 2 are to:

- Promote health and safety at project sites;
- Promote the fair treatment, non-discrimination and equal opportunity for project workers;
- Protect project workers including the vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESPS) and migrant workers, contracted workers, community workers and primary supply workers as appropriate;
- Prevent the use of all forms of forced labour and child labour;
- Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law; and
- Provide project workers with accessible means to raise workplace concerns or grievances.

SCOPE OF APPLICABILITY OF ESPS 2

The applicability of the requirements of ESPS 2 will be established during the environmental and social assessment of the project. The scope of application will depend on the type of employment relationship between the JSIF and the project workers. The term “project worker” refers to: (a) people employed or engaged directly by the JSIF (including the project proponent and the project implementing unit) to work specifically in relation to the project (direct workers); (b) people employed or engaged through third parties to perform work related to core functions of the project, regardless of location (contracted workers); (c) people employed or engaged by project primary suppliers (primary supply workers); and (d) people employed or engaged in providing community labour (community workers).

This standard applies to both fulltime and part-time workers.

REQUIREMENTS OF ESPS 2

A. WORKING CONDITIONS AND MANAGEMENT OF WORKER RELATIONSHIPS

The JSIF will develop and implement written **labour management procedures** (LMP) that are in alignment with national laws and the requirements of funders. The labour management procedures will outline how different categories of workers including direct workers, and those contracted by third parties will be managed. The LMP will be incorporated in the contractor’s and consultant’s contract.

Terms and Condition of Employment

The terms and conditions under which all categories of workers are employed must be conducive and in the best interest of the workforce. With this recognition, the JSIF will do or ensure that the following is standardized in its operation.

- All applicable workers will be provided clear and understandable information and documentation regarding the terms of employment;

- Workers will be employed in accordance with the terms and condition of national laws;
- Workers will be provided the necessary information at the beginning of the working relationship;
- Ensure that project workers are paid on schedule for work done and in accordance with Jamaica labour laws;
- Workers will be informed of any statutory deductions from their wages;
- Applicable workers will be allowed the necessary periods of rest per week, annual holiday and sick, maternity and family leave as stipulated in law;
- Project workers will be provided written notice of termination of employment and details of severance payments in a timely manner;
- Pay all earned wages, pension contributions, and any other entitlements to workers on or before termination of the working relationship either directly to the project workers or where appropriate, for the benefit of the project workers; and
- Provide evidence of payment to the project workers where payments are made for the benefit of the project workers.

Non-discrimination and Equal Opportunity

Non-discrimination and equal opportunity are core values of the JSIF. Therefore, workplace discrimination is prohibited in both the JSIF's administration and operational (field) activities. Discrimination is considered a violation of human rights, bad business protocol and can prevent workers from optimizing their fullest possible contribution to the workplace. It also impedes the creation of a harmonious, motivated and productive working environment. Employment discrimination has the potential to generate socio-economic inequalities that undermine social cohesion and slowed poverty reduction.

Consequently, all workers associated with the JSIF's projects will be treated fairly, equitably and in a non-discriminatory manner irrespective of age, sex, gender, sexual orientation, country of origin, disability, and category of worker, *inter alia*. The JSIF's Human Resources Department has established procedures for employment of project direct workers. These procedures are consistent with the Jamaican labour

laws. Project workers are employed based on merit to include qualification and experience. Decisions relating to employment and the treatment of project workers will be based solely on the principle of equality, fair treatment and non-discrimination and not on the basis of personal characteristics unrelated to the job requirements. Workers will be treated similarly irrespective of sex, age, gender, sexual orientation, disability and project worker category.

The JSIF will ensure that third parties that contract workers to implement projects on its behalf are legitimate and bound them to the national labour laws through their contract. The JSIF will establish the necessary procedures for managing and monitoring third parties to ensure that they are in compliance with the requirements of ESPS 2 and national labour laws.

Majority of the workers that are employed on JSIF projects are categorized as Community Workers. These skilled and unskilled workers are usually employed by the contractor for a limited period of time, occasionally on a rotational basis. These workers occasionally give time or wage discounts as community contribution to the project. The JSIF usually manage this process to determine the appropriate community contribution; and where time and wage discounts can be avoided, other sources of contribution are often applied. The community contribution is always agreed on with the community and monitored and documented by the JSIF.

Like all other types of workers, employment relationship with Community Workers must be done in a non-discriminatory manner. Workers will only be allowed to work in an environment that is safe and the appropriate protective equipment provided. Community Workers must be assigned works appropriate for their skills level, taking the potential risks and impacts to the worker into consideration.

The JSIF will not discriminate against any worker with respect to any aspect of the employment relationship including recruitment and hiring, compensation, working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.

Project Contractors and Suppliers are required to:

- Treat all workers associated with JSIF's projects fairly, equitably and in a non-discriminatory manner irrespective of age, sex, gender, sexual orientation, country of origin, disability, and category of worker, *inter alia*.

- Base decisions relating to employment and the treatment of project workers solely on the principle of equality, fair treatment and non-discrimination and not on the basis of personal characteristics unrelated to the job requirements.
- Comply with the necessary labour management procedures to include requirements of ESPS 2 and national labour laws; and
- Provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers such as women, people with disabilities, migrant workers and children.

Worker's Organizations

The JSIF respects the rights of workers to engage in collective bargaining and therefore, the following are key principles of the JSIF. Third parties that are engaged by JSIF to implement projects will also be required to adopt these principles.

- The role of legally established workers' organizations and legitimate worker representatives will always be respected;
- Worker representatives will be provided with needed information for meaningful negotiation in a timely manner;
- Workers will be allowed to develop alternative mechanisms for expressing their grievances and protect their rights regarding working conditions and terms of employment where workers' organization is not an option;
- The JSIF or any project third party will not seek to influence or control these alternative mechanisms; and
- The JSIF or any project third party will not discriminate or retaliate against project workers who participate, or seek to participate, in such workers' organizations and collective bargaining or alternative mechanisms.

B. PROTECTING THE WORK FORCE

The JSIF is committed to the protection of all employees that work directly and indirectly on its Projects. The organization will ensure treatment of workers and employment protocols are within the confines of national labour laws and meet the requirements of Project funders. To the extent possible, the JSIF will also hold its

contractors and key suppliers to the same standards, with a view to protect the workforce. The JSIF's workforce protection system will cater to adults and children alike. We will ensure that an effective monitoring and enforcement system is in play to detect and punish noncompliance.

Child Labour and Minimum Age

The minimum age for employment by JSIF will be consistent with Jamaica's labour law. A child between the ages of 13 to 14 years will only be employed for a maximum of four (4) hours per day, and not exceeding fourteen (14) hours per week doing light work. Parental consent must be obtained for a child below age 17 to work on project sites. A child age 15 to 17 years old can only be formally employed or engaged in connection with JSIF's project if the following conditions are met:

- i.* If the child complete secondary school.
- ii.* The work is not hazardous or interferes with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.
- iii.* An appropriate risk assessment was conducted prior to commencing the work; and
- iv.* Regular monitoring of health, working conditions, hours of work and other requirements of the Funder and national laws is conducted.

Forced Labour

Any work or service performed involuntarily under threat of force or penalty is considered forced labour and is prohibited by JSIF. This prohibition includes any kind of indentured labour, bonded labour, or similar labour-contracting arrangements. No trafficked persons will be employed on the JSIF projects.

Where noncompliance with workers protection protocols are observed, the offending party will be dismissed, and the matter reported to the applicable authorities.

C. GRIEVANCE REDRESS MECHANISM (GRM)

The JSIF is conscious of the fact that in the course of executing its project activities, it is likely that grievances between different parties will emerge for one reason or the

other. Therefore, it is critical that an appropriate channel is provided for persons to lodge grievances and to have these resolved in a timely, fair and transparent manner. Consequently, the following will be standardized as part of the workers' health and safety on JSIF's projects.

- Provision of a GRM for workers to register complaints and to receive feedback in a timely and transparent manner;
- Informing workers of the GRM at the time of recruitment;
- Informing workers of measures put in place to protect them against reprisals for using the GRM;
- Designing the GRM to be proportionate to the nature and scale and the potential risks and impacts of the project;
- Designing the GRM to address concerns promptly, using an understandable and transparent process that provides timely feedback in an independent and objective manner; and
- Ensuring that they will not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for GRM provided by collective agreements.

D. OCCUPATIONAL HEALTH AND SAFETY

Workers Health and Safety

Construction activities inherently present risks to the health and safety of workers and visitors to the project site. It is in our best interest to ensure that the necessary due diligence is carried out and that adequate measures are implemented to avoid, reduce and mitigate against the risk of injury or fatality at project sites. To this end the JSIF recommended a set of guidelines for the management of contractors under the supervision of the consultants to be implemented at subproject sites.

The contractor is required to establish a designated site office for each project. A fully equipped and functional safety kit must be maintained at the project office in an accessible location. A sign must be posted onsite with emergency contact numbers and that of the nearest hospital or medical facility. For building

construction projects, the contractor must pre-select a designated assembly point in the event of an emergency. A sign may be installed to promote visibility. All site workers and visitors must be notified of the designated assembly point. It is recommended that the contractor conduct at least one evacuation or safety drill at building project sites.

The contractor will be required to ensure that all persons employed to work onsite are provided health and safety orientation. Contractors will be required to conduct a health and safety tailgate meeting with all workers on site prior to commencement of work at least once per week. The attendees at the meeting are required to sign an attendance register. The register should be filed as project document. The project supervisor/consultant is required to maintain a site diary with a registration of all persons on site including workers and visitors. The contractor must provide personal protective equipment for project workers. At minimum, this includes hard hats, safety boots, gloves, safety vest, and eye and ear protection. The consultant and contractors are responsible for ensuring that the workers and visitors to the site comply with PPE requirements.

The contractor is required to install hoarding at all applicable project sites to prevent unauthorized access. The contractor is required to install protective barriers and other signage to highlight hazardous locations and to minimize the risk of accident. The contractor should ensure that the work environment is adequately lit. Appropriate and sufficient traffic signs must be installed when road projects are being implemented. Where necessary, the contractor must provide flagmen for road projects.

It is a requirement for JSIF's contractors to provide fully equipped portable toilet onsite for use by workers. The toilet should be equipped with potable water, soap, hand sanitizer, tissue and paper towels.

As additional safety precautions, contractors are also required to:

- Turn off heavy equipment when not in use;
- Check scaffolding regularly;
- Prevent unauthorized persons from accessing project sites;
- Prevent the use of alcohol and drugs onsite;
- Disallow weapons onsite;
- Prevent speeding onsite (driving speed should be 15 mph maximum); and

- Prevent entry into excavations deeper than 4 feet without a ladder.

E. CONTRACTED WORKERS

The JSIF will make reasonable efforts to ascertain that third parties who engage contracted workers are legitimate and reliable entities and have in place labour management, procedures that are applicable to the project, and that will allow them to operate in accordance with funders' requirements and national laws.

The JSIF will establish procedures for managing and monitoring the performance of the third parties in relation to the established requirements. In an effort to force third parties to comply the requirements, the JSIF will incorporate the requirements of this ESPS into their contract, in addition to appropriate remedies for noncompliance. The same standards will be applied for subcontractors hired by third parties to carry out works on JSIF's project.

The JSIF will ensure that Contracted Workers have access to a grievance redress mechanism. In cases where the third party employing or engaging the workers is not able to provide a grievance mechanism to the Contracted Workers, the workers will be encouraged to use the JSIF's grievance redress mechanism.

F. COMMUNITY WORKERS

Community workers typically make up the largest population of employees on JSIF's project sites. These workers are employed by third parties, either by the contractor or by non-governmental organizations, mainly the community development committees (CDCs). Community workers are used in a number of different circumstances, including where discounted labour is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development, providing a social safety net or providing targeted assistance in fragile and conflict-affected situations.

Considering the nature and objectives of the engagement with community workers, not all the requirements of ESPS 2 is applicable. However, the third party must comply with all applicable requirements. Therefore, the JSIF will ensure that the necessary provisions are applied for community workers working on project sites. In determining the provisions to be applied, the JSIF will take into consideration the following:

- a. The nature and scope of the project;
- b. The specific project activities in which the community workers are engaged; and
- c. The nature of the potential risks and impacts to the community workers.

Like contracted workers, the provisions under Working Conditions and Occupational Health and Safety will be applied to all community workers in a manner that reflects (a) to (c) above. The way in which these requirements will apply in the circumstances of the project will be set out in the labor management procedures.

The JSIF will clearly identify in the labor management procedures, the terms and conditions under which community labour will be engaged, including the amount and method of payment and times of work. The labor management procedures will also outline the grievance redress mechanism for community workers. It will specify the way in which community workers can raise grievances in relation to the project. The JSIF will assess the potential risks and impacts of the activities to be conducted by community workers and, at a minimum, apply the relevant requirements of General environmental health and safety guidelines (EHSGs) and industry-specific EHSGs. The requirements of Project funders will also be incorporated in the procedures.

The JSIF will carry-out detailed assessment throughout the project cycle to ensure that child labour or forced labour is not engaged as part of the community labour. The roles and responsibilities for monitoring community workers will be detailed in the labor management procedures. In the event that cases of child labor or forced labor are identified, the JSIF will immediately take the appropriate steps to remedy situation(s).

G. PRIMARY SUPPLY WORKERS

The JSIF will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers as part of the environmental and social assessment. Where there is a significant risk of child labor or forced labor related to primary supply workers, where possible, the JSIF will require the primary supplier to identify those risks and implement actions to prevent the risk from materializing. The labor management procedures will set out roles and responsibilities for monitoring

primary suppliers. If child labor or forced labor cases are identified, the JSIF will require the primary supplier to take appropriate steps to remedy them.

Additionally, where there is a significant risk of serious safety issues related to primary supply workers, the JSIF will require the relevant primary supplier to introduce procedures and mitigation measures to address the identified safety issues. These procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness. It should be noted that JSIF's ability to address potential and actual risks associated with Primary Supply Workers will depend upon our level of control or influence over the primary suppliers. However, where the remedy is not possible because the JSIF does not have adequate influence or control over the third party, the JSIF will change the project's primary suppliers and engage other parties that can demonstrate that they are meeting the relevant requirements.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 3 (ESPS 3)

RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT



**PLASTIC BOTTLES ACCUMULATED IN WATERWAY IN
TAWES MEADOWS, ST. CATHERINE, JAMAICA**

ESPS 3

RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT

INTRODUCTION

The JSIF in fulfilling its mandate to improve socio-economic conditions in poor and underserved communities, engaged in activities which may result in pollution to air, water, and land, and consumption natural resources. If not manage in a sustainable manner, this may have negative impacts locally, nationally, regionally and even globally. Unabated and indiscriminate pollution and resources consumption will threaten the lives and livelihoods of people, ecosystem services and the environment in general. For example, the rate of emission of greenhouse gases (GHGs) continue to increase concentrations in the atmosphere to potentially catastrophic levels; the impacts of which have been seen in every sphere and felt globally. Sea level rise, increased frequency and intensity of hurricanes, storm surges, extreme drought conditions, above normal temperatures, pest and disease outbreaks, and extinction of species, *inter alia* are results of global warming and climate change which are associated with increased concentration of GHGs in the atmosphere. These impacts threaten the welfare of current and future generations if the status quo remains. As a people, we have to adopt more efficient and effective resource use, pollution prevention and GHG emission avoidance, and mitigation technologies and practices that are now accessible and available to us.

The JSIF is committed to prevention of environmental pollution; conserving use of natural resources including water, energy and raw material; and the promotion of sustainable measures to protect wildlife. The JSIF will develop and implement measures to properly manage hazardous and non-hazardous materials including waste. JSIF recognizes the deleterious impacts of chemicals such as pesticides on the environment and therefore, in circumstances where pest management is required, an integrated approach will be adopted.

ESPS 3 outlines how the JSIF will manage resources consumption and prevention of environmental pollution throughout the project life cycle with a view to promote environmental sustainability.

OBJECTIVES

The objectives of ESPS 3 are to:

- To promote the sustainable use of resources, including energy, water and raw materials;
- To avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities;
- To avoid or minimize project-related emissions of short and long-lived climate pollutants;
- To avoid or minimize generation of hazardous and non-hazardous waste; and
- To minimize and manage the risks and impacts associated with pesticide use.

SCOPE OF APPLICABILITY OF ESPS 3

The applicability of ESPS 3 will be established during the environmental and social assessment of the project/sub-project. This ESS will apply to all projects that have the potential to cause environmental pollution and consume natural resources, especially in large quantities. ESPS 3 will apply to projects being implemented in close proximity to or in natural ecosystems; for example, wetlands and forests.

REQUIREMENTS OF ESPS 3

In planning the execution of projects/sub-projects, the JSIF will take into consideration, the ambient conditions of the proposed site as informed by the results of the environmental and social assessment; and apply measures that are technically and financially feasible to improve resource use efficiency and pollution prevention. The JSIF through contractual agreements will oblige third parties to develop and implement projects taking the mitigation hierarchy into account. The measures to be undertaken will be proportionate to the risks and impacts associated with the project and consistent with GIIP, in the first instance the EHSGs.

RESOURCE EFFICIENCY

The JSIF will always adopt measures that are environmentally sustainable in the design and implementation of projects. The JSIF is certified to ISO 14001:2015 Standards which means environmental sustainability is at the core of our operation, therefore in the development of projects for execution we constantly require our design engineers to research and formulate projects that are not only financially feasible but projects that are environmentally sound with respect to efficient consumption of energy, water and raw materials, as well as other resources. These measures include the integration of new technologies and features in project designs to conserve raw materials, energy and water, as well as other resources. Where data are available, the JSIF will conduct the necessary research to benchmark available technologies to determine the best and most practicable to suit our resources efficiency needs.

A. Energy Consumption

The JSIF recognizes that energy is a very vital resource and the life blood of every economy including Jamaica. The unit cost of energy in Jamaica is relatively high when compared to other jurisdictions and is considered one of the main hindrances to growth in the country. Majority of our energy is generated from imported fossil fuel because of poor development of indigenous sources. Fossil fuel is a finite resource and contributes significantly to environmental pollution; global warming and climate change. The JSIF is therefore cognizant of the fact that efficient use of energy is an important way in which it can contribute to sustainable development. The JSIF is also aware that energy conservation is not the only energy-focused approach to environmental sustainability; the development of alternative or renewable energy systems is absolutely important.

Energy conservation is standardized in JSIF's operation and therefore it is a requirement for consultants to design the applicable projects with energy conservation features and technologies for example LED lighting and solar external lights and water heaters. Where financially feasible, projects will be designed to operate using only renewable energy sources. All equipment including appliances, computers and printers etc. supplied by JSIF to project beneficiaries must be "Energy Star" or otherwise energy efficient rated.

The JSIF will adopt any applicable or practicable resource efficiency requirements of its funding partners as well as measures specified as Good International Industry Practices

to optimize energy usage, to the extent that these measures are technically and financially feasible.

B. Water Consumption

Like energy, water is an essential resource and therefore its sources must be protected and water that is produced should be used conservatively. These principles are taken into consideration in the design and execution of JSIF's projects. Projects are designed to include features and technologies that will reduce the consumption of water. The use of low flush toilets and urinals, low flow faucets and shower heads and rainwater harvesting system are standardized in the JSIF's project designs to improve on water conservation. Drip irrigation systems are installed at agricultural project sites as a means of water conservation.

Construction and agricultural projects pose a significant risk of impact on water quality. In the execution of such projects, the JSIF will establish protocols and implement measures to the extent technically and financially feasible, to avoid or minimize water pollution. Where the project is likely to cause significant impact on water use and/or quality, the JSIF will consider altering the location of the project site to the extent feasible or reject the project entirely. The JSIF will contractually bind third parties to implement projects in a manner that water use does not have significant adverse impacts on communities, other users and the environment.

In the event that the proposed project has a significant water demand that will potentially cause adverse impacts on communities, other users or the environment, the JSIF will apply the following:

- i. A detailed water balance will be developed, maintained, monitored and reported on periodically;
- ii. Opportunities for improvement in water use efficiency will be identified and implemented; Specific water use (measured by volume of water used per unit production) will be assessed; and
- iii. Operations must be benchmarked to available industry standards of water use efficiency. The JSIF will assess, as part of the environmental and social assessment, the potential cumulative impacts of water use upon communities, other users and the environment and will identify and implement appropriate mitigation measures.

C. Raw Material Consumption

Construction projects typically consume relatively large quantities of raw material. The JSIF continue to require project design consultants to formulate projects taking into consideration resources use efficiency. Projects should be designed to use the least amount of material technically and financially feasible. JSIF's consultants are therefore required to consider consumption of raw material in addition to cost and other factors in developing final project designs. Contractors are required to implement projects in a manner to prevent wastage or losses. Construction materials should be adequately protected to prevent loss caused by rain or wind. Projects should be constructed in accordance with design to prevent overuse of raw material. Projects should be properly supervised to minimize mistakes which could result in unnecessary use of raw material.

The JSIF will adopt any applicable or practicable measures recommended by Project funders as well as measures specified as Good International Industry Practices to support efficient use of raw materials, to the extent technically and financially feasible.

POLLUTION PREVENTION AND MANAGEMENT

The JSIF's Civil works and agricultural projects pose the most significant risk of environmental pollution. It is a JSIF imperative, to first avoid the release of pollutants into the environment. However, this is not always possible and therefore the JSIF has and will continue to develop and adopt measures to minimize and control the concentration and mass flow of pollutants into the environment from project sites. The JSIF will ensure that projects are executed in compliance with the requirements specified in national laws and apply best practices outlined in funders EHSs. Where there are conflicts between national laws and GIIPs or funders' EHSs, the more stringent standards will be adopted by JSIF. This applies to the release of pollutants to air, water and land due to routine, nonroutine, and accidental circumstances, and with the potential for local, regional, and transboundary impacts.

As a precautionary measure, the JSIF do not implement projects on sites where there are historical pollution problems, especially where liability issues may be significant. However, in the event that a proposed project involves historical pollution, the JSIF will conduct the necessary due diligence to identify the responsible party. Providing the historical pollution is determined to present a significant risk to human health and/or the environment, the JSIF will undertake a health and safety risk assessment of the existing pollution which may affect communities, workers and the environment. Based on the

results of the risk assessment, the JSIF may choose to select or reject the project. Where the JSIF has no other option but to proceed with the project on a significantly polluted site, remediation activities will be performed. If one or more third parties are responsible for the historical pollution, the JSIF will consider seeking recourse from such parties so that the pollution can be appropriately remediated. The JSIF will implement adequate measures so that historical pollution at the site does not pose a significant risk to the health and safety of workers and communities. Qualified contractor(s) will be hired to carry out the remediation activities in accordance with national law and GIIP, whichever is most stringent.

The JSIF will consider the following factors to address potential adverse project impacts on human health and the environment:

- i. The existing ambient conditions at the site in areas already impacted by pollution;
- ii. The remaining assimilative capacity of the environment;
- iii. Existing and future land use;
- iv. The project's proximity to areas of importance to biodiversity;
- v. The potential for cumulative impacts with uncertain and/or irreversible consequences; and
- vi. The impacts of climate change.

Only where there is no other option that the JSIF will implement a project in an already degraded area. In these circumstances where a proposed project has the potential to contribute a significant amount of pollutants to an already degraded area, the JSIF, will not only apply resource efficiency and pollution control measures but will also consider additional strategies and adopt measures that avoid or minimize negative effects. These strategies include, but are not limited to, evaluation of project location alternatives.

A. Management of Air Pollution

Typically, the main air pollutant emitted from JSIF's project is particulate matter (PM) in the form of dust from construction activities. However, other air pollutants are of concern, such as nitrogen oxides (NO_x), sulfur dioxide (SO₂), carbon monoxide (CO), as well as other contaminants including GHGs. The JSIF will continue to develop procedures based on national laws and GIIP and contract third parties to design and implement measures that are technically and financially feasible and cost-effective to avoid or minimize project-related air emissions during construction and operation.

As part of the environmental and social assessment of the project, the JSIF will seek to characterize and estimate sources of air pollution related to the project. This may include an estimate of gross GHG emissions resulting from the project, providing that such estimation is technically and financially feasible. However, considering capacity limitations, the JSIF will seek support from project funders to carry out the estimate of especially GHG emissions. The JSIF will not seek to perform GHG estimations for projects that have diverse and small sources of emissions (for example, community-driven development projects) or where emissions are not likely to be significant (for example, projects in education and social protection).

Where applicable and feasible, the JSIF will consider the following options for reducing or preventing air pollution:

- i. Enhancing energy efficiency;
- ii. Process modification;
- iii. Selection of fuels or other materials with less polluting emissions; and
- iv. Application of emissions control techniques.

Options for reducing GHG emissions may include:

- a. Alternative project locations;
- b. Adoption of renewable or low carbon energy sources;
- c. Alternatives to refrigerants with high global warming potential;
- d. More sustainable agricultural, forestry and livestock management practices;
- e. The reduction of fugitive emissions and gas flaring;
- f. Carbon sequestration and storage;
- g. Sustainable transport alternatives; and
- h. Proper waste management practices.

B. Management of Hazardous and Non-hazardous Waste

The generation of non-hazardous waste is a common feature of infrastructure projects implemented by JSIF. The generation of hazardous waste at JSIF's project sites is extremely minimal. The JSIF has developed procedures to avoid the generation of both hazardous and nonhazardous waste and where waste generation cannot be avoided, measures are or will be put in place to minimize the generation and to reuse, recycle and

recover waste in a manner that is safe for human health and the environment. Where waste cannot be reused, recycled or recovered, the JSIF will dispose of it in an environmentally sound and safe manner at an authorized facility which is operated by the National Solid Waste Management Authority (NSWMA). These disposal sites, while not optimal in their designs and operation provide some level of control for emissions and residues resulting from the handling and processing of the waste material.

In the event hazardous waste is generated by a JSIF project, we will comply with existing requirements for management (including storage, transportation and disposal) of hazardous waste including national legislation and applicable international conventions, including those relating to transboundary movement. In the absence of such requirements, the JSIF will adopt environmentally sound and safe management and disposal alternatives from GIIP. The management of waste is included in third parties' contract. The JSIF will only hire reputable and legitimate contractors with the necessary license to execute projects and by extension manage waste material. The JSIF will only dispose of waste at facilities managed by the NSWMA, the entity responsible for waste management in the country through subsidiary companies and for regulations.

The JSIF has established protocols for managing waste onsite prior to disposal. It is the responsibility of the contractor to ensure that these measures are put in place. The ideal situation is for the contractor to avoid generating waste. However, where waste is generated, it is required that it is reused onsite or recycled if possible. Where none of the above is possible, then the contractor is required to remove the waste from the site immediately if practical. Construction and demolition (C&D) waste should be stored in a designated location away from surface water sources and stormwater drains. The waste should be covered and protected by perimeter fencing to help prevent erosion and dust nuisance. The waste should be carted away to the disposal site in covered trucks. The contractor is responsible for ensuring that the trucks do not exceed the required laden weight. A system of verification of C&D waste disposal is established by JSIF.

Garbage generated onsite should be separated for recycling and composting. Garbage waste for disposal should be bagged and placed in the appropriate receptacle for collection by the NSWMA.

C. Management of Chemicals and Hazardous Materials

The JSIF will not support or involve in the manufacture, trade and use of chemicals and hazardous materials subject to international bans, restrictions or phaseouts. The JSIF will avoid, minimize and control the release and use of hazardous materials. The production, transportation, handling, storage, and use of hazardous materials for project activities will be assessed through the environmental and social assessment. The JSIF will consider less hazardous substitutes where hazardous materials are intended to be used for project activities.

D. Management of Pesticides

The JSIF is involved in the implementation of agricultural projects which includes the use of pesticides. However, pesticides are used only as a last resort in the JSIF's operation. Integrated pest management (IPM) which involves the use of combined or multiple pest control strategies is the approach of choice. The environmental and social assessment covers the risks associated with pesticide use. JSIF's environmental and social screening encompasses all aspects of pesticide management including pre-purchase considerations. In the procurement of any pesticide, the JSIF will ensure that farmers assess the nature and degree of associated risks, taking into account the proposed use and the intended users of the pesticide. The JSIF will not procure or provide support for the procurement of pesticides that are not approved by the Jamaica Pesticide Control Authority.

The JSIF will not use any pesticides or pesticide products or formulations unless such use is in compliance with the national laws and funders' EHSGs. In addition, the JSIF will not use any pesticide products that contain active ingredients that are restricted under applicable international conventions or their protocols or that are listed in, or meeting, the criteria of their annexes, unless for an acceptable purpose as defined by such conventions, their protocols or annexes, or if an exemption has been obtained under the conventions, their protocol or annexes, consistent with the JSIF's commitments under these and other applicable international agreements. The JSIF will not use any formulated pesticide products that meet the criteria of carcinogenicity, mutagenicity, or reproductive toxicity as set forth by relevant international agencies. For any other pesticide products that poses other potentially serious risk to human health or the environment and that are identified in internationally recognized classification and labelling systems, the JSIF will not use pesticide formulations of these products if:

- i. Jamaica lacks restrictions on their distribution, management and use; or

- ii. They are likely to be used by, or be accessible to, lay personnel, farmers, or others without training, equipment, and facilities to handle, store, and apply these products properly.

The JSIF will use the following additional criteria apply to the select and use pesticides when applicable:

- i. They will have negligible adverse human health effects;
- ii. They will be shown to be effective against the target species; and
- iii. They will have minimal effect on non-target species and the natural environment. The methods, timing, and frequency of pesticide application are aimed to minimize damage to natural enemies. Pesticides used in public health programs will be demonstrated to be safe for inhabitants and domestic animals in the treated areas, as well as for personnel applying them;
- iv. Their use will take into account the need to prevent the development of resistance in pests; and
- v. Where registration is required, all pesticides will be registered or otherwise authorized for use on the crops and livestock, or for the use patterns, for which they are intended under the project.

The JSIF will ensure that all pesticides used will be manufactured, formulated, packaged, labeled, handled, stored, disposed of, and applied according to relevant international standards and codes of conduct, as well as the EHSGs.

The JSIF has developed a Pest Management Plan (PMP) for managing projects that involve significant pest management issues. This PMP has been approved by the World Bank.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 4 (ESPS 4)

COMMUNITY HEALTH AND SAFETY



**SAFE PASSAGE FOR STUDENTS IN BARRETT TOWN, ST.
JAMES, JAMAICA**

ESPS 4

COMMUNITY HEALTH AND SAFETY

INTRODUCTION

The communities in which the JSIF operates are generally the most vulnerable in the Jamaican society. The residents are considered poor and underserved and are the ones that typically experience the greatest impacts in catastrophic events such as natural disasters and climate change, economic shocks, political upheavals, and epidemics and pandemics. It is therefore incumbent on the JSIF to take the necessary precautions in the implementation of projects because the associated activities, equipment, and infrastructure present additional exposure to risks and impacts to the community. In other words, project impacts may accelerate or intensify the impacts experienced by communities that are already subjected to other impacts. The cumulative impacts can be very devastating for residents and could drive them further into poverty or economic hardship.

ESPS 4 is intended to address the health, safety, and security risks and impacts on project-affected communities and the approach the JSIF will adopt to avoid or minimize the risks and impacts, particular on the most vulnerable people in society.

OBJECTIVES

The objectives of ESPS 4 are to:

- To anticipate and avoid adverse impacts on the health and safety of project-affected communities during the project life cycle;
- To promote quality and safety, and climate change considerations in the design and construction of infrastructure;
- To avoid or minimize community exposure to project-related traffic and road safety risks, diseases and hazardous materials;
- To implement effective measures to address emergency events; and
- To ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the project-affected communities.

SCOPE OF APPLICABILITY OF ESPS 4

ESPS 4 is applicable to all community-based projects that will be implemented by JSIF. However, the applicability of this ESPS will be established during the environmental and social assessment of the project as described in ESPS 1. ESPS 4 addresses potential risks and impacts of project activities on the residents and environment of the communities in which activities are being undertaken. Occupational health and safety (OHS) requirements for project workers are set out in ESPS 2, and measures to avoid or minimize impacts on human health and the environment due to existing or potential pollution are set out in ESPS 3.

REQUIREMENTS OF ESS 4

A. COMMUNITY HEALTH AND SAFETY

The JSIF recognizes that project activities especially those associated with civil works will expose communities to various adverse risks and impacts and therefore such risks and impacts on the health and safety of project communities will be evaluated during the project life cycle, including those who, because of their particular circumstances, may be vulnerable. The JSIF will make every effort to identify the risks and impacts and propose mitigation measures in accordance with the mitigation hierarchy. These measures will be included in the contractual agreements with third parties that are hired to execute the project on the JSIF's behalf.

Infrastructure and Equipment Design and Safety

The JSIF will design, construct, operate, and where applicable decommission the structural elements of the project in accordance with national legal requirements, the EHSGs of Project funders and other GIIP, taking into consideration safety risks to third parties and affected communities. The JSIF will always hire competent professionals to design and construct infrastructure to be implemented in communities. The JSIF will also ensure that project designs are reviewed and approved by the necessary authorities and certifying bodies prior to implementation. JSIF will also conduct its own review of projects designed by third parties through its internal Technical Review Committee. Design consultants are required to formulate projects in consideration of the realities of climate change. For example, drainage systems must be designed to accommodate at

minimum a 25-year return storm and building roof designed to withstand category 5 hurricanes. Building projects are also designed to include rainwater harvesting systems to help mitigate against water shortages associated with drought conditions.

In cases where the project includes the construction of buildings and structures that will be accessed by members of the public, the JSIF will consider the incremental risks of the public's potential exposure to operational accidents or natural hazards, including extreme weather events. The building will be designed with these risks to the public taken into consideration. The JSIF subscribes to the principles of equity, non-discrimination and equal opportunity and therefore where technically and financially feasible, projects will also be designed to be accessed by all regardless of age, abilities and the circumstances. In other words, the concept of universal access will be applied to the design and construction of structures and buildings being implemented by JSIF.

There are circumstances where projects or aspects of a project may be located in high-risk areas; including those with risk of extreme weather or slow onset events, and their failure or malfunction may threaten the safety of communities. For example, the construction of a hurricane shelter in an area that is vulnerable to flooding. Where these circumstances exist, the JSIF will engage one or more independent experts with relevant and recognized experience in similar projects, separate from the design consultant and contractor, to conduct a review early in project development and throughout the stages of project design, construction, operation, and if applicable, decommissioning.

Safety of services

It is very common for aspects of JSIF's projects to include provision of services to communities, such as solid waste management, potable water and electricity regularization. Therefore, where project involves provision of services to communities, the JSIF will establish and implement appropriate quality management systems to anticipate and minimize risks and impacts that such services may have on community health and safety. For example, in provision of potable water, the JSIF will ensure that the required permit and approval for abstraction from new source or access to existing sources is obtained from the necessary authorities including the Water Resources authority and the National Water Commission. The water quality must be tested by an approved laboratory for the constituents of concern and determined to be suitable for human consumption before it is supplied to the community. New water conduits must also be disinfected and certified prior to being used to convey water to residents' homes.

The JSIF will also apply the concept of universal access, where technically and financially feasible in these circumstances.

Traffic and Road Safety

Project activities may disrupt the travel pattern and pose various road safety risks for commuters and the wider community alike. The JSIF will identify, evaluate and monitor the potential traffic and road safety risks to project workers, affected communities and road users throughout the project life cycle and, where appropriate, will develop measures and plans to address them. The JSIF will incorporate these road safety measures into the project design to prevent and mitigate potential road safety risks to road users and affected communities. These will then be incorporated in the contractual agreement with the company contracted to implement the project.

Where appropriate and necessary, the JSIF will undertake a **road safety assessment** for each phase of the project, and will monitor incidents and accidents, and prepare regular reports of such monitoring. The JSIF will then use the reports to identify negative safety issues and establish and implement measures to resolve them.

The JSIF operates a fleet of vehicle to carryout project activities. The JSIF has established protocols in place to promote proper road safety; however, we will continue to review and update these measures, including driver training to improve driver and vehicle safety, as well as systems for monitoring and enforcement. The JSIF will consider the safety record or rating of vehicles in purchase or leasing decisions and require regular maintenance of all project vehicles.

The JSIF will also consider climate change considerations in its vehicle purchasing and operation decisions. The JSIF will seek to procure low emissions vehicle and those with low mileage. Where practical and financially feasible, the JSIF may procure electric or hybrid vehicles with a view to reduce consumption of fossil fuel and concomitant emission of GHGs. Drivers of vehicles will be trained in the proper procedures to reduce consumption energy through behavior change approaches, for example, turning off the air condition in the vehicle while the windows are down.

The contractors engaged by JSIF to carryout implementation of civil works projects usually operate construction and other equipment on public roads. The use of these project equipment presents the risk of impact on public roads or other public infrastructure and the health and safety of residents. The JSIF is therefore compelled to

develop appropriate safety measures to avoid the occurrence of incidents and injuries to members of the public associated with the operation of such equipment. The JSIF will establish a **health and safety guideline** to include operation of heavy equipment and vehicles onsite. The guideline will outline measures to be taken to protect the public from the use of equipment. The contractor will be required to install adequate safety signs throughout the project footprint; use flagmen as appropriate to direct traffic; establish alternate route to be used by commuters and vehicular traffic where possible; drive within specified speed limit; ensure vehicles are properly serviced and in good working order; and notify the public in advance of any activities that will restrict movement or caused them to divert from their usual route. Areas that may pose imminent danger to the community must be properly barricaded to minimize access.

Ecosystem Services

The JSIF recognizes that project activities can have significant direct impacts on ecosystem services which may result in adverse health and safety risks to and impacts on affected communities. Where appropriate and feasible, the JSIF will perform the necessary assessment to identify the project's potential risks and impacts on ecosystem services that may be exacerbated by climate change. The JSIF will implement measures to avoid adverse impacts, and where these impacts are unavoidable, the JSIF will implement appropriate mitigation measures.

The proposed mitigation measures will be included in the project design and incorporated in the project's contractual agreement. The project will be monitored frequently to ensure that the mitigation measures are implemented and to establish their effectiveness. An adaptive management approach will be taken to ensure that issues are continually being assessed and appropriate measures taken to arrive at an eventual solution.

Community Exposure to Health Issues

Like other jurisdictions, the outbreak of diseases happens fairly regularly in Jamaica. Vector borne diseases such as the Chikungunya, Zika Virus and Dengue epidemics as well as diseases transmitted by human to human interactions such as COVID-19 and the flu immediately came to mind. There are also waterborne or water-related diseases such as cholera and gastroenteritis which affect persons if exposed. These diseases can cause significant impacts on the community, especially for persons that make up the vulnerable

population because of age, disabilities and underline medical conditions such as cancer, hypertension, diabetes and asthma, *inter alia*. The JSIF will therefore take the necessary actions to avoid or minimize the potential for community exposure to water-borne, water-based, water-related, and vector-borne diseases, and communicable and noncommunicable diseases that could result from project activities.

Where specific diseases are endemic, the JSIF will explore opportunities during the project life cycle to improve environmental conditions that could help minimize their incidence. The JSIF will take measures to avoid or minimize transmission of communicable diseases that may be associated with the influx of temporary or permanent project labour. The JSIF will establish the necessary protocols to minimize contact between persons at project sites especially those that are showing signs of illness. The JSIF will ensure that provision is made in the projects' budget for supplying the necessary personal protective equipment (PPEs) and other material and equipment required to check for symptoms; to facilitate sanitization of people and space; and to isolate the sick.

Management and safety of hazardous materials

Hazardous materials are seldomly generated at JSIF's project sites. The most common forms of hazardous waste generated at project sites are fluorescent troffers and used oil from construction equipment. While generated in small amounts, both types of waste can cause significant impacts. The JSIF will therefore develop measures to be implemented by project contractors to avoid or minimize the potential for community exposure to these and other hazardous materials and substances that may be released by the project. Where there is a potential for the public (including workers and their families) to be exposed to material hazards, particularly those that may be life threatening, the JSIF will exercise special care to avoid or minimize their exposure by modifying, substituting, or eliminating the condition or material causing the potential hazards. Where hazardous materials are part of existing project infrastructure or components, for example lead and asbestos, the JSIF will exercise due care during construction and implementation of the project, including decommissioning, to avoid exposure to the community.

The JSIF will implement measures and actions to ensure the safe delivery of hazardous materials, and of storage, transportation and disposal of hazardous materials and waste, and will implement measures to avoid or control community exposure to such hazardous material.

Emergency Preparedness and Response

An unanticipated incident, arising from both natural and man-made hazards may occur at project sites. These may take the form of fire, explosions, leaks or spills, which may occur as a consequence of failure to implement operating procedures that are designed to prevent their occurrence; extreme weather; or lack of early warning. The JSIF has established procedures to address emergencies and will continue to update such protocols to ensure that they are current and effective. The JSIF's measures are designed to address emergencies in a manner so as to prevent adverse impacts on the health and safety of the community, and to minimize, mitigate and compensate for any impacts that may occur.

Where a project has the potential to generate emergency events, the JSIF will conduct some form of hazard risk assessment, as part of the environmental and social assessment. Based on the results of the hazard risk assessment, the JSIF will prepare an **Emergency Response Plan** (ERP) in coordination with the relevant local authorities and the affected community, and will take into account the emergency prevention, preparedness and response arrangements put into place with project workers under ESPS 2.

An ERP may include, as appropriate:

- a. Engineering controls (such as containment, automatic alarms, and shutoff systems) proportionate to the nature and scale of the hazard;
- b. Identification of and secure access to emergency equipment available on-site and nearby;
- c. Notification procedures for designated emergency responders;
- d. Diverse media channels for notification of the affected community and other stakeholders;
- e. A training programme for emergency responders including drills at regular intervals;
- f. Public evacuation procedures;
- g. Designated coordinator for ERP implementation; and
- h. Measures for restoration and cleanup of the environment following any major accident.

The JSIF will document its emergency preparedness and response activities, resources, and responsibilities, and will disclose appropriate information, as well as any subsequent material changes thereto, to affected communities, relevant government agencies, or other relevant parties. The JSIF will assist and collaborate with affected communities,

relevant government agencies and other relevant parties in their preparations to respond effectively to an emergency event, especially where their participation and collaboration will be an important part of an effective response.

In an effort to ensure that the ERP is current and to confirm that it is still capable of addressing the potential range of emergency events that might arise in connection with the project, the JSIF will review the document regularly. The JSIF will support affected communities, relevant government agencies and other relevant parties through training and collaboration; and will conduct such training in conjunction with the training provided to project workers as part of the OHS requirements under ESPS 2.

B. SECURITY PERSONNEL

The JSIF do not typically hire security, however in the event that the organization see it fit to retain direct or contracted workers to provide security to safeguard its personnel and property, it will assess the risks posed by these security arrangements to those within and outside the project site. The JSIF will be guided by the principle of proportionality and GIIP, and by applicable law, in relation to hiring, rules of conduct, training, equipping, and monitoring of such security workers in deciding on the arrangements. The JSIF will not sanction any use of force by direct or contracted workers in providing security except when used for preventive and defensive purposes in proportion to the nature and extent of the threat.

The JSIF will seek to ensure that government security personnel deployed to provide services, act in a manner consistent with the paragraph above, and encourage the relevant authorities to disclose the security arrangements for the JSIF's facilities to the public, subject to overriding security concerns.

The JSIF will:

- i. Make reasonable inquiries to verify that the direct or contracted workers retained to provide security are not implicated in past abuses;
- ii. Provide adequate training for security personnel (or determine that they are properly trained) in the use of force (and where applicable, firearms), and appropriate conduct toward workers and affected communities; and
- iii. Require security personnel to act within the applicable law and any requirements set out in the ESCP by project funder(s).

The JSIF will review all allegations of unlawful or abusive acts of security personnel, take action (or urge appropriate parties to take action) to prevent recurrence and, where necessary, report unlawful and abusive acts to the relevant authorities.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 5 (ESPS 5)

LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT



**JSIF ENGAGEMENT WITH PAPs ON RESETTLEMENT
ISSUES IN CANAAN HEIGHTS, CLARENDON, JAMAICA**

ESPS 5

LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT

INTRODUCTION

The term “Land acquisition” refers to all modalities used to obtain land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include:

- a. Acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes;
- b. Repossession of public land that is used or occupied by individuals or households; and
- c. Project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

The implementation of projects may not require the full acquisition of land but may include restrictions on the use of lands by the owner and/or community. “Restrictions on land use” refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.

The JSIF recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and affected persons. This is because the process can cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. “Livelihood” refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering. These impacts are termed “involuntary resettlement”. Resettlement is considered involuntary when affected persons or communities do not

have the right to refuse land acquisition or restrictions on land use that result in displacement.

Physical and economic displacement, if left unmitigated, may give rise to severe economic, social and environmental risks, such as: dismantled production systems; increased poverty; relocation of people to environments where their productive skills are less applicable and the competition for resources is greater; community institutions and social networks may be weakened; family structure or kin groups may become dispersed; and cultural identity, traditional authority, and the potential for mutual help may be diminished or lost. It is for these reasons that JSIF in the execution of projects will make every effort to avoid involuntary resettlement and will only use this means of land acquisition as a last resort. In situations where involuntary resettlement is unavoidable, JSIF will try to minimize the extent to which it is done and develop and implement carefully planned measures to mitigate against adverse impacts on both displaced persons and on host communities receiving the displaced persons

ESPS 5 outlines how the JSIF will manage issues related to land acquisition and restriction to land use and involuntary resettlement.

OBJECTIVES

The objectives of ESPS 5 are to:

- To implement projects in compliance with funders' environmental and social safeguards requirements.
- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by:
 - i. Providing timely compensation for loss of assets at replacement ; and
 - ii. Assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

SCOPE OF APPLICABILITY OF ESPS 5

The applicability of ESPS 5 for projects/sub-projects will be established during the environmental and social assessment. This Standard will be applied to all projects/subprojects which involve land acquisition, restriction to land use or involuntary resettlement issues. The application of ESPS 5 will take effect under any of the following conditions whether it is permanent or temporary physical and economic displacement:

- a. Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- b. Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- c. Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- d. Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;
- e. Displacement of people as a result of project impacts that render their land unusable or inaccessible;

- f. Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- g. Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and
- h. Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

This ESPS does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land use restrictions imposed by the project. Such impacts will be addressed in accordance with ESPS 1.

This ESPS does not apply to voluntary, legally recorded market transactions in which the seller is given a genuine opportunity to retain the land and to refuse to sell it, and is fully informed about available choices and their implications. However, where such voluntary land transactions may result in the displacement of persons, other than the seller, who occupy, use or claim rights to the land in question, this ESPS will apply.

Where a project supports land titling or other activities intended to confirm, regularize or determine land rights, a social, legal and institutional assessment will be required under ESPS 1. The assessment aims to identify potential risks and impacts, as well as appropriate design measures to minimize and mitigate adverse economic and social impacts, especially those that affect poor and vulnerable groups. This ESPS does not apply to disputes between private parties in land titling or related contexts. However, where persons are required to vacate land as a direct result of a project-supported determination that the land in question is state land, this ESS will apply (in addition to the relevant provisions of ESPS 1 mentioned above).

This ESPS does not apply to land use planning or the regulation of natural resources to promote their sustainability on a regional, national or subnational level (including watershed management, groundwater management, fisheries management, and coastal zone management). Where a project supports such activities, the JSIF will conduct a social, legal and institutional assessment under ESPS 1, in order to identify potential economic and social risks and impacts of the planning or regulation, and appropriate measures to minimize and mitigate them, in particular those that affect poor and vulnerable groups.

This ESPS does not apply to management of refugees from, or persons internally displaced by, natural disasters, conflict and crime or violence.

REQUIREMENTS

A. GENERAL

Eligibility Classification

As per JSIF environmental and social performance standards, affected persons may be defined as persons:

- i. Who have formal legal rights to land or assets;
- ii. Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- iii. Who have no recognizable legal right or claim to the land or assets they occupy or use.

Project Design

As outlined in ESPS 1, the JSIF will perform an environmental and social assessment for each project/sub-project. It is during this assessment that the JSIF will determine if there are potential land acquisition, restriction of land use or resettlement issues. Where it is determined that the possibility of these issues occurring as a result of the project, the JSIF will firstly seek to find feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social, and financial costs and benefits, and paying particular attention to gender impacts and impacts on the poor and vulnerable. Where other suitable options are available, the JSIF will select the best alternative taking the above listed into consideration.

In the interest of transparency and good governance, the JSIF will seek to demonstrate to its funding partners and the Government of Jamaica (GoJ) that involuntary land acquisition or restrictions on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period of time.

Compensation and Benefits for Project Affected Persons

Where project-related land acquisition or restrictions on land use cannot be avoided, the JSIF will offer projected affected persons (PAPs) compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. The JSIF will disclose and consistently apply the compensation standards for all categories of land and fixed assets. In cases where negotiations with landowner may be necessary, the JSIF is cognizant that compensation rates may be subject to increase and of such is willing to engage in such process to the extent possible. In all cases, the JSIF will establish and document a clear basis for calculation of compensation, and compensation distributed in accordance with transparent procedures.

Where livelihoods of displaced persons are land-based, or where land is collectively owned, the JSIF will offer the displaced persons an option for replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being, where feasible. Where equivalent replacement land is not available, the JSIF will attempt to demonstrate this to the applicable project funder. In attempt to further appease the PAPs for the project impacts, where possible and feasible, the JSIF will also provide opportunities to displaced communities and persons to derive appropriate development benefits from the project. In the case of affected persons who have no recognizable legal right or claim to the land or assets they occupy or use (squatters), resettlement assistance will be provided in lieu of compensation for land.

The JSIF will only take possession of acquired land and related assets after compensation has been made available and, where applicable, displaced people have been resettled and moving allowances have been provided to the displaced persons in addition to compensation. In addition, the JSIF will ensure that livelihood restoration and improvement programmes commences in a timely fashion in order to ensure that the PAPs are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.

In cases where there are significant difficulties related to the payment of compensation to particular PAPs, for example, where repeated efforts to contact absentee owners have failed, where PAPs have rejected compensation that has been offered to them in accordance with the approved plan, or where competing claims to the ownership of lands or assets are subject to lengthy legal proceedings, the JSIF with the approval of project

funder(s) will deposit compensation funds as required by the plan (plus a reasonable additional amount for contingencies) into an interest-bearing escrow or other deposit account and proceed with the relevant project activities. Compensation placed in escrow will be made available to eligible persons in a timely manner as issues are resolved.

Community Engagement

The JSIF understands that physical and economic displacement can be a very difficult process and a painful reality for PAPs and the community at large. Therefore, the JSIF regarded conducting of suitable and appropriate consultations with the necessary stakeholders as an absolute imperative. The JSIF will engage with PAPs and/or affected communities, including host communities, through the process of stakeholder engagement as outlined in ESPS 10. The JSIF will involve the community in the decision-making process regarding resettlement and livelihood restoration issues. All parties will assess the available options and come to a common agreement as to what is the best course of action for the PAPs and/or communities, including changes in project design.

The JSIF will ensure that relevant information including input and decisions are disclosed for transparency. The PAPs and/or affected communities will be allowed to participate in the process not only during consideration of alternative project designs or resettlement options, but also throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process. While there are no indigenous people in Jamaica, in situations where resettlement issues occur which involves special groups, for example, the Maroons, the JSIF may apply additional provisions for consultations with respect to displaced Indigenous Peoples, as outlined in ESPS 7.

The JSIF is a gender certified organization and is sensitive to gender related issues. Therefore, in the consultation process, the JSIF will ensure that women's participation and perspectives are obtained and their interests factored into all aspects of resettlement planning, implementation, monitoring and evaluation of the compensation process, livelihood restoration activities, and relocation process. The JSIF recognizes that women's and men's livelihoods may be affected differently by the project and therefore an intra-household analysis may be conducted where multiple persons in a household is impacted which involved adult men and women. Considering the possibility that women's and men's preferences in terms of compensation mechanisms, such as replacement land or alternative access to natural resources rather than in cash, may be

different, the JSIF will have the necessary consultations to ascertain what modality each group prefers.

Grievance Mechanism

It is likely that PAPs and the affected communities including receiving communities will have grievances, especially if the level of stakeholder consultations was not adequate. Therefore, the JSIF will ensure that its grievance redress mechanism is always active and accessible by all to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely manner. The system will be made accessible to the PAPs and affected communities early in the process of consultation to ensure that grievances can be logged at their convenience. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner. The JSIFs web-based complaints system enables PAPs and others to log complaints anonymously or distinctively.

The JSIF's grievance mechanism is outlined in ESPS 10. The JSIF will adopt grievance redress mechanisms as required by project funders.

Planning and implementation

As part of the environmental and social assessment outlined in ESPS 1, the JSIF will conduct a survey to:

- i. Determine if the project will require land acquisition or restrictions on land use;
- ii. Identify the persons who will be affected;
- iii. Establish an inventory of land and assets to be affected;
- iv. Determine who will be eligible for compensation and assistance; and
- v. Discourage ineligible persons, such as opportunistic settlers, from claiming benefits.

The above will help JSIF to guide the discussions in the stakeholder consultations. The JSIF will ensure that the social assessment addresses the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In the process of carry-out the assessment, the JSIF will also establish and publish a cutoff date for eligibility to file complaints regarding

displacement and the need for compensation. The period allowed for filing of complaints will be a maximum of **one month** from the date of the first stakeholder consultation on resettlement issues. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) nonwritten forms. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal.

The JSIF will develop a **resettlement action plan** to address the issues identified during the environmental and social assessment. The plan will be proportionate to the risks and impacts associated with the project. The following are important conditions which will guide the extent of the plans to be developed by the JSIF in the event of displacement issues:

- i. Where there are minor land acquisition or restrictions on land use, as a result of which there will be no significant impact on incomes or livelihoods, the plan will establish eligibility criteria for affected persons, set out procedures and standards for compensation, and incorporate arrangements for consultations, monitoring and addressing grievances;
- ii. Where the project will cause physical displacement, the plan will set out the additional measures relevant to relocation of affected persons;
- iii. Where the project involves economic displacement with significant impacts on livelihoods or income generation, the plan will set out the additional measures relating to livelihood improvement or restoration; and
- iv. Where the project may impose changes in land use that restrict access to resources in legally designated parks or protected areas or other common property resources on which local people may depend for livelihood purposes, the plan will establish a participatory process for determining appropriate restrictions on use and set out the mitigation measures to address adverse impacts on livelihoods that may result from such restrictions.

The JSIF's plan will establish the roles and responsibilities relating to financing and implementation; and include arrangements for contingency financing to meet unanticipated costs, as well as arrangements for timely and coordinated response to unforeseen circumstances impeding progress toward desired outcomes.

The cost for resettlement will be financed by the GoJ. The JSIF will include full costs of resettlement activities necessary to achieve the project's objectives in its budget. The costs of resettlement, like the costs of other project activities, will be treated as a charge against the economic benefits of the project; and any net benefits to re-settlers (as compared to the "without-project" circumstances) will be added to the benefits stream of the project.

The JSIF will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action as necessary during implementation to achieve the objectives of this ESPS and the project in general.

The extent of monitoring activities will be proportionate to the project's risks and impacts. The JSIF currently retains a cadre of competent staff with experience in resettlement issues. The experience of these individuals will be called upon in the event of the need for resettlement on a project. However, if the resettlement issue is extremely significant and beyond the capacity of internal staff, the JSIF will retain competent resettlement professionals for all applicable projects, to monitor the implementation of resettlement plans, design corrective actions as necessary, provide advice on compliance with this ESPS and produce periodic monitoring reports. The JSIF will consult PAPs and/or affected communities during the monitoring process. Periodic monitoring reports will be prepared by the JSIF team and affected persons will be informed about monitoring results in a timely manner.

The JSIF will commission an external completion audit of the plan for all projects with significant involuntary resettlement impacts, when all mitigation measures have been substantially completed. The completion audit will be undertaken by competent resettlement professionals. The audit is intended to:

- i. Assess whether livelihoods and living standards have been improved or at least restored; and
- ii. Determine if the proposed corrective actions will meet objectives not yet achieved.

For projects with multiple subprojects where the exact locations are unknown, and therefore the nature or magnitude of land acquisition or restrictions on land use with potential to cause physical and/or economic displacement is unknown during project preparation, the JSIF will develop a **resettlement policy framework** (RPF) outlining general principles and procedures that are compatible with this ESPS and requirements of project funder(s). Once the individual project components are defined and the necessary information becomes available, JSIF will expand the RPF into one or more

specific plans proportionate to potential risks and impacts. The JSIF will not proceed with any physical and/or economic displacement until the plans are reviewed and approved by project funders including the GoJ.

B. DISPLACEMENT

Physical Displacement

The JSIF will develop a plan that is consistent with the applicable requirements of the GoJ and project funders for projects that involve physical displacement. The plan will be designed to mitigate the negative impacts of displacement and, as warranted, to identify development opportunities. The plan will include the following:

- i. A resettlement budget;
- ii. An implementation schedule; and
- iii. Established entitlements of all categories of affected persons (including host communities).

Consistent with the JSIF's policy, priority will be given to gender aspects and the needs of the poor and the vulnerable. The JSIF will document all transactions to acquire land rights, provision of compensation and other assistance associated with relocation activities.

If people living in the project area are required to move to another location, the JSIF will:

- i. Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; and
- ii. Provide relocation assistance suited to the needs of each group of displaced persons. New resettlement sites must offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher.

If new resettlement sites are to be prepared, the JSIF will consult the host communities regarding planning options, and resettlement plans to ensure continued access for host communities to facilities and services. The JSIF will respect displaced persons' preferences with respect to relocating in preexisting communities and groups. The JSIF will also respect the existing social and cultural institutions of the displaced persons and any host communities in the process of resettlement.

In the case of physically displaced persons with legal rights to the land and asset or have claims to the land, where possible, JSIF will offer the choice of replacement property of equal or higher value, with security of tenure, equivalent to or of better characteristics, and advantages of location, or cash compensation at replacement cost. Compensation in kind will be considered by JSIF in lieu of cash. In the case of physically displaced persons who have no recognizable legal right or claim to the land or assets they occupy or use, the JSIF will provide arrangements to allow them to obtain adequate housing with security of tenure. Where these displaced persons own structures, the JSIF will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at replacement cost. Based on consultation with such displaced persons, the JSIF will provide relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site. The JSIF will not compensate or assist those who encroach on the project area after the cutoff date for eligibility.

The JSIF will not forcefully evict or remove persons against their will, that of their families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including requirements of funding entities. With respect to the exercise of eminent domain, compulsory acquisition and similar powers, the JSIF will comply with national laws and social requirements of funders in managing resettlement issues. The JSIF will ensure that resettlement activities are conducted in a manner consistent with basic principles of due process; including provision of adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate or excessive force.

As an alternative to displacement, the JSIF will consider negotiating in situ land development arrangements by which those to be affected may elect to accept a partial loss of land or localized relocation in return for improvements that will increase the value of their property after development. The JSIF will allow any person not wishing to participate to opt instead for full compensation and other assistance as required.

Economic displacement

In the case of projects affecting livelihoods or income generation, the JSIF's resettlement plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods. The plan will establish the entitlements of affected persons

and/or communities, paying specific attention to gender aspects and the needs of vulnerable segments of communities, and will ensure that these are provided in a transparent, consistent, and equitable manner. Like for physical displacement, the plan will incorporate arrangements to monitor the effectiveness of livelihood measures during implementation, as well as evaluation once implementation is completed. The JSIF will conduct a completion audit of the process using an independent professional that is competent in resettlement matters, where the issue is significant. The mitigation of economic displacement will be considered complete when the completion audit concludes that affected persons or communities have received all of the assistance for which they are eligible; and have been provided with adequate opportunity to reestablish their livelihoods.

The JSIF will compensate economically displaced persons who face loss of assets or access for such loss at replacement value as outlined below.

- a. In cases where land acquisition or restrictions on land use affect commercial enterprises, the JSIF will compensate affected business owners for the:
 - i. Cost of identifying a viable alternative location;
 - ii. Lost net income during the period of transition;
 - iii. Cost of the transfer and reinstallation of the plant, machinery, or other equipment; and
 - iv. Reestablishment of commercial activities.

The JSIF will also provide assistance for affected employees for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities;

- b. The JSIF will provide replacement property or where appropriate, cash compensation at replacement value in cases where affected persons have legal rights or claims to land that are recognized or recognizable under national law; and
- c. The JSIF will compensate economically displaced persons who are without legally recognizable claims to land for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at replacement cost. Additionally, the JSIF will provide assistance in lieu of land compensation sufficient to provide such persons with an opportunity to reestablish livelihoods elsewhere.

The JSIF is not required to compensate or assist persons who encroach on the project area after the cutoff date for eligibility.

The JSIF will provide economically displaced persons opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living as outlined below.

- a. For persons whose livelihoods are land-based, the JSIF will offer replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost, where feasible;
- b. For persons whose livelihoods are natural resource-based and where project-related restrictions on access apply, the JSIF will implement measures to either allow continued access to affected resources or to provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where common property resources are affected, benefits and compensation associated with restrictions on natural resource usage provided by JSIF may be collective in nature; and
- c. If it is demonstrated that replacement land or resources are unavailable, JSIF will offer economically displaced persons options for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets. The JSIF will try to avoid providing cash assistance alone since it often fails to provide affected persons with the productive means or skills to restore livelihoods.

The JSIF will provide transitional support as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

C. COLLABORATION WITH OTHER RESPONSIBLE AGENCIES OR SUBNATIONAL JURISDICTIONS

The JSIF recognizes that the planning and execution of physical and economic displacements, especially in situations where large amount of people are involved will require significant and coordinated efforts between multiple entities. Therefore, the JSIF will establish means of collaboration with other governmental agencies, subnational

jurisdictions or entities that are responsible for any aspects of land acquisition, resettlement planning, or provision of necessary assistance. Where the capacity of other responsible agencies is limited, the JSIF will actively support resettlement planning, implementation, and monitoring. If the procedures or standards of other responsible agencies do not meet the relevant requirements of project funders, the JSIF will prepare supplemental arrangements or provisions for inclusion in the resettlement plan to address identified shortcomings. The JSIF will however, take the lead on resettlement issues that are related to projects under its control. The plan will also specify responsibilities (including financial) for each of the agencies involved, appropriate timing and sequencing for implementation steps, and coordination arrangements for addressing financial contingencies or responding to unforeseen circumstances.

D. TECHNICAL AND FINANCIAL ASSISTANCE

The JSIF will continually assess its capacity and where necessary, that of other responsible entities to plan, implement and monitor resettlement activities. Where there are deficiencies, the JSIF may seek technical and financial assistance from funding partners to build competence. Such forms of assistance may include staff training, assistance in formulating new regulations or policies relating to land acquisition or other aspects of resettlement, financing for assessments or other investment costs associated with physical or economic displacement, or other purposes.

The JSIF through the GoJ may request funders to finance a free-standing resettlement project with appropriate cross-conditionalities, processed and implemented in parallel with the investment that causes the displacement. The JSIF through the GoJ may also seek financial support from funding partners to finance resettlement even though it is not financing the main investment that makes resettlement necessary.

ANNEX 1. INVOLUNTARY RESETTLEMENT INSTRUMENTS

This Annex outlines and describes the elements of the planning instruments mentioned in ESPS 5 that the JSIF will use to address physical and/or economic displacement. These plans are collectively referred to as “resettlement plans,” which include measures to address physical and/or economic displacement, depending on the nature of the impacts

expected from a project. Depending on the scope of the resettlement issues, the resettlement plan may be given a specific name—for example, where a project involves only economic displacement, the resettlement plan may be called a “livelihood plan.”

A. RESETTLEMENT PLAN

The magnitude and complexity of resettlement issue determine the scope of requirements and level of detail to be included in the resettlement plan. The plan is based on up-to-date and reliable information about:

- i. The proposed project and its potential impacts on the displaced persons and other adversely affected groups;
- ii. Appropriate and feasible mitigation measures; and
- iii. The legal and institutional arrangements required for effective implementation of resettlement measures.

Minimum Elements of a Resettlement Plan

1. ***Description of the Project.*** General description of the project and identification of the project area.

2. ***Potential Impacts.*** Identification of:

- i. The project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;
- ii. The zone of impact of such components or activities;
- iii. The scope and scale of land acquisition and impacts on structures and other fixed assets;
- iv. Any project-imposed restrictions on use of, or access to, land or natural resources;
- v. Alternatives considered to avoid or minimize displacement and why those were rejected; and
- vi. The mechanisms established to minimize displacement, to the extent possible, during project implementation

3. ***Objectives.*** The main objectives of the resettlement programme.

4. *Census Survey and Baseline Socioeconomic Studies.* The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions:

- a. Identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- b. Information on vulnerable groups or persons for whom special provisions may have to be made;
- c. Identifying public or community infrastructure, property or services that may be affected;
- d. Providing a basis for the design of, and budgeting for, the resettlement program;
- e. In conjunction with establishment of a cutoff date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and
- f. Establishing baseline conditions for monitoring and evaluation purposes.

If required by funding entities, the JSIF will conduct additional studies to gather information on the following subjects that may deem relevant to supplement or inform the census survey:

- g. Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- h. The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and
- i. Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to

the consultation strategy and to designing and implementing the resettlement activities.

5. *Legal Framework.* The findings of an analysis of the legal framework, covering:

- a. The scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- b. The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
- c. Laws and regulations relating to the agencies responsible for implementing resettlement activities; and
- d. Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESPS 5, and the mechanisms to bridge such gaps.

6. *Institutional Framework.* The findings of an analysis of the institutional framework covering:

- a. The identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
- b. An assessment of the institutional capacity of such agencies and NGOs/CSOs; and
- c. Any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.

7. *Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cutoff dates.

8. *Valuation of and Compensation for Losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local

law and such supplementary measures as are necessary to achieve replacement cost for them.

9. **Community Participation.** Involvement of displaced persons (including host communities, where relevant):
 - a. Description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
 - b. A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
 - c. A review of the resettlement alternatives presented, and the choices made by displaced persons regarding options available to them; and
 - d. Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
9. **Implementation Schedule.** An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
10. **Costs and Budget.** Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
11. **Grievance Redress Mechanism.** The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
12. **Monitoring and Evaluation.** Arrangements for monitoring of displacement and resettlement activities by JSIF and other implementing agency, supplemented by third-party monitors as considered appropriate by project funders, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced

persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

- 13. *Arrangements for Adaptive Management.*** The plan will include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

Additional Planning Requirements where Resettlement Involves Physical Displacement

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

- 14. *Transitional assistance.*** The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.
- 15. *Site Selection, Site Preparation, and Relocation.*** When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering:
- a. Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
 - b. Identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services;

- c. Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- d. Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- e. Legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.

16. *Housing, Infrastructure, and Social Services.* Plans to provide (or to finance local community provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

17. *Environmental Protection and Management.* A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

18. *Consultation on Relocation Arrangements.* The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households families or with preexisting communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e.g., places of worship, pilgrimage centers, cemeteries).

19. *Integration with Host Populations.* Measures to mitigate the impact of planned relocation sites on any host communities, including:

- a. Consultations with host communities and local governments;
- b. Arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites;

- c. Arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and
- d. Any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites.

Additional Planning Requirements where Resettlement Involves Economic Displacement

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

20. Direct Land Replacement. For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.

21. Loss of access to land or resources. For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.

22. Support for Alternative Livelihoods. For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.

23. Consideration of Economic Development Opportunities. The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project

employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.

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

B. RESETTLEMENT FRAMEWORK

The purpose of the resettlement framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation. Once the subproject or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the project funders including the GoJ. The resettlement policy framework covers the following elements:

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

- f. A legal framework reviewing the fit between borrower laws and regulations and funder policy requirements and measures proposed to bridge any gaps between them;
- g. Methods of valuing affected assets;
- h. Organizational procedures for delivery of compensation and other resettlement assistance, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer.
- i. A description of the implementation process, linking resettlement implementation to civil works;
- j. A description of grievance redress mechanisms;
- k. A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- l. A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- m. Arrangements for monitoring by the implementing agency and, if required, by third-party monitors.

C. PROCESS FRAMEWORK

Some funders may require a process framework to be prepared when supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve the objectives of funders resettlement or displacement policy, and implementation and monitoring of relevant project activities.

Specifically, the process framework describes participatory processes by which the following activities will be accomplished:

- a. **Project components will be prepared and implemented.** The document should briefly describe the project and components or activities that may involve new or

more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.

- b. **Criteria for eligibility of affected persons will be determined.** The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.
- c. **Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified.** The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.
- d. **Potential conflicts or grievances within or between affected communities will be resolved.** The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

Additionally, the process framework should describe arrangements relating to the following:

- e. **Administrative and legal procedures.** The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).
- f. **Monitoring arrangements.** The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes, livelihoods and living standards.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 6 (ESPS 6)

BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES



ENDEMIC JAMAICAN FLORA AND FAUNA

ESPS 6

**BIODIVERSITY CONSERVATION AND
SUSTAINABLE MANAGEMENT OF LIVING
NATURAL RESOURCES**

INTRODUCTION

The JSIF recognizes that the various species of flora and fauna and their respective habitats constitute critical natural resources which are vital for proper functioning of the environment and if not managed properly, life as we know it would have been far more adverse. Therefore, this Performance Standard, ESPS 6, is designed to protect and conserve biodiversity and to manage our living natural resources in a manner to facilitate sustainable development or promote intergenerational equity. Biodiversity is defined as the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species, and of ecosystems. Human Beings rely on biodiversity for survival, considering its important ecosystem services. Therefore, biodiversity must be protected to preserve the delivery of sustainable ecosystem services.

ESPS 6 not only recognizes the importance of protecting and conserving biodiversity, but also the maintenance of core ecological functions of habitats, such as wetlands and forests, and the biodiversity they support. Habitat is defined as a terrestrial, freshwater, or marine geographical unit or airway that supports assemblages of living organisms and their interactions with the non-living environment. All habitats support complexities of living organisms and vary in terms of species diversity, abundance and importance.

It is an established fact that many human beings including indigenous people, make their livelihoods solely from living natural resources and ecosystem services provided by natural habitats. Therefore, the JSIF recognizes the need to consider the livelihood of project-affected parties, including Indigenous Peoples, whose access to, or use of, biodiversity or living natural resources may be affected by a project. The potential, positive role of project affected parties, including Indigenous Peoples, in biodiversity

conservation and sustainable management of living natural resources is also considered. ESPS 6 therefore, addresses sustainable management of primary production and harvesting of living natural resources. Our aim is to ensure that primary production always significantly exceeds harvesting.

ESPS 6 outlines how the JSIF will manage issues related to biodiversity conservation and sustainable management of living natural resources.

OBJECTIVES

The objectives of ESPS 6 are the:

- Protection and conservation of biodiversity and habitats;
- Application of the mitigation hierarchy and the precautionary approach in the design and implementation of projects that could have an impact on biodiversity and habitats;
- Promotion of sustainable management of living natural resources; and
- Support of livelihoods of local communities, including Indigenous Peoples, and inclusive economic development, through the adoption of practices that integrate conservation needs and development priorities.

SCOPE OF APPLICABILITY OF ESPS 6

All projects will be assessed for their potential to impact on biodiversity and natural habitats during the environmental and social assessment outlined in ESPS 1. The requirements of ESPS 6 will be applicable to all projects/subprojects that were determined during the environmental and social assessment to have the potential to impact biodiversity and natural habitats either positively or negatively, directly or indirectly, or that depend upon biodiversity for their success. This ESPS also applies to projects that involve primary production and/or harvesting of living natural resources.

REQUIREMENTS OF ESPS 6

A. GENERAL

The JSIF will conduct an environmental and social assessment during project appraisal which will consider negative, positive, direct, indirect and cumulative project-related impacts on habitats and the biodiversity they support. This assessment will consider threats to biodiversity, for example habitat loss, degradation and fragmentation, invasive alien species, overexploitation, hydrological changes, nutrient loading, pollution and incidental take, as well as projected climate change impacts. The assessment will seek to determine the significance of biodiversity or habitats based on their vulnerability and irreplaceability at a global, regional or national level. Where there are Indigenous People living or making their livelihoods from the biodiversity and habitat, the JSIF in its assessment, will also take into account the differing values attached to biodiversity and habitats by these project-affected parties and other interested parties.

The JSIF will implement measures to avoid adverse impacts on biodiversity and habitats, and when adverse impacts cannot be avoided, the JSIF will implement measures to minimize such impacts and restore biodiversity in accordance with the mitigation hierarchy outlined in ESPS 1 along with the requirements of this ESPS. The JSIF will utilize its trained environmental and social officers to conduct the environmental and social assessment and the verification of the effectiveness and feasibility of mitigation measures. However, where additional competence is required, the JSIF will retain a biodiversity expert to assist with or conduct the assessment. Where JSIF determined that there is a potentially significant risk of adverse impacts on biodiversity and habitat, a **Biodiversity Management Plan** will be developed.

Assessment of Risks and Impacts.

The JSIF will identify the potential project-related risks to and impacts on habitats and the biodiversity that they support by conducting the necessary environmental and social assessment during subproject appraisal, as outlined in ESPS 1. The JSIF will conduct the initial assessment of project risks and impacts without taking into account the possibility of **biodiversity offsets**; but in accordance with the mitigation hierarchy outlined in ESPS 1. The environmental and social assessment will include identification of the types of habitats potentially affected and consideration of potential risks to and impacts on the

ecological function of the habitats. The assessment will cover every habitat and biodiversity which potentially will be impacted by the project irrespective of its importance, and whether or not they are protected under national law or international conventions. The extent of the JSIF's assessment will however be proportionate to the risks and impacts, based on their likelihood, significance and severity, and will reflect the concerns of project-affected people and other interested parties.

In performing the environmental and social assessment, the JSIF will seek to establish a biodiversity baseline where necessary, following relevant GIIP which comprised of desktop review, consultation with experts, and field-based approaches. Where further investigations are needed to evaluate the significance of potential impacts, the JSIF will utilize external experts to perform more in depth evaluation and/or monitoring which will inform whether or not project activities will be allowed to be implemented; and to determine final project design if the project is to be implemented without causing significant adverse impacts to habitats and the biodiversity that they support .

In circumstances where the environmental and social assessment reveals that the project potentially will cause significant impacts on biodiversity or habitats, the JSIF will develop a biodiversity management plan which will include measures consistent with GIIP that when executed will manage the identified risks and impacts in accordance with the mitigation hierarchy. The JSIF will adopt a precautionary approach and apply adaptive management practices in which the implementation of mitigation and management measures are responsive to changing conditions and the results of project monitoring.

Conservation of Biodiversity and Habitats

The JSIF recognizes that conservation of biodiversity begins with the preservation of habitats. Consequently, the JSIF will continue to place great emphasis on prevention of habitat loss, degradation and/or fragmentation and where necessary maintaining or restoring suitable habitats as part of its biodiversity conservation approaches.

The JSIF will take a differentiated risk management approach to habitats based on their sensitivity and values. ESPS 6 considers all habitats, categorized as 'modified habitat', 'natural habitat', and 'critical habitat', along with 'legally protected and internationally and regionally recognized areas of biodiversity value' which may encompass habitat in any or all of these categories.

Biodiversity offsets will be included in the mitigation hierarchy for the protection and conservation of habitats and the biodiversity they support. However, the JSIF will consider offsets as a last resort, only if significant residual adverse impacts remain after

all technically and financially feasible avoidance, minimization, and restoration measures have been considered.

The JSIF will design and implement a biodiversity offset to achieve measurable, additional, and long-term conservation outcomes that can reasonably be expected to result in no net loss and preferably a net gain of biodiversity. Where offset is used as mitigation for residual adverse impacts on any area of critical habitat, a net gain will be required by JSIF. Also, the JSIF will engage one or more independent internationally recognized experts to provide guidance on the feasibility of the proposed offset and whether it can be reasonably expected to result in a sustainable net gain of biodiversity values for which the critical habitat was designated.

The JSIF will include stakeholders and competent experts with demonstrated knowledge in offset design and implementation when an offset is being considered for development as part of the mitigation strategy for habitat conservation and the biodiversity it supports. The design of a biodiversity offset will adhere to the “like-for-like or better” principle and will be carried out in alignment with GIIP. The JSIF will ensure the long-term technical and financial feasibility of undertaking the offset prior to implementation.

In cases where the residual adverse impacts cannot be offset, the JSIF will not undertake the project or the project may be redesigned to avoid the need for such offset, and to meet the requirements of ESPS 6.

Modified Habitat

Modified habitats are areas that may contain a large proportion of plant and/or animal species of nonnative origin, and/or where human activity has substantially modified an area’s primary ecological functions and species composition. Modified habitats may include, for example, areas managed for agriculture, forest plantations, reclaimed coastal zones, and reclaimed wetlands. ESPS 6 applies to those areas of modified habitat that include significant biodiversity value, as determined by the environmental and social assessment outlined in ESPS 1. The JSIF will avoid or minimize impacts on such biodiversity and implement mitigation measures as appropriate.

Natural Habitat

Natural habitats are areas composed of viable assemblages of plant and/or animal species of largely native origin, and/or where human activity has not essentially modified an area’s primary ecological functions and species composition. If natural habitats are identified during the course of performing the environmental and social assessment, the JSIF will develop measures to avoid adverse impacts on them in accordance with the mitigation hierarchy. Where it is determined that the proposed project has the potential

to cause adverse impact on natural habitats, the JSIF will not implement any project-related activities unless:

- a. There are no technically and financially feasible alternatives; and
- b. Appropriate mitigation measures are put in place, in accordance with the mitigation hierarchy, to achieve no net loss and, where feasible, preferably a net gain of biodiversity over the long term.

When residual impacts remain despite best efforts to avoid, minimize and mitigate impacts, and where appropriate and supported by relevant stakeholders, the mitigation measures to be implemented by JSIF may include biodiversity offsets adhering to the principle of “like-for-like or better.”

Critical Habitat

Critical habitat is defined as areas with high biodiversity importance or value, including:

- a. Habitat of significant importance to Critically Endangered or Endangered species, as listed in the International Union for Conservation of Nature (IUCN) Red List of threatened species or equivalent national approaches;
- b. Habitat of significant importance to endemic or restricted-range species;
- c. Habitat supporting globally or nationally significant concentrations of migratory or congregatory species;
- d. Highly threatened or unique ecosystems; and
- e. Ecological functions or characteristics that are needed to maintain the viability of the biodiversity values described above in (a) to (d).

The JSIF will not implement any project that has the potential to cause adverse impacts in areas that are deemed to be critical habitats, unless all of the following conditions are met:

- a. There is no habitat of lesser biodiversity exist in the region that provides a suitable alternative for development of the project;
- b. All due process required under international obligations or national law that is a prerequisite to a country granting approval for project activities in or adjacent to a critical habitat has been complied with;
- c. The potential adverse impacts, or likelihood of such, on the habitat will not lead to measurable net reduction or negative change in those biodiversity values for which the critical habitat was designated;

- d. The project is not anticipated to lead to a net reduction in the population of any Critically Endangered, Endangered, or restricted-range species, over a reasonable time period;
- e. The project will not involve significant conversion or significant degradation of critical habitats. In circumstances where the project involves new or renewed forestry or agricultural plantations, it will not convert or degrade any critical habitat;
- f. The project's mitigation strategy will be designed to achieve net gains of those biodiversity values for which the critical habitat was designated; and
- g. A robust and appropriately designed, long-term biodiversity monitoring and evaluation programme aimed at assessing the status of the critical habitat is integrated into the JSIF's management programme.

Where there is no other alternative than to implement a project in a critical habitat, the JSIF will prepare a **Biodiversity Management Plan** which will be set out in the legal agreement (including the ESCP).

Legally Protected and Internationally Recognized Areas of High Biodiversity Value

Where the project occurs within or has the potential to adversely affect an area that is legally protected, designated for protection, or regionally or internationally recognized, the JSIF will ensure that any activities undertaken are consistent with the area's legal protection status and management objectives. The JSIF will also identify and assess potential project-related adverse impacts and apply the mitigation hierarchy so as to prevent or mitigate adverse impacts from projects that could compromise the integrity, conservation objectives or biodiversity importance of such an area.

The JSIF will:

- a. Obtain the necessary permit(s) from the relevant authorities to carry out the proposed development activities;
- b. Act in a manner consistent with any government recognized management plans for such areas;
- c. Consult and involve protected area sponsors and managers, project-affected parties including Indigenous Peoples, and other interested parties on planning, designing, implementing, monitoring, and evaluating the proposed project, as appropriate; and
- d. Implement additional programmes, as appropriate, to promote and enhance the conservation aims and effective management of the area.

Invasive Alien Species

In the execution of projects, the JSIF will not deliberately introduce any new alien species (not currently established in the country or region of the project) unless this is carried out in accordance with the existing regulatory framework. However, under no circumstances will the JSIF intentionally introduce any alien species with a high risk of invasiveness regardless of whether such introductions are permitted under the existing regulatory framework. The JSIF will conduct a risk assessment as part of the environmental and social assessment if an alien species is to be introduced which would help to determine the potential invasiveness. The JSIF will implement measures to avoid the potential for accidental or unintended introductions of alien species including the transportation of substrates and vectors (such as soil, ballast, and plant materials) that may harbor alien species.

Where alien species are determined to already present in Jamaica or the Caribbean region, the JSIF will exercise diligence in not spreading them into areas in which they have not already become established. Where feasible, the JSIF will take measures to eradicate such species from the natural habitats over which the JSIF has management control.

Sustainable Management of Living Natural Resources

The JSIF will assess the overall sustainability of projects involving primary production and harvesting of living natural resources, as well as their potential impacts on local, nearby or ecologically linked habitats, biodiversity and communities, including Indigenous Peoples.

The JSIF will apply good management practices and available technologies to manage living natural resources in a sustainable manner. Where such primary production practices are categorized in standards that are globally, regionally, or nationally recognized, particularly for industrial-scale operations, the JSIF and the project funder will agree on the standards to be applied, if necessary. In the absence of relevant standards for the particular living natural resources in Jamaica, the JSIF will apply GIIP.

For projects involving small-scale producers, the JSIF will require producers to operate in a sustainable manner and to gradually improve their practices where such opportunities exist. Where the project consists of a large number of small producers in the same geographical area, the JSIF will assess the potential for cumulative risks and impacts.

Where the project includes commercial agriculture and forestry plantations (particularly projects involving land clearing or afforestation), the JSIF will locate such projects on land that is already converted or highly degraded (excluding any land that has been converted in anticipation of the project). In view of the potential for plantation projects to introduce invasive alien species and threaten biodiversity, the JSIF will design such projects to prevent and mitigate these potential threats to natural habitats.

The JSIF will ensure that natural resources are managed in a sustainable manner where they are being harvested for utilization by human. Forests and aquatic systems such as wetlands, estuaries and coral reefs are principal providers of natural resources that are consumed by man, and will be managed as specified below, in the event that a project is developed that will have impact on these systems.

- a. The JSIF will ensure that the necessary permit is obtained from the relevant authorities including the Forestry Department and NEPA for projects involving industrial-scale commercial forest harvesting operations. The JSIF will also ensure compliance with any applicable requirements of project funders, in this respect.
- b. For projects involving forest harvesting operations conducted by small-scale producers, by local communities under community forest management, or by such entities under joint forest management arrangements, where such operations are not directly associated with an industrial-scale operation, the JSIF will ensure that they:
 - i. obtain the necessary permit to operate from the regulatory authorities; and
 - ii. have achieved a standard of sustainable forest management developed with the meaningful participation of project-affected parties including Indigenous Peoples, consistent with the principles and criteria of sustainable forest management, even if not formally certified; or
 - iii. adhere to a timebound action plan to achieve such a standard. The action plan will be developed with the meaningful participation of project-affected parties and be acceptable to the project funder(s) and regulatory authorities. The JSIF will ensure that all such operations are monitored with the meaningful participation of project-affected parties.
- c. The JSIF will ensure that project activities involving industrial scale harvesting of fish populations and all other types of marine and freshwater organisms, are being undertaken in a sustainable manner, consistent with the principles and criteria for

sustainable harvesting. The necessary permits must be obtained from the responsible authorities prior to execution of any such activities.

For projects that do not involve primary production or harvesting of living natural resources and entail salvage logging, for example in areas to be inundated, the JSIF will limit cleared areas to a minimum and justified by the project's technical requirements, and that relevant national legislation is being followed. Where proposed project activities involve industrial production of crops and animal husbandry, the JSIF will ensure that GIIP are followed to avoid or minimize adverse risks or impacts. The JSIF will ensure that the necessary permits or approvals are obtained for projects which involve large-scale commercial farming, including breeding, rearing, housing, transport, and slaughter of animals for meat or other animal products (such as milk, eggs, wool). The JSIF will also ensure that farmers employ GIIP in animal husbandry techniques, with due consideration for religious and cultural principles.

B. PRIMARY SUPPLIERS

As part of the environmental and social assessment, the JSIF will determine the natural resources needs of the project and their possible sources. Where a project requires the purchase of natural resource commodities, including food, timber and fiber, from sources known to originate from areas where there is a risk of significant conversion or significant degradation of natural or critical habitats, the JSIF's environmental and social assessment will include an evaluation of the systems and verification practices used by the primary suppliers.

The JSIF will establish systems and verification practices which will:

- a. identify where the supply is coming from and the habitat type of the source area;
- b. where possible, limit procurement to those suppliers that can demonstrate that they are not contributing to significant conversion or degradation of natural or critical habitats; and
- c. where possible and within a reasonable period, change the existing primary suppliers and engage a new partner that can demonstrate that they are not significantly impacting these areas in an adverse manner. However, the JSIF's ability to fully address these risks will depend on our level of control or influence over the primary suppliers. Therefore, controlling these risks and impact may not be possible in all instances, if any.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 7 (ESPS 7)

INDIGENOUS PEOPLES



CHARLES TOWN MAROONS, PORTLAND,
JAMAICAN

ESPS 7 **INDIGENOUS PEOPLES**

INTRODUCTION

In its strictest sense, the term “Indigenous Peoples is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees:

- a. Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others;
- b. 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;
- c. Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
- d. A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

While the Maroons are not considered Indigenous Peoples, they are the closest fit from Jamaica’s standpoint, based on the above definition. They belong to a somewhat distinctive social and cultural group with associated norms, values and belief; there is an established governance system; and they are collectively attached to a geographically distinct habitat and ancestral territory, the Cockpit Country. Therefore, in the Jamaican context and for the purposes of ESPS 7, Indigenous Peoples refer to the Maroons.

The requirements of ESPS 7 is designed to reduce poverty and promote sustainable development by ensuring that projects being implemented by JSIF in Indigenous Peoples territories, provide opportunities for them to participate in, and benefit from, the development process in ways that do not threaten their unique cultural identities and well-being. The JSIF recognizes that the Indigenous Peoples in general have identities and aspirations that are sometimes distinct from mainstream groups in national societies and often are disadvantaged by traditional models of development.

In many instances, Indigenous Peoples are among the most economically marginalized and vulnerable segments of the society. Their economic, social, and legal status frequently limits their capacity to defend their rights to, and interests in, land, territories and natural and cultural resources, and may restrict their ability to participate in and

benefit from development projects. In many cases, they do not receive equitable access to project benefits, or benefits are not devised or delivered in a form that is culturally appropriate, and they may not always be adequately consulted about the design or implementation of projects that would profoundly affect their lives or communities. ESPS 7 is therefore established to provide protection for the Indigenous Peoples in the event that a project is being implemented within their territory or an area from which they rely on for their livelihoods. This ESPS also recognizes that the roles of men and women in indigenous cultures are often different from those in the mainstream groups, and that women and children are frequently been marginalized both within their own communities and as a result of external developments and may have specific needs. The JSIF will ensure that the benefits of projects being implemented are equitably distributed.

The survival of the Indigenous Peoples is inextricably linked to the land on which they live and the natural resources on which they depend, especially those that live in the Cockpit Country. They are therefore particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded. The JSIF is very mindful of the fact that projects may undermine the political structure and stability, cultural practices, institutional arrangements, and religious or spiritual beliefs that the Indigenous Peoples view as essential to their identity or well-being. Therefore, these factors will be taken into consideration in the implementation of any project that could have an impact on the them.

To the contrary, projects may also create important opportunities for Indigenous Peoples to improve their quality of life and well-being. The project may create improved access to business opportunities, infrastructure, markets, schools, clinics and other services that seek to improve living conditions. Projects can create opportunities for Indigenous Peoples to participate in, and benefit from project-related activities that may help them fulfill an aspiration to play an active and meaningful role as citizens and partners in development.

The JSIF recognizes the vital role Indigenous Peoples play in sustainable development and therefore, ESPS 7 is designed to support that role and to further provide opportunities for Indigenous Peoples to extend their horizon in the interest of the group and that of the wider population. The environmental and social assessment of projects will seek to identify potential risks and impacts on Indigenous Peoples, the results of

which is intended to guide the identification and development of measures to address concerns that may be adverse to the group.

OBJECTIVES

The objectives of ESPS 7 are to:

- Ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Indigenous Peoples.
- Execute projects in a manner that avoid adverse impacts on Indigenous Peoples, and when avoidance is not practically feasible, minimize, mitigate and/or compensate for such impacts.
- Ensure that Indigenous Peoples obtain sustainable development benefits and opportunities from project-related activities in a manner that is accessible, culturally appropriate and inclusive.
- Ensure that Indigenous Peoples are directly involved in project design and support its implementation by establishing and maintaining meaningful consultations throughout the project's life cycle.
- Obtain the Free, Prior, and Informed Consent (FPIC) of project-affected Indigenous Peoples.
- Recognize, respect and preserve the culture, knowledge, and practices of Indigenous Peoples, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

SCOPE OF APPLICABILITY OF ESPS 7

ESPS 7 applies to a distinct social and cultural group possessing the following characteristics in varying degrees:

- a. Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others;
- b. 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;

- c. Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
- d. A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

The Maroons in Jamaica are perhaps the only group that have some alignment with the definition of Indigenous Peoples and therefore this ESPS specifically applies to them. This ESPS applies to communities or groups of Indigenous Peoples who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area, because of forced severance, conflict, government resettlement programmes, dispossession of their land, natural disasters, or incorporation of such territories into an urban area.

ESPS 7 applies whenever Indigenous Peoples are present in, or have collective attachment to a proposed project area, as determined during the environmental and social assessment. It applies regardless of whether Indigenous Peoples are affected positively or negatively, and regardless of the significance of any such impacts. This ESPS also applies irrespective of the presence or absence of discernible economic, political or social vulnerabilities, although the nature and extent of vulnerability will be a key variable in designing plans to promote equitable access to benefits or to mitigate adverse impacts.

Once the results of the environmental and social assessment has determined that Indigenous Peoples are present in, or have collective attachment to the project area, the JSIF may seek inputs from appropriate specialists to perform the appropriate level of consultation, planning, or other requirements outlined in this ESPS, depending on the potential magnitude of the risks and impacts.

Prior to execution of any project that will impact Indigenous Peoples, the JSIF will consult with its funding partners to agree on the way forward and to ensure that all requirements are met.

REQUIREMENTS OF ESPS 7

A. GENERAL

It is a requirement for the applicable JSIF project team to consult with Indigenous Peoples present in, or with collective attachment to the project area, to provide them opportunities to actively participate in, project design and the determination of project implementation arrangements. The scope and scale of the JSIF's consultation, as well as subsequent project planning and documentation processes, will be proportionate to the scope and scale of potential project risks and impacts on the Indigenous Peoples.

The JSIF's project team is required to carry-out the necessary assessment of the nature and degree of the expected direct and indirect economic, social, cultural (including cultural heritage), and environmental impacts on Indigenous Peoples who are present in, or have collective attachment to, the project area. The JSIF recognizes that an appropriate level of engagement with Indigenous Peoples is required to ensure success of any project. Therefore, once determined that a project will impact Indigenous Peoples, the JSIF will develop a consultation strategy to include a Stakeholder Engagement Plan (SEP) as outlined in ESPS 10. This will delineate the means by which affected Indigenous Peoples will participate in project design and implementation. Subsequently, effective project design and documentation including Indigenous Peoples input will be developed as set out below.

The JSIF's proposed measures and actions will be developed in consultation with the affected Indigenous Peoples and contained in a time-bound plan, such as an **Indigenous Peoples plan (IPP)**. The scope and scale of the IPP developed by JSIF will be proportionate to the potential risks and impacts of the project. The format and title of the plan will be adjusted as appropriate to the project or Jamaica's context.

Projects Designed Solely to Benefit Indigenous Peoples

There are instances where a project may be designed to provide benefits specifically or solely for Indigenous Peoples. Especially in these circumstances, it is important for the Indigenous Peoples to take ownership of the project. With this recognition, it is an obligation of the JSIF to conduct proactive engagements with the Indigenous Peoples to ensure full participation in project design, implementation, monitoring and evaluation.

The JSIF will also engage Indigenous Peoples regarding the cultural appropriateness of proposed services or facilities; and will seek to identify and address any economic or social constraints (including those relating to gender) that may limit opportunities to benefit from or participate in the project.

Where Indigenous Peoples are the sole, or overwhelming majority of the project beneficiaries, the elements of the IPP may be included in the overall project design, rendering the preparation of a stand-alone IPP unnecessary.

Projects Where Indigenous Peoples Are Not the Sole Beneficiaries

In instances where the project-impacted persons or beneficiaries are from both the Indigenous Peoples' group and the mainstream population, planning requirements will vary with circumstances. However, in all cases the JSIF will design and implement the project in a manner that provides all parties including the affected Indigenous Peoples with equitable access to project benefits. As a matter of course, the JSIF will address the concerns or preferences of Indigenous Peoples through meaningful consultation throughout the project's life cycle. The JSIF will summarize and document the consultation results and describe how Indigenous Peoples issues have been addressed in project design. Arrangements for ongoing consultations during implementation and monitoring will also be described by the JSIF.

As mentioned earlier, the JSIF will prepare a time-bound IPP, which sets out the measures or actions proposed. In some circumstances, the JSIF will prepare a broader integrated community development plan, addressing all beneficiaries of the project and incorporating necessary information relating to the affected Indigenous Peoples.

Avoidance of Adverse Impacts

The JSIF will seek to avoid adverse impacts on Indigenous Peoples where possible, either through project design or other applicable means. Where adverse impacts are unavoidable, the JSIF will minimize and/or compensate for these impacts in a culturally appropriate and sensitive manner proportionate to the nature and scale of such impacts and the form and degree of vulnerability of the affected Indigenous Peoples.

Jamaica does not have a remote group (limited external contact) or peoples "in voluntary isolation." However, in the event that a group similar in nature should emerge, the JSIF will take appropriate measures to recognize, respect and protect their land and territories, environment, health and culture, as well as measures to avoid all undesired contact with them as a consequence of the project. The aspects of the project that would result in such undesired contact will not be processed further.

Mitigation and Development Benefits

The JSIF will work with the affected Indigenous Peoples to identify mitigation measures in alignment with the mitigation hierarchy outlined in ESPS 1 as well as to establish opportunities for culturally appropriate and sustainable development benefits. The scope of assessment and mitigation will include cultural impacts as well as physical impacts. The JSIF in consultation with the Indigenous Peoples will develop a schedule for delivery of agreed measures that is timely, efficient and in alignment with their expectations.

The determination, delivery, and distribution of compensation and shared benefits to affected Indigenous Peoples by the JSIF will take account of the institutions, rules and customs of these Indigenous Peoples as well as their level of interaction with mainstream society. Indigenous Peoples may be Eligible for compensation either as individuals or collectively or be a combination of both. Where compensation is to be made on a collective basis, the JSIF will develop mechanisms that promote the effective distribution of the compensation to all eligible members, or collective use of compensation in a manner that benefits all members of the group.

The JSIF will use several factors including, but not limited to, the nature of the project, the project context and the vulnerability of affected Indigenous Peoples to determine how affected Indigenous Peoples will benefit from the project. The JSIF will Identify opportunities to address the goals and preferences of the affected Indigenous Peoples, including improving their standard of living and livelihoods in a culturally appropriate manner, and to foster the long-term sustainability of the natural resources on which they depend.

Meaningful Consultation Tailored to Indigenous Peoples

The JSIF recognizes the importance of meaningful stakeholder engagements in achieving project success. Therefore, in an effort to develop effective project design, to build local project support or ownership, and to reduce the risk of project-related delays or controversies, the JSIF will undertake an engagement process with affected Indigenous Peoples, as outlined in ESPS 10. The JSIF's consultation process will include stakeholder analysis and engagement planning, disclosure of information, and meaningful discussions, in a culturally appropriate and gender and inter-generationally inclusive manner. Where JSIF is concerned, the process of meaningful consultations with Indigenous Peoples will also:

- a. Involve Indigenous Peoples representative bodies and organizations and, where appropriate, other community members;
- b. Provide sufficient time for Indigenous Peoples' decision- making processes; and
- c. Allow for Indigenous Peoples' effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.

B. CIRCUMSTANCES REQUIRING FREE, PRIOR AND INFORMED CONSENT (FPIC)

Using history as a guide, the JSIF recognized that Indigenous Peoples are generally more vulnerable than the mainstream population, usually because of their lower than adequate economic and social wellbeing. Indigenous Peoples may be particularly vulnerable to the loss of, alienation from or exploitation of their land and access to natural and cultural resources. Taking this vulnerability into consideration, in addition to the General Requirements of ESPS 1, ESPS 7 (Section A) and ESPS 10, the JSIF will obtain the FPIC of the affected Indigenous Peoples in circumstances in which the project will:

- a. have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation;
- b. cause relocation of Indigenous Peoples from land and natural resources subject to traditional ownership or under customary use or occupation; or
- c. have significant impacts on Indigenous Peoples' cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples' lives. In these circumstances, the JSIF will engage independent specialists to assist in the identification of the project risks and impacts.

In the context of ESPS 7, consent refers to the collective support of affected Indigenous Peoples for the project activities that affect them, reached through a culturally appropriate process. It may exist even if some individuals or groups object to such project activities. For the purposes of ESPS 7, FPIC is established as follows:

- a. The scope of FPIC applies to project design, implementation arrangements and expected outcomes related to risks and impacts on the affected Indigenous Peoples;

- b. FPIC builds on and expands the process of meaningful consultation described in ESPS 10 and will be established through good faith negotiation between the JSIF and affected Indigenous Peoples;
- c. The JSIF will document the:
 - i. mutually accepted process to carry out good faith negotiations that has been agreed with the Indigenous Peoples; and
 - ii. outcome of the good faith negotiations, including all agreements reached as well as dissenting views; and
- d. FPIC does not require unanimity and may be achieved even when individuals or groups within or among affected Indigenous Peoples explicitly disagree.

The JSIF will consult with project funders on issues related to risks and impacts on Indigenous Peoples prior to project implementation to ensure that they are satisfied with the process of FPIC. In cases where a funder decided to continue processing the project other than the aspects for which the FPIC of the affected Indigenous Peoples cannot be ascertained, the JSIF will ensure that no adverse impacts result on such Indigenous Peoples during the implementation of the project.

The JSIF will describe the agreements reached with the affected Indigenous Peoples, and actions necessary to accomplish these agreements will be included in the ESCP. The JSIF will ensure that the necessary actions are taken during implementation, and agreed benefits or improvements to services are delivered, so as to maintain Indigenous Peoples' support for the project.

Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use or Occupation

Indigenous Peoples are inextricably linked to the land they occupied and the related natural resources such land provides. These lands are often traditionally owned by the Indigenous Peoples or under customary use or occupation. Also, often times Indigenous Peoples may not possess legal title to land as defined by national law; however, their use of the land throughout history for their dwelling and livelihoods, or for cultural, ceremonial, and spiritual purposes that define their identity and community, can often be substantiated and documented. The JSIF will therefore consider these factors in the execution of any project that will impact on land occupied or used by Indigenous Peoples.

The JSIF will **prepare a plan** for the legal recognition of ownership, occupation, or usage, with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned, where projects involve:

- a. activities that depend on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied; or
- b. the acquisition of such lands and territories that have been traditionally owned or customarily used or occupied by the Indigenous Peoples.

The objective of such plans will be the following:

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

The JSIF will ensure that the plan includes measures for the legal recognition of Indigenous Peoples' perpetual or long-term renewable custodial or use rights if neither of the two options is possible under national law.

The JSIF will follow the procedures listed below and obtain Indigenous Peoples' FPIC, if (i) propose to locate a project, or (ii) commercially develop natural resources, on land traditionally owned by, or under the customary use or occupation of Indigenous Peoples, and adverse impacts are expected.

- a. Document efforts to avoid and otherwise minimize the area of land proposed for the project;
- b. Document efforts to avoid and otherwise minimize impacts on natural resources subject to traditional ownership or customary use or occupation;
- c. Identify and review all property interests, tenurial arrangements, and traditional resource usage prior to purchasing, leasing or, as a last resort, undertaking land acquisition;
- d. Assess and document Indigenous Peoples' resource use without prejudicing any Indigenous Peoples' land claim. The JSIF will ensure that the assessment of land and natural resource use is gender inclusive and specifically consider women's role in the management and use of these resources;

- e. Ensure that affected Indigenous Peoples are informed of:
 - i. their land rights under national law, including any national law recognizing customary use rights;
 - ii. the scope and nature of the project; and
 - iii. the potential impacts of the project; and
- f. Where a project promotes commercial development of their land or natural resources, afford due process, and offer compensation in accordance with ESPS 5, together with culturally appropriate sustainable development opportunities to Indigenous Peoples, at least equivalent to that to which any landowner with full legal title to the land would be entitled, including:
 - i. Providing fair lease arrangements or, where land acquisition is necessary, providing land-based compensation or compensation in kind in lieu of cash compensation where feasible;
 - ii. Ensuring continued access to natural resources, identifying the equivalent replacement resources, or, as a last option, providing compensation and identifying alternative livelihoods if project development results in the loss of access to and the loss of natural resources independent of project land acquisition;
 - iii. Enabling Indigenous Peoples to share equitably in the benefits to be derived from the commercial development of the land or natural resources where the proposed land or natural resources to be utilized are central to the identity and livelihood of affected Indigenous Peoples and the usage thereof exacerbates livelihood risk; and
 - iv. Providing affected Indigenous Peoples with access, usage, and transit on land that will be developed subject to overriding health, safety, and security considerations.

Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use or Occupation

The JSIF understands the potential adverse impacts of relocation of especially Indigenous Peoples from the land and natural resources they traditionally owned or customarily use or occupied. Therefore, the JSIF, in the execution of projects in areas or territories that will cause adverse impacts on Indigenous Peoples, will consider relocation as an absolute last resort and one in which FPIC must be obtained. The JSIF will in all case, take

deliberate actions to formulate feasible alternative project designs to avoid the relocation of Indigenous Peoples from communally held or attached land and natural resources subject to traditional ownership or customary use or occupation.

Where relocation is unavoidable the JSIF will not proceed with the project unless FPIC has been obtained as described above. Under no circumstances will the JSIF attempt forced eviction of Indigenous Peoples. Any relocation of Indigenous Peoples will meet the requirements of ESPS 5 and any additional requirements of project funder(s). The JSIF will establish conditions to allow the relocated Indigenous Peoples to be able to return to their traditional or customary land, where feasible, should the cause of their relocation cease to exist.

Cultural Heritage

The protection of the cultural heritage of Indigenous Peoples is a priority of the JSIF. Therefore, the JSIF will design the project to avoid significant impacts on the cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples' lives. Where significant project impacts are unavoidable, the JSIF will obtain the FPIC of the affected Indigenous Peoples.

The JSIF will inform the affected Indigenous Peoples of the following if a project proposes to use the cultural heritage of Indigenous Peoples for commercial purposes:

- a. their rights under national law;
- b. scope and nature of the proposed commercial development; and
- c. the potential consequences of such development; and obtain their FPIC.

The JSIF will also enable Indigenous Peoples to share equitably in the benefits to be derived from commercial development of such cultural heritage, consistent with the customs and traditions of the Indigenous Peoples.

C. GRIEVANCE MECHANISM

The JSIF has an established grievance redressed mechanism which is applicable to all projects to be implemented. The grievance policy is outlined in ESPS 10; and is designed to be culturally appropriate and accessible to affected Indigenous Peoples; and takes into account the availability of judicial recourse and customary dispute settlement mechanisms among Indigenous Peoples.

D. INDIGENOUS PEOPLES AND BROADER DEVELOPMENT PLANNING

Where possible and necessary, the JSIF will seek technical or financial support from project funder(s), as part of a specific project being implemented or as a separate activity, for preparation of plans, strategies or other activities intended to strengthen consideration and participation of Indigenous Peoples in the development process. This may include a variety of initiatives designed, for example, to:

- a. strengthen local legislation to establish recognition of customary or traditional land tenure arrangements;
- b. address the gender and intergenerational issues that exist among Indigenous Peoples;
- c. protect indigenous knowledge including intellectual property rights;
- d. strengthen the capacity of Indigenous Peoples to participate in development planning or programs; and
- e. strengthen the capacity of government agencies providing services to Indigenous Peoples.

The JSIF will support any attempts by affected Indigenous Peoples to seek support from project funders for various initiatives. These may include:

- a. support for the development priorities of Indigenous Peoples through programs (such as community-driven development programs and locally managed social funds) developed by governments in cooperation with Indigenous Peoples;
- b. preparation of participatory profiles of Indigenous Peoples to document their culture, demographic structure, gender and intergenerational relations and social organization, institutions, production systems, religious beliefs, and resource use patterns; and
- c. facilitating partnerships among the government, Indigenous Peoples Organizations, Civil Society Organizations, and the private sector to promote Indigenous Peoples' development programs.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 8 (ESPS 8)

CULTURAL HERITAGE



FORT CHARLES, PORT ROYAL

ESPS 8 **CULTURAL HERITAGE**

INTRODUCTION

Cultural Heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values. Cultural Heritage is often expressed as either Intangible or Tangible Cultural Heritage and provides a link between the past, present and future. JSIF recognizes the significance of cultural heritage in providing continuity between the past, present and future and its historical values. Cultural heritage helps to tell the story of one's identity and provides an insight into people's constantly evolving values, beliefs, knowledge, traditions, way of life, and natural and built environment. Cultural heritage, in its many manifestations, is important as a source of valuable scientific and historical information, as an economic and social asset for development, and as an integral part of people's cultural identity and practice. Therefore, ESPS 8 sets out the approaches to be taken by JSIF to protect cultural heritage throughout the project life cycle.

The general provisions set out by JSIF to manage project-related risks and impacts to cultural heritage is outlined in this ESPS. ESPS 8 is also supported by the social and cultural values of biodiversity outlined in ESPS 6, as well as the additional requirements for cultural heritage in the context of Indigenous Peoples, set out in ESPS 7. Provisions on Stakeholder Engagement and Information Disclosure are set out in ESPS 10.

OBJECTIVES

The objectives of ESPS 8 are to:

- Protect cultural heritage from the adverse project-related impacts and to support its preservation;
- Address cultural heritage as an integral aspect of sustainable development;
- Promote meaningful consultation with stakeholders regarding cultural heritage; and
- Promote the equitable sharing of benefits from the use of cultural heritage.

SCOPE OF APPLICABILITY OF ESPS 8

An environmental and social assessment will be conducted by JSIF for projects/subprojects as outlined in ESPS 1. It is during this assessment that the applicability of this ESPS 8 will be established. ESPS 8 will be applicable to both tangible and intangible cultural heritage. However, the requirements of ESPS 8 apply to intangible cultural heritage only if a physical component of a project will have a material impact on such cultural heritage or if a project intends to use such cultural heritage for commercial purposes. These may be recognized and valued at a local, regional, national or global level, as follows:

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

The requirements of this ESPS 8 will apply to all projects that are likely to have risks or impacts on cultural heritage. This will include, but not limited to projects which:

- a. Involve excavations, demolition, movement of earth, flooding or other changes in the physical environment;
- b. Is located within a legally protected area or a legally defined buffer zone;
- c. Is located in, or in the vicinity of, a recognized cultural heritage site; or
- d. Is specifically designed to support the conservation, management and use of cultural heritage.

The requirements of ESPS 8 apply to cultural heritage regardless of whether or not it has been legally protected or previously identified or disturbed.

REQUIREMENTS OF ESPS 8

A. GENERAL

In conducting the environmental and social assessment, the JSIF will consider the direct, indirect and cumulative project-specific risks and impacts on cultural heritage. The JSIF will determine the potential risks and impacts of the proposed project activities on cultural heritage.

The JSIF will design the project to avoid impacts on cultural heritage as a priority. In circumstances where avoidance of impacts is not possible, the JSIF in consultation with the applicable stakeholders, will identify and implement measures to address impacts on cultural heritage in accordance with the mitigation hierarchy outlines in ESPS 1. Where appropriate, the JSIF will develop a **Cultural Heritage Management Plan**.

The JSIF will implement projects in a manner consistent with national laws and GIIP for protection of cultural heritage. The JSIF will develop a “**chance finds**” procedure (a project-specific procedure which will be followed if previously unknown cultural heritage is encountered during project activities) which will be applied to all projects. The JSIF will include the chance finds procedure in all contracts relating to construction of the project, including excavations, demolition, movement of earth, flooding or other changes in the physical environment. The chance finds procedure will set out how chance finds associated with the project will be managed. The procedure will include:

- i. A requirement to notify the National Heritage Trust (NHT) (the national regulatory authority for cultural heritage) of found objects or sites by cultural heritage experts;
- ii. Fencing of the area of finds or sites to avoid further disturbance;
- iii. Conducting assessment of found objects or sites by cultural heritage experts;
- iv. Identifying and implementing actions consistent with the requirements of this ESPS and national law; and

- v. Training project personnel and project workers on chance find procedures.

Where the potential risks and impacts of a project on cultural heritage is determined to be significant, the JSIF will involve a cultural heritage expert as part of the team to conduct the environmental and social assessment. If the environmental and social assessment determines that the project may, at any time during the project life cycle, have significant potential risks and impacts on cultural heritage, the JSIF will engage cultural heritage experts to assist in the identification, valuation assessment and protection of cultural heritage.

B. STAKEHOLDER CONSULTATION AND IDENTIFICATION OF CULTURAL HERITAGE

The JSIF recognizes the importance of stakeholder consultations in the execution of any project and therefore as required in ESPS 10, the JSIF will identify the applicable stakeholders that are relevant for the cultural heritage that is known to exist or is likely to be encountered during the project life cycle. Stakeholders will include, as relevant:

- a. project affected parties, including individuals and communities within the country who use or have used the cultural heritage within living memory; and
- b. other interested parties, which may include national or local regulatory authorities (e.g. NHT) that are entrusted with the protection of cultural heritage and nongovernmental organizations and cultural heritage experts, including national and international cultural heritage organizations.

The JSIF will carry out meaningful consultations with stakeholders in accordance with ESPS 10 in order to:

- i. identify cultural heritage that may be affected by the potential project;
- ii. consider the significance of the cultural heritage affected by the project;
- iii. assess the potential risks and impacts; and
- iv. develop avoidance and mitigation options.

Confidentiality

The JSIF is cognizant of the fact that cultural heritage including historical artifacts may have significant economic and other value, and therefore disclosing the existence of

particular cultural heritage may lead to theft, vandalism, exploitation and other inappropriate uses. In an to avoid these situations, the JSIF, in consultation with project funder(s), project-affected parties (including individuals and communities) and cultural heritage experts, will determine whether disclosure of information regarding the found cultural heritage would compromise or jeopardize the safety or integrity of the cultural heritage or would endanger sources of information. In such cases, the decision may be to omit sensitive information from public disclosure. If the project-affected parties (including individuals and communities) hold the location, characteristics, or traditional use of the cultural heritage in secret, the JSIF will put in place measures to maintain confidentiality.

Stakeholders' Access

In cases where the proposed project site contains cultural heritage or prevents access to previously accessible cultural heritage sites, the JSIF will, based on consultations with users of the site, allow continued access to the cultural site, or will provide an alternative access route, however health, safety and security factors into consideration.

C. LEGALLY PROTECTED CULTURAL HERITAGE AREAS

In conducting the environmental and social assessment, the JSIF will determine the presence of all listed legally protected cultural heritage areas affected by the project. The JSIF will ensure that the following is done if the proposed project will be located within a legally protected area or a legally defined buffer zone:

- a. Comply with local, national, regional or international cultural heritage regulations and the protected area management plans;
- b. Consult with the protected area sponsors and managers, project-affected parties (including individuals and communities) and other interested parties on the proposed project; and
- c. Implement additional programs, as appropriate, to promote and enhance the conservation aims of the protected area.

D. PROVISIONS FOR SPECIFIC TYPES OF CULTURAL HERITAGE

Archaeological Sites and Material

Archaeological sites comprise any combination of structural remains, artifacts, human or ecological elements and may be located entirely beneath, partially above, or entirely above the land or water surface. Archaeological material may be found anywhere on the earth's surface, singly or scattered over large areas. Such material also includes burial areas, human remains and fossils.

With the support of an archaeological expert, the JSIF will conduct desk-based research and field surveys to document, map and investigate archaeological remains where there is evidence or high probability of past human activity in the area of the project. The JSIF will document the location and characteristics of archaeological sites and materials discovered during the project life cycle and provide such documentation to the NHT.

The JSIF will determine, in consultation with cultural heritage experts, whether archaeological material discovered during the project life cycle requires:

- a. documentation only;
- b. excavation and documentation; or
- c. conservation in place; and will manage the archaeological material accordingly.

The JSIF will determine ownership and custodial responsibility for archaeological material in accordance with national law, and until such time as custody has been transferred, will arrange for identification, conservation, labeling, secure storage and accessibility to enable future study and analysis.

Built Heritage

Built Heritage refers to single or groups of architectural works in their urban or rural setting as evidence of a particular civilization, a significant development or a historic event. Built Heritage includes groups of buildings, structures and open spaces constituting past or contemporary human settlements that are recognized as cohesive and valuable from an architectural, aesthetic, spiritual or sociocultural perspective.

The JSIF will identify appropriate mitigation measures to address the project-related impacts on Built Heritage, which may include

- a. Documentation;
- b. Conservation or rehabilitation in situ; and
- c. Relocation and conservation or rehabilitation.

The JSIF will maintain the authenticity of form, construction materials and techniques of the structure(s) during any rehabilitation or restoration of cultural heritage structures.

The JSIF will preserve the physical and visual context of individual or groups of historic structures by considering the appropriateness and effect of project infrastructure proposed for location within the range of sight.

Natural Features with Cultural Significance

Natural features may have cultural heritage significance. Examples include sacred hills, mountains, landscapes, streams, rivers, waterfalls, caves and rocks; sacred trees or plants, groves and forests; carvings or paintings on exposed rock faces or in caves; and paleontological deposits of early human, animal or fossilized remains.

The JSIF as part of the environmental and social assessment will identify the following, through research and consultation with project-affected parties (including individuals and communities).

- i. Natural features with cultural heritage significance that potentially will be affected by the project;
- ii. The people that value such features; and
- iii. The individuals or groups with authority to represent and negotiate regarding the location, protection and use of the heritage place(s).

It is determined that most natural features with cultural heritage significance are best protected by preservation in situ and therefore the JSIF will take this approach in the event of a natural feature of cultural significance is identified within the project area. If it is not possible to preserve the natural features in their existing location, the JSIF will transfer the cultural heritage to another location in consultation with project-affected parties and NHT, in accordance with GIIP. The agreement that is reached regarding the transfer will respect and enable continuation of the traditional practices associated with the cultural heritage that has been transferred.

Movable cultural heritage

Movable cultural heritage includes such objects as: historic or rare books and manuscripts; paintings, drawings, sculptures, statuettes and carvings; modern or historic religious items; historic costumes, jewelry and textiles; fragments of monuments or historic buildings; archaeological material; and natural history collections such as shells,

flora, or minerals. Discoveries and access resulting from a project may increase the vulnerability of cultural objects to theft, trafficking or abuse. The JSIF will take measures to guard against theft and illegal trafficking of movable cultural heritage items affected by the project and will notify relevant authorities including the NHT and the police of any such activity.

The JSIF, in consultation with NHT, will identify movable cultural heritage objects that may be endangered by the project and make provisions for their protection throughout the project life cycle. The JSIF will inform religious or secular authorities or other custodians with responsibility for overseeing and protecting the movable cultural heritage objects of the schedule for project activities and alert them regarding the potential vulnerability of such items.

E. COMMERCIAL USE OF CULTURAL HERITAGE

Where a project intends to use cultural heritage of project affected parties (including individuals and communities) for commercial purposes, the JSIF will inform the project affected parties of:

- a. their rights under national law;
- b. the scope and nature of the commercial development and the potential impacts; and
- c. the potential consequences of such development and impacts.

The JSIF will not proceed with such commercial use unless:

- i. Meaningful consultation with stakeholders is conducted as described in ESPS 10;
- ii. FPIC is obtained from the stakeholders;
- iii. Provisions is made for fair and equitable sharing of benefits from commercial use of such cultural heritage, consistent with customs and traditions of the project affected parties; and
- iv. Mitigation measures for project impacts are identified according to the mitigation hierarchy.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 9 (ESPS 9)

FINANCIAL INTERMEDIARIES



ESPS 9

FINANCIAL INTERMEDIARIES

INTRODUCTION

THIS STANDARD DOES NOT APPLY TO JSIF.

ENVIRONMENTAL AND SOCIAL PERFORMANCE STANDARDS 10 (ESPS 10)

STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE



COMMUNITY MEETING ON THE ICDP IN RUSSIA, WESTMORELAND, JAMAICA

ESPS 10 STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE

INTRODUCTION

The implementation of project activities will definitely impact people and the environment, either negatively or positively. Especially where the potential negative impact is significant, it is critical that project stakeholders are involved in the process at an early stage and throughout the project life cycle. This is important as it helps to promote openness and transparency between the parties, which is key for a successful project outcome. The JSIF recognized that effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project buy-in and acceptance by stakeholders, and make a significant contribution to successful project design and implementation. Therefore, the JSIF develops ESPS 10 as the stakeholder engagement guidance protocol for all projects to ensure that project stakeholders are identified and consulted appropriately and their inputs are incorporated in project designs and overall management.

The JSIF recognizes that stakeholder engagement is an inclusive process that should be conducted throughout the project life cycle in order to minimize the risk of conflicts or to increase the probability of project success. The JSIF will ensure that stakeholder engagement procedures and activities are properly designed and implemented, with a view to promote the development of strong, constructive and responsive relationships that are important for successful management of a project's environmental and social risks. The JSIF is also cognizant of the fact that stakeholder engagement is most effective when initiated at an early stage of the project development process; and is an integral part of early project decisions and the assessment, management and monitoring of the project's environmental and social risks and impacts.

ESPS 10 is congruent with the requirements outlined in ESPS 1. The requirements regarding engagement with workers are outlined in ESPS 2. Special provisions on emergency preparedness and response are covered in ESPS 2 and ESPS 4. In the case of projects involving involuntary resettlement, Indigenous Peoples or cultural heritage, the

JSIF will also apply the special disclosure and consultation requirements set out in ESPS 5, ESPS 7 and ESPS 8.

OBJECTIVES

The objectives of ESPS 10 are to:

- Develop an integrated and systematic process of stakeholder engagement that will help the JSIF to identify stakeholders and build and maintain a constructive relationship with them, especially those that are affected parties by the project;
- Evaluate the level of stakeholder interest and support for the proposed project;
- Enable the integration of stakeholders' inputs into the design and environmental and social performance of the project;
- Promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life;
- Ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format; and
- Provide project-affected parties with accessible and inclusive means to raise issues and grievances, so that they can be addressed in a timely and appropriate manner.

SCOPE OF APPLICABILITY OF ESPS 10

This ESPS is applicable to all project to be implemented by JSIF irrespective of the funder and nature of the project. ESPS 10 will be triggered once a project is proposed for implementation. The JSIF will conduct meaningful stakeholder engagements as part of the project's environmental and social assessment. Stakeholders' input will be incorporated in the project's design and continue throughout implementation, as outlined in ESPS 1. Project stakeholders' views will also be considered in any monitoring and evaluation of the project. This means JSIF will be taking a life cycle approach with respect to stakeholder engagements.

This ESPS is applicable to all stakeholder groups. For the purpose of this ESPS, “stakeholder” refers to individuals or groups who: (a) are affected or likely to be affected by the project (project-affected parties); and (b) may have an interest in the project (other interested parties).

REQUIREMENTS OF ESPS 10

The JSIF will conduct meaningful consultation with the stakeholders throughout the project life cycle. The engagement will be initiated as early as possible in the project development process with a view to provide the stakeholders an opportunity to make significant contribution to the development of the project design. The nature, scope and frequency of stakeholder engagement will be proportionate to the nature and scale of the project and its potential risks and impacts. However, the JSIF will make every effort to ensure that project stakeholders are at least comfortable with the process of engagement and the approach being taken to execute the project.

The JSIF will provide stakeholders with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.

The process of stakeholder engagement will involve the following, as outlined in further detail in this ESPS:

- i. Stakeholder identification and analysis;
- ii. Planning the system of engagement with stakeholders;
- iii. Disclosure of information;
- iv. Consultation with stakeholders;
- v. Addressing and responding to grievances; and
- vi. Reporting to stakeholders.

The JSIF will document and maintain records of stakeholder engagement, including a description of the stakeholders consulted, a summary of the feedback received. The JSIF will also provide a brief explanation of how stakeholders’ feedback was taken into account, or the reasons why it was not in the design of the project. The document will be disclosed by JSIF as part of the environmental and social assessment of the project.

A. ENGAGEMENT DURING PROJECT PREPARATION

Stakeholder Identification and Analysis

The JSIF deems it as important for all applicable stakeholders to be at the table in developing a project and therefore it is our commitment to identify the different stakeholders, both project-affected parties and other interested parties so that they can be involved in the process. The JSIF will identify individuals or groups that are affected or likely to be affected by the project as ‘project-affected parties’ and other individuals or groups that may have an interest in the project will be identified as ‘other interested parties.’

The JSIF will identify those project-affected parties (individuals or groups) who, because of their particular circumstances, may be disadvantaged or vulnerable; for example, women, children, elderly, people with disability and Indigenous Peoples. The JSIF will further identify individuals or groups who may have different concerns and priorities about project impacts, mitigation mechanisms and benefits, and who may require different, or separate, forms of engagement. Using the results of this process, the JSIF will include significant details in the stakeholder identification and analysis report so as to inform the level of communication that is appropriate for the project. The JSIF may retain an independent third-party specialist to assist in the stakeholder identification and analysis where there is potentially significant environmental and social risks and impacts associated with the project. The independent expert may be required to support a comprehensive analysis and the design of an inclusive engagement process.

Stakeholder Engagement Plan

In consultation with the project’s funder(s), the JSIF will develop and implement a **Stakeholder Engagement Plan (SEP)** that is proportionate to the nature and scale of the project and its potential risks and impacts. The JSIF will consult with applicable stakeholders to seek their views on the SEP, including on the identification of stakeholders and the proposals for future engagement. The JSIF will disclose a draft of the SEP as early as possible, and before project appraisal (funder’s). Where significant changes are made to the SEP, the JSIF will disclose the updated version as required by project funders.

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

The JSIF will design the SEP to take into consideration the main characteristics and interests of the stakeholders, and the different levels of engagement and consultation that will be appropriate for different stakeholders. The SEP will set out how communication with stakeholders will be handled throughout project preparation and implementation.

The SEP will describe the measures that will be used by JSIF to remove obstacles to participation, and how the views of differently affected groups will be captured. Where applicable, the JSIF will include in the SEP, differentiated measures to allow the effective participation of those identified as disadvantaged or vulnerable. If necessary, the JSIF will develop dedicated approaches and provide increased level of resources for communication with such differently affected groups so that they can obtain the information they need regarding the issues that will potentially affect them.

The JSIF recognizes that occasionally, it is difficult to consult with the entire project affected population and therefore community representatives such as community-based organizations (CBOs), community development committees (CDCs) and non-governmental organizations (NGOs) often act on the communities' behalf. In such circumstances, where the stakeholder engagement with local individuals and communities depends substantially on community representatives, the JSIF will make reasonable efforts to verify that such persons do, in fact, represent the views of such individuals and communities, and that they are facilitating the communication process in an appropriate manner.

In certain circumstances, depending on the level of information available about the project, the SEP will take the format of a **framework approach**, outlining general principles and a collaborative strategy to identify stakeholders and plan for an engagement process in accordance with this ESPS that will be implemented once the location is known. Considering the types of projects being implemented by JSIF, the framework approach will be most applicable.

Information Disclosure

The JSIF recognizes the importance of transparency in the successful implementation of projects especially those that will have negative impacts on individuals, groups or communities as a whole. Therefore, in order to allow stakeholders to understand the risks and impacts of the project, and potential opportunities, the JSIF will enable access to the project information through a disclosure process. The JSIF will provide stakeholders with access to the following information, as early as possible prior to funder's project appraisal, and in a timeframe that enables meaningful consultations with stakeholders on project design:

- a. The purpose, nature and scale of the project;
- b. The duration of proposed project activities;
- c. Potential risks and impacts of the project on local communities, and the proposals for mitigating these, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantaged groups and describing the differentiated measures taken to avoid and minimize these;
- d. The proposed stakeholder engagement process highlighting the ways in which stakeholders can participate;
- e. The time and venue of any proposed public consultation meetings, and the process by which meetings will be notified, summarized, and reported; and
- f. The process and means by which grievances can be raised and will be addressed.

The information will be disclosed in English and/or local dialect that all stakeholders can understand and in a manner that is accessible and culturally appropriate, taking into account any specific needs of groups that may be differentially or disproportionately affected by the project or groups of the population with specific information needs (such as, disability, literacy, gender, mobility, differences in language or accessibility).

Meaningful consultation

The JSIF values the views and feedback of project stakeholders and will always seek to conduct a process of meaningful consultation in a manner that provides stakeholders with opportunities to express their views on project risks, impacts, and mitigation measures, and which allows the JSIF to consider and respond to them. The JSIF will

undertake meaningful consultations continually as the nature of issues, impacts and opportunities evolves.

In the JSIF's context, the term meaningful consultation is a two-way process, and means:

- a. Begin consultation early in the project planning process to gather initial stakeholder views on the project proposal and inform project design;
- b. Encouraging stakeholder feedback, particularly as a way of informing project design and engagement by stakeholders in the identification and mitigation of environmental and social risks and impacts;
- c. Conducting consultations with stakeholders continually throughout project life cycle, as risks and impacts arise;
- d. Stakeholder engagement is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant local language(s) and is understandable to stakeholders;
- e. Stakeholders' views will always be considered and response to their feedback is provided;
- f. Active and inclusive engagement with project-affected parties will be supported;
- g. The consultation process is free of external manipulation, interference, coercion, discrimination, and intimidation; and
- h. The consultation process is documented and disclosed.

B. ENGAGEMENT DURING PROJECT IMPLEMENTATION AND EXTERNAL REPORTING

The JSIF strongly believes that stakeholders' input is critical in all aspect of the project. Therefore, JSIF will continue to engage with, and provide information to project-affected parties and other interested parties throughout the life cycle of the project. This will be undertaken in a manner that is appropriate to the nature of their interests and the potential environmental and social risks and impacts of the project.

The JSIF will conduct stakeholder engagement in accordance with the SEP and will continue to build upon the channels of communication and engagement already

established with stakeholders. The JSIF will seek feedback from stakeholders on the environmental and social performance of the project, and the implementation of the mitigation measures outlined in the ESCP. Stakeholders will be notified by JSIF of any significant changes to the project that potentially could result in additional risks and impacts, particularly where these will impact project-affected parties. The JSIF will provide the stakeholders information on potential risks and impacts and the project-affected parties to be involved in developing measures to address these risks and impacts. Where the additional risks and impacts are material, the JSIF will update and disclose the ESCP, outlining any additional mitigation measures.

C. GRIEVANCE MECHANISM

The JSIF understands that in order for projects to be implemented successfully, project stakeholders must be confident that there is an established process for grievances to be heard and addressed transparently. Therefore, the JSIF will continue to improve on its established grievance redress mechanism (GRM) and will respond to such concerns and grievances of project-affected parties related to the environmental and social performance of the project in a timely manner.

The JSIF's GRM is a standardized system, however where possible, the process of handling grievances will be proportionate to the potential risks and impacts of the project and will be accessible and inclusive. The JSIF's GRM will utilize existing formal or informal grievance mechanisms, supplemented as needed with project-specific arrangements.

The JSIF will address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. The JSIF's GRM allows opportunities for access to judicial or administrative remedies for grievances expressed by project-affected parties. The JSIF will inform stakeholders and especially project-affected parties about the grievance process during community engagement activities, and will make publicly available a record documenting the responses to all grievances received, if requested.

The JSIF will handle grievances in a culturally appropriate manner and will be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The JSIF's GRM will also allow for anonymous complaints to be raised and addressed.

In the management of grievances, the JSIF's assigned Social Officer and Site Supervisor will play a critical role in the application of the relevant resettlement policy framework guidelines to ensure that grievances associated with the project is resolved completely. The sharing of information in a timely manner and the quick attention to issues that arise are seen as key factors to good social management. As a mode of operation, the JSIF will ensure that an Officer frequently monitors projects and as such, issues of concern to the PAPs will be heard and addressed as soon as they arise.

The grievance redress team will be selected based on competence and experience. Typically, members must receive training in environmental and social safeguards standards. At minimum, the grievance redress team will comprise the Social Development Manager, a Social Officer (SO), Project Officer (PO) and an Environmental Officer (EO). The Manager for the project which the grievance is related will also be invited to be involved in resolving the grievance. The Legal Officer (LO) will provide legal guidance throughout the process of resolving grievances; and where necessary, approve documents.

The JSIF will make the necessary effort to ensure that all grievances are resolved internally. However, where this is not possible, the JSIF's resettlement policy speaks to the resolution of grievances externally through arbitration. Arbitration will be done by appropriate local institutions such as a Justice of the Peace, Community Works Coordinator, and the Dispute Resolution Foundation (which is a Government supported NGO with links to the courts). The courts do refer cases to the Foundation for arbitration as a measure to seek a faster resolution to disputes. This would not prevent the parties to the dispute from taking the matter to the court if a compromise cannot be reached.

Whilst the JSIF's grievance redress team will be directly responsible for implementing the activities to ensure that grievances are resolved, the **Internal Audit Department (IAD)** led by the **Internal Auditor**, will provide independent oversight of the process. This will include grievances that require resolution outside of the JSIF's internal mechanism; for example, those that require arbitration. Therefore, all grievances must be reported to the IAD. The IAD will prepare and document a report on the outcome of the grievance process.

The primary mechanism for stakeholders to lodge grievances will be through the JSIF's web-based system, "**Beneficiary Grievance Feedback Tool**", which is currently in

construction. However, complaints or project feedback can also be provided through multiple other channels, including:

- a) Direct complaints to a JSIF officer assigned to the project;
- b) The site supervisor or consultant;
- c) JSIF telephone lines (876-968-4545);
- d) Project environmental consultants;
- e) JSIF's social media platforms (**jsifja** to access Instagram, Facebook and twitter);
- f) E-mails (feedback@jsif.org); and
- g) Fax (876-929-3784)

Additionally, representatives of line ministries of other partnering government agencies can communicate grievances on behalf of PAPs to JSIF. Complaints will be noted in a grievance log with a response time between 1 and 4 weeks depending on the complexity of the issue.

JSIF's grievance team through multiple consultations will ensure that community members and in particular PAPs are informed about the avenues for grievance redress. Communities will also be notified of the GRM project information meetings and through other State entities including the Social Development Commission (SDC). The team will ensure that records of grievances received, and the result of attempts to resolve these are maintained. This information will be entered into the JSIF Management Information System (MIS) and be included in the regular progress reporting. This will include details on the date of the dispute, the nature of the dispute and how it was resolved.

D. ORGANIZATIONAL CAPACITY AND COMMITMENT

The JSIF will define clear roles, responsibilities and authority as well as designate specific personnel to be responsible for the implementation and monitoring of stakeholder engagement activities and to ensure compliance with ESPS 10 and any funder requirements.

ESPS 10 - ANNEX 1

Grievance mechanism

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

- a. Different ways in which users can submit their grievances, which may include submissions in person, by phone, text message, mail, e-mail or via a web site;
- b. A log where grievances are registered in writing and maintained as a database;
- c. Publicly advertised procedures, setting out the length of time users can expect to wait for acknowledgement, response and resolution of their grievances;
- d. Transparency about the grievance procedure, governance structure and decision makers; and
- e. An appeals process (including the national judiciary) to which unsatisfied grievances may be referred when resolution of grievance has not been achieved.

The JSIF will include mediation as an option for resolution of grievances where users are not satisfied with the actual or potential outcome of the process.

Approved by:

Omar Sweeney
Managing Director

Date