



Addressing Climate Vulnerability in the Water Sector (ACWA) in the Marshall Islands

Environmental and Social Management Plan (ESMP)

March 2023 - Revision 6

Revision	Date	Status
0	23 April 2019	Funding Proposal ESMFMP
1	27 November 2021	PMU Updated
2	January 2022	Reviewed and Updated for APR 2021
3	April 2022	Review: Std 6 Indigenous Peoples inclusion
4	June 2022	SES Expert Recommendations included
5	January 2023	Reviewed by SES International Consultant
6	March 2023	Reviewed by SES International Consultant

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Acronyms

ACWA	Addressing Climate Vulnerability in the Water Sector
APR	Annual Performance Report
CCD	Climate Change Directorate
DIM	Direct Implementation Modality
EPA	Environmental Protection Agency
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Safeguards
FAA	Funded Activities Agreement
GCF	Green Climate Fund
IOM	International Organization for Migration (IOM)
IP	Implementing Partner or Indigenous Peoples
IRMU	Integrated Results Management Unit
KAJUR	Kwajalein Atoll Joint Utilities Resources
MWSC	Majuro Water & Sewer Company
NEPA	National Environmental Protection Act
NDA	National Designated Authority
OCS	Office of Chief Secretary
PB	Project Board
POPP	Program and Operations Policies and Procedures
PMU	Project Management Unit
PM	Project Manager
RMI	Republic of Marshall Islands
RSD	Resilience and Sustainable Development
SES	Social and Environmental Standards
SESP	Social and Environmental Screening Procedure
SECU	Social and Environmental Compliance Unit
SIDS	Small Island Developing State
SOP	Standard Operating Procedures
TOR	Terms of Reference
UNDP	United Nations Development Program

1. INTRODUCTION

This Environmental and Social Management Plan (ESMP) has been prepared in support of the *Addressing Climate Vulnerability in the Water Sector (ACWA)* Project in the Republic of Marshall Islands (RMI).

The Project is being implemented by the UNDP, with funding provided by the Government of RMI and Green Climate Fund (GCF).

The ACWA project supports the Government of Republic of the Marshall Islands (GoRMI) in adapting to increasing climate risks, particularly more frequent and extreme droughts, which impact the country's drinking water supply. The ACWA project consists of three outputs

1. Implement an optimal mix of interventions to ensure climate resilient water security in outer atolls and islands in the RMI;
2. Optimize alternative water sources; and
3. Develop climate change-induced drought preparedness and response.

Screening using the UNDP Social and Environmental Screening Procedure (SESP) determined that the project has the potential for social and environmental impacts that have a **moderate** level of risk associated with them. As a project with moderate level risks, this project-level ESMP has been prepared.

This ESMP provides the overarching controls and mitigation measures that will be applied during the implementation of the project. These procedures will enable ACWA PMU to follow appropriate mitigation measures during the implementation of project activities.

1.1 ENVIRONMENTAL AND SOCIAL COMMITMENT

The project team is committed to an effective program of environmental and social management for the construction phase/delivery of the project. The effectiveness of the program will be assured by instilling a team-wide attitude that elevates awareness of environmental and social issues.

UNDP has a strategic commitment to promoting the 2030 Agenda for Sustainable Development. The UNDP Social and Environmental Standards (SES) underpin this commitment by ensuring social and environmental sustainability is mainstreamed across all programming. The SES requires that all UNDP programming maximizes social and environmental opportunities and benefits as well as ensures that adverse social and environmental risks and impacts are avoided, or if not possible minimized, mitigated, and managed. The SES assists UNDP staff, stakeholders, and responsible parties to manage social and environmental risks and impacts of UNDP programs and projects.

1.2 PURPOSE AND OBJECTIVES OF THE ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

An ESMP is a management tool used to assist in minimizing adverse impacts to the environment and society, by establishing a set of environmental and social objectives and strategies for their achievement.

To ensure the environmental and social objectives of the projects are met, this ESMP will be used by the ACWA Project Management Unit (PMU) staff and responsible parties to structure and control the environmental and social management safeguards that are required to avoid, or mitigate, adverse effects on the environment and communities.

This ESMP will be updated as needed by the PMU in consultation with the UNDP staff and EPA to incorporate changes in the detailed design phase of the projects.

1.3 STRUCTURE OF THE ESMP

This ESMP has been broken into the following major components:

- Introduction to the project and institutional arrangements.
- Legal and compliance framework, including the application of the UNDP SES.
- Risk assessment - section discusses the potential impacts and risks identified.
- Environmental and social management Plan developed in response to the potential environmental risks and impacts associate with the proposed works
- Implementation arrangements - outlines roles and responsibilities for implementing this ESMP along with incident management.

1.4 OVERVIEW OF THE PROJECT

The Project Objective is to increase resilience of water resources for drinking and hygiene for vulnerable people and communities in the outer atolls and islands of RMI to the impacts of climate change, specifically prolonged droughts.

This objective is attained through the achievement of three Outputs (each of which corresponds to a sub-component). The Outputs and project activities are detailed below.

Output 1: Implementation of optimal mix of interventions to ensure climate resilient water security in outer atolls and islands of RMI

- Improve existing rainwater harvesting systems for existing household (HH) and community buildings in outer islands and atolls for usage during increasing frequency and periods of drought

- Provide additional (new) rainwater harvesting and increase of storage capacity for communities in outer islands and atolls for usage during increasing frequency and periods of drought

Output 2: Optimization of alternative water sources to reduce reliance on harvested rainwater in the context of reduced rainfall

- Protect groundwater wells from more frequent climate change induced storm surges and contamination
- Enhance women and youth's leadership through best practices and community awareness programs on efficient usage (demand management) of rainwater

Output 3: Climate change induced drought preparedness and response measures implemented in outer atolls and islands

- Update national-level contingency plans and Standard Operating Procedures (SOPs) for climate change induced drought response
- Develop and implement community-level drought contingency planning (water safety plans) in outer islands and atolls

2. LEGAL AND INSTITUTIONAL FRAMEWORK FOR ENVIRONMENTAL AND SOCIAL MATTERS

2.1 LEGISLATION, POLICIES AND REGULATIONS

The legislative and policy basis for the ACWA project comes under various pieces of following RMI legislation but not limited to:

- **RMI constitution** - The Preamble to the Constitution of the Republic of the Marshall Islands states: "All we have and are today as a people, we have received as a sacred heritage which we pledge ourselves to safeguard and maintain, valuing nothing more dearly than our rightful home on the islands within the traditional boundaries of this archipelago." This means that the government of the RMI has a responsibility to safeguard and maintain heritage and ensure that the islands can continue to provide a home to the people of the Marshall Islands for generations to come.
- **Animal and Plant Inspection Act** - In order to protect the agricultural and general well-being of the people of the Republic, quarantine regulations are promulgated as a means of preventing the introduction and further dissemination of injurious insects, pests, and diseases into and within the Republic. All aircraft and vessels or their cargoes, including baggage, ship's stores, and ballast, entering or moving within the Republic, are subject to inspection by agricultural quarantine inspectors for the purpose of enforcing the controls, quarantines and regulations established pursuant to this Part, provided, that such inspections of U.S. military aircraft and vessels shall be subject to existent military security regulations.
- **Coastal Conservation Act (CCA) 1988** - An Act to make provision for a survey of the coastal zone and the preparation of a coastal zone management plan; to regulate and control development activities within the coastal zone; to make provisions for the formulation and execution of schemes for coast conservation. Notwithstanding the provisions of any other law, no person shall engage in any development activity other than a prescribed development activity within the Coastal Zone except under the authority of a permit issued in that behalf by the Director. Upon receipt of an application for a permit to engage in a development activity within the Coastal Zone, the Director may require the applicant to furnish an environmental impact assessment relating to such development activity and it shall be the duty of the applicant to comply with such requirement.
- **Disaster Assistance Act** - An Act to reduce vulnerability of people and communities of the Republic to damage, injury, and loss of life and property resulting from natural or manmade catastrophes; to clarify the role of the Cabinet and local governments in the prevention of, preparation for, response to, and recovery from disaster; to authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery between agencies. Every person shall conduct himself and keep and manage his affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the Government of the Marshall Islands and the public to successfully meet disasters.
- **Endangered Species Act 1975** - An Act to provide for the protection of endangered species of fish, shellfish and game in the Republic. The indigenous plants and animals of the Republic are

of aesthetic, ecological, historical, recreational, scientific, and economic value and it is the policy of the Government of the Marshall Islands to foster the well-being of these plants and animals by whatever means necessary to prevent the extinction of any species or subspecies from the islands of the Republic or the water surrounding them.

- **Ethics in Government Act 1993** - recognizes the right of the people to a responsible and an ethical government and the obligation of the government to take every step reasonable and necessary to conduct government in accord with a comprehensive code of ethics.
- **Historic Preservation Act 1991** - An Act to promote the preservation of the historic and cultural heritage of the Republic of the Marshall Islands.
- **International Organizations Immunity Act 1974** - An Act to provide immigration immunities to international organizations and their staff. This act has implications for tax, property, privacy etc. The Protection of Resident Workers Act shall not apply to international organizations.
- **Jaluit Atoll Economic Development Authority Act 2000** - An Act to establish the Jaluit Atoll Economic Development Authority and to provide all the powers necessary to plan for the development and implementation of all programs and projects for the social, economic and educational betterment of the people of Jaluit Atoll, with responsible and appropriate review by the Government of the Republic of the Marshall Islands to ensure fiscal responsibility and consistency with the development policies of the Government of the Republic.
- **Land Acquisition Act 1986** -An Act to make provision for the acquisition of lands and servitudes for public use for payment of just compensation.
- **Local Government Act 1980** – an Act providing for the manner of operation of the system of local government. Each atoll has its own local Council.
- **National Environmental Protection Act 1984** (NEPA) - An Act to provide for the establishment of a National Environmental Protection Authority for the protection and management of the environment. Marshall Islands EIA legislation is found largely in Part IV of the *National Environmental Protection Act 1984* (NEPA). The 1994 Environmental Impact Assessment Regulations (Regulations) promulgated by the Republic of the Marshall Islands Environmental Protection Authority provide project proponents specific details for the EIA process for both NEPA and CCA. Relevant regulations include:
- **Earthmoving regulations 1989** – all earthmoving activities shall be planned in such a manner so as to prevent accelerated erosion, sedimentation and disturbance of cultural resources.
- **Solid Waste Regulations 1989** – Establishment of minimum standards governing the design, construction, installation, operation and maintenance of solid waste storage, collection and disposal systems to:
 - Prevent pollution of the drinking and recreational waters of the RMI;
 - Prevent air and land pollution;
 - Prevent the spread of disease and the creation of nuisances
 - Protect the public health and safety
 - Conserve natural resources; and

- Preserve and enhance the beauty and quality of the environment
- **Toilet Facilities and Sewage Disposal Regulation 1990** – The purpose of this regulation is to establish minimum standards for toilet facilities and sewage disposal to minimize environmental pollution, health hazards, and public nuisance.
 - Part II, Section five - It is required that all public buildings or any buildings which may be used for dwellings shall have toilet and sewage facilities.
 - Part IX, Section 37 – Prohibition of disposal of treated, semi-treated, or untreated sewage or excreta into any pond, well, reservoir, body of water, or onto the ground, whether public or private, unless such activity is of economic or social value or research purposes that poses no public health hazard.
- **Marine Water Quality Regulation 1992** – Identify the uses for which the marine waters of the RMI shall be maintained and protected, specify the water quality standards required to maintain the designated uses and to prescribe regulations necessary for implementing, achieving and maintaining the specified marine water quality.
- **Environmental Impact Assessment Regulation 1994** – Implementation of the NEPA 1984 and Coast Conservation Act 1988 for proposed development activities that may affect the quality of the environment of the RMI.
 - Part III, Section 9a - Proposed development activities that have the potential for significant effect to the environment shall conduct an Environmental Impact Assessment and submit to the EPA.
 - Part III, Section 11 - A scoping process identifying the significant issues related to the proposal shall be initiated by the EPA.
 - Part III, Section 13 - Formulation of an EIA must take into considerations any guidelines, directions, policies, or plans issued by the EPA regarding the protection, conservation and management of the environment.
- **Planning and Zoning Act 1987** - An Act to provide for: (a) planning in land water use; (b) the promotion of the health, safety and general welfare of the people; (c) the creation of zones in municipal areas in order to lessen the congestion and to secure safety from fire and other hazards; (d) the regulation and control of the construction of buildings and the prevention of overcrowding of land. Section 208 Planning Local Areas includes (d) “the necessity to establish and maintain catchment areas and water reserves for the collection and supply of water” as one of the aspects that local government Section 209 Restrictions on Buildings includes (b) “specifying the requirement of rainwater catchment for every future construction of a house or for every building or industry where water is being used”
- **Wotje Development Authority Act 2002**- An Act to establish the Wotje Atoll Development Authority and to provide all the powers necessary to plan for the development and implementation of all programs and projects for the social, economic and educational betterment of the people of Wotje Atoll, with responsible and appropriate review by the Government of the Republic of the Marshall Islands to ensure fiscal responsibility and consistency with the development policies of the Government of the Republic

- **The Historic Preservation Legislation of 1992** - has codified Cultural Resource Management into law. The process associated with the production of resource management plans is an eight-step process that is heavily reliant on community consultation to develop community-based management plans.

2.2 ENVIRONMENTAL IMPACT ASSESSMENT IN RMI

The Marshall Islands has a comprehensive set of EIA regulations, and includes subsequent monitoring, mitigation reporting, auditing, and penalties and enforcement in case of non-compliance following approval of a final EIA. Marshall Islands EIA legislation is found largely in Part IV of the *National Environmental Protection Act 1984* (NEPA), which requires governmental decisions regarding any proposed actions “in all matters in which there is or may be an environmental impact” to include assessment of potential environmental and cultural impacts.

The 1994 Environmental Impact Assessment Regulations (Regulations) promulgated by the Republic of the Marshall Islands Environmental Protection Authority provide project proponents specific details for the EIA process for both NEPA and CCA.

2.2.1 EIA process

Under the 1994 Regulations, the EIA process screens out activities with insignificant impacts from review in an initial “Preliminary Proposal.” Such a proposal is required by proponents of “each and every proposed development activity,” and must contain information on the activity and any potential environmental impacts as well as alternatives to mitigate the impacts. Following a review of the proposal, the reviewing agency (i.e., NEPA or CCA, hereafter “the reviewer”) makes a written determination of his or her decision to the proponent. In case the reviewer determines the project will have a significant effect on the environment, a full or partial EIA is required from the proponent. Otherwise, the proponent may continue with the activity as planned, although still subject to regulatory and permitting requirements under any relevant law.

The EIA may be performed via separate phases of the activity, and a scoping process, open to relevant members of the public, identifies issues significant enough to be addressed in the EIA. Following completion of the scoping process, the proponent completes and submits a Draft EIA, which must include a list of alternatives to the proposed actions, a description of the affected environment and a scientific and economic analysis of potential consequences of the action. After receiving the Draft EIA, the reviewer provides for public notice and comment, including a public hearing. The reviewer then responds to the proponent, requiring either further revisions or a Final EIA, the latter of which must include the final chosen alternative, any mitigation measures and monitoring plans. The reviewer has discretion to approve or reject the Final EIA. If approved, the reviewer monitors activities and can perform audits and enforce the EIA regulations by means of fines, cease and desist orders, or entry without notice.

The CCA requires an EIA to be conducted in accordance with the 1994 EIA regulations described above for any proposed development activity on the coastal zone. For the purpose of the CCA, 'development activity' means any activity likely to alter the physical nature of the coastal zone.

2.3 MULTILATERAL AGREEMENTS AND BIODIVERSITY PROTOCOLS

RMI is a signatory to a number of international and regional agreements and conventions, which are related to the environment. They include:

- 1993 Agreement Establishing the South Pacific Regional Environment Program (SPREP)
- 2000 Cartagena Protocol on Biosafety on the Convention on Biological Diversity
- 1945 Constitution of the United Nations Educational, Scientific and Cultural Organisation
- 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage
- 1923 Convention and Statute on the International Regime of Maritime Ports
- 1986 Convention for the Protection of the Natural Resources and Environment of the South Pacific Region
- 1992 Convention on Biological Diversity
- 1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat
- 1980 Convention on the Physical Protection of Nuclear Material
- 1989 Convention on the Rights of the Child
- 1995 Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, Waigani, Papua New Guinea
- 1990 International Convention on Oil Preparedness and Co-operation
- 2001 International Treaty on Plant Genetic Resources for Food and Agriculture
- 1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change
- 1986 Protocol concerning co-operation in Combating Pollution Emergencies in the South Pacific Region
- 1988 Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea of 1 November 1974
- 2001 Stockholm Convention on Persistent Organic Pollutants
- 1998 Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations
- 1987 The Montreal Protocol on Substances that deplete the Ozone Layer
- 1992 United Nations Framework Convention on Climate Change
- 2009 Statute of the International Renewable Energy Agency (IRENA)
- 1982 United Nations Convention on the Law of the Sea
- 1994 United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification particularly in Africa

- 1985 Vienna Convention for the Protection of the Ozone Layer

2.4 UNDP SOCIAL AND ENVIRONMENTAL STANDARDS

UNDP’s Social and Environmental Standards (SES) underpin the organization’s commitment to mainstream social and environmental sustainability into its programs and projects. The SES are an integral component of UNDP’s quality assurance and risk management approach to programming. The project will be following the SES Policy 2015 as the SESP was in place for this project at design stage and is part of the signed Project Documents. This decision is based on consultation with UNDP IRMU (Integrated Results Management Unit). Further details on the UNDP SES are available on the UNDP website.

The SES objectives are to:

- Strengthen the social and environmental outcomes of programs and projects;
- Avoid adverse, and optimize beneficial, impacts to people and the environment;
- Minimize, mitigate, and manage adverse impacts where avoidance is not possible;
- Strengthen UNDP and partner capacities for managing social and environmental risks; and
- Ensure full and effective stakeholder engagement, including thorough a mechanism to respond to complaints from project-affected people.

The ACWA project has been screened against the UNDP SES using the UNDP Social and Environmental Screening Procedure template. The screening indicated that the project would trigger some of the UNDP social and environmental standards (as indicated in **Table 1** below).

Standard	Triggered?	Requirements Relevant to ACWA Project	Relevant RMI Policies, Legislation, Regulations
Programming Principles			
Overarching Principle: Leave No One Behind	Yes	<ul style="list-style-type: none"> - Follow the rights-based approach to development, including the application of a gender perspective. - Identify and include poor, vulnerable, excluded, and marginalized groups. 	RMI National Gender Mainstreaming Policy. Gender Equality Act 2019 National Strategic Plan 2020 – Social Justice and Inclusion
Human Rights	No		Child Rights Protection Act 2015 Human Rights Committee Act 2015 Vision 2018 Declaration to the Marshallese Gender Equality Act 2019 RMI National Water and Sanitation Policy 2013

Standard	Triggered?	Requirements Relevant to ACWA Project	Relevant RMI Polices, Legislation, Regulations
Gender Equality and Women's Empowerment	Yes	- The project will provide improved climate resilient water investments to households and communities, including female led households. With increased water security will increase food, income security and improve WASH.	RMI National Water and Sanitation Policy 2013 RMI National Gender Mainstreaming Policy. Gender Equality Act 2019
Accountability	No	- Compliance with national law and obligations under international law, whichever is the higher standard. - Enable active local community engagement and participation in decision-making, particularly those at risk of being left behind.	Constitution of the Republic of the Marshall Islands All other UN sanctioned conventions RMI is a signatory.
Project Level Standards			
Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management	No		Coastal Conservation Act 1988 Protected Area Network Act 2015 Marshall Islands Biodiversity Strategy and Action Plan 2000 Animal and Plant Inspection Act 1966 Fisheries Act 1997 Fisheries Enforcement Act 1997 Fishing Access and Licensing Act 1997 Endangered Species Act 1975 Public Lands and Resources Act 1966
Standard 2: Climate Change and Disaster Risks	Yes	The project is designed to provide the community with drinking water in the face of increasing droughts. Consideration of the risk of storm surge is also being incorporated into the design to enhance water security in extreme events.	National Strategic Plan 2020 Disaster Assistance Act 1987 National Action Plan for Disaster Risk Management 2008-2018 National Climate Change Policy Framework 2011 Joint National Action Plan for Climate Change Adaptation & Disaster Risk Management 2014-2018 National Disaster Risk Management Arrangements 2017
Standard 3: Community	Yes	The project has a positive benefit of increasing the communities' health and safety through improved potable	Public Health Safety and Welfare Act 1966

Standard	Triggered?	Requirements Relevant to ACWA Project	Relevant RMI Polices, Legislation, Regulations
Health, Safety and Security		water supply and therefore improving the longevity of peoples' lives and incomes. The project will also promote best practices in terms of construction, safety and waste management.	National Water and Sanitation Policy 2013 Solid Waste Regulations 1989 Earthmoving Regulations 1989 National Building Code Handbook 2019 Environmental Impact Assessment Regulations 1994 Planning and Zoning Act 1987
Standard 4: Cultural Heritage	Yes	RMI has numerous relic military structures, some of which may be of historic value. The nature of the project is unlikely to adversely impact these structures. In some cases, rehabilitation of water structures may be possible.	The Historic Preservation Legislation 1992
Standard 5: Displacement and Resettlement	No	Adequate and resilient drinking water supply will reduce the potential of islanders becoming climate refugees.	Submission of RMI to the Special Rapporteur on the Rights of IDPS 2020
Standard 6: Indigenous Peoples	Yes	The rights and welfare of indigenous peoples are not to be compromised. The entire population of the outer islands and atolls of the Marshall Islands consider themselves indigenous Marshallese thus triggering Standard 6. All land is owned through a traditional land ownership system and local management is a mix of traditional and democratic local governance. Thus, it is considered that a separate Indigenous Peoples Plan is not required but rather that the requirements of the standard have been integrated into the project safeguards documents.	Constitution of the Republic of the Marshall Islands Customary Law Act 1990 Customary Law Restoration Act 1986 Customary Law Language Commission Act 2004 (Amendment 2015)
Standard 7: Labour and Working Conditions	Yes	<ul style="list-style-type: none"> - Terms and conditions of employment - written labour management procedures. Workers to be advised of conditions of their employment. - Non-discrimination and equal opportunity - Workers organizations - freedom of association and recognition of the right to collective bargaining - No forced or child labour 	Labor Inquiry Act 1983 Labor Act 2018 Protection of Resident Workers Act [16 MIRC Ch 1] Child Rights Protection Act 2015 Public Health Safety and Welfare Act 1966

Standard	Triggered?	Requirements Relevant to ACWA Project	Relevant RMI Policies, Legislation, Regulations
		<ul style="list-style-type: none"> - Occupational health and safety - protect and promote the safety and health of workers - Workplace grievance mechanisms (distinct from project-level grievance) 	
Standard 8: Pollution Prevention and Resource Efficiency	Yes	<ul style="list-style-type: none"> - Improved capture and storage of water will result in less reliance on desalination and bottled water, reducing fuel use and plastic waste. - The project will improve protection of groundwater through enhancement of wells 	Solid Waste Regulations 1989 National Environmental Protection Act 1984 National Water and Sanitation Policy 2013 Styrofoam Cups and Plates, and Plastic Products Prohibition, and Container Deposit Act 2016

Table 1: Summary of UNDP Social and Environmental Standards triggered by, and their requirements for the project.

2.4.1 UNDP Standard 6 – Indigenous Peoples

2.4.1.1 Background to update

Due to an updated UNDP Guidance Note on Standard 6 – Indigenous Peoples (IPs), in 2021 some minor reframing of the ESMP has been required. This section provides the background and an explanation of the implications.

The ACWA project feasibility study was undertaken during 2016 and at that time the safeguards risk assessment using SESP did not identify indigenous peoples as being present in the project area or at risk from the project as the population of the outer islands and atolls of RMI is almost entirely of original Austronesian descent – people thought to have settled the area thousands of years ago thought to be descended from the original people of Taiwan – with their culture forming part of the wider culture of Micronesia. There are a very small number of expatriate workers in some places as well as some recent Asian ancestry.

However, an update in December 2020 to the UNDP Guidance Note on Standard 6 clarified the assessment of country-wide indigenous peoples, which meant that the SESP question on indigenous people for the ACWA project needed to be revisited and the SESP amended to reflect the presence of a country-wide population of indigenous people.

It is important to recognize that this change in triggering of Standard 6 by the project has not been caused by any changes in the project impacts, nor the discovery of any minority groups. As a result, the changes to the ESMP should be considered as minor reframing; the mitigation measures, particularly those associated with indigenous peoples, such as inclusion, consultation, gender, consent etc have been clarified and reinforced to reflect their application to indigenous peoples. For this reason, it has been determined that a separate Indigenous Peoples Plan is not required.

2.4.1.2 Defining the population as indigenous

For the purposes of the SES, UNDP identifies distinct collectives as “indigenous peoples” if they satisfy any of the more commonly accepted definitions of indigenous peoples, regardless of the local, national, and regional terms applied to them. Table 2 lists the characteristics used to define IPs and demonstrates that the population of RMI meets them.

Characteristics of Indigenous People	Case in the outer islands and atolls of RMI
Self-identifies as indigenous	<p>From the Constitution of RMI: “All we have today as a people, we have received as a sacred heritage which we pledge ourselves to safeguard and maintain, valuing nothing more dearly than our rightful home on the islands within the traditional boundaries of this archipelago.”</p> <p>The way of life, particularly on the outer islands and atolls has retained its traditional culture. These long-isolated people of the Marshall Islands boast a proud culture called manit, which revolves around family, co-operation and warm hospitality.</p>
Has pursued their own concept and way of human development	Landownership is key to the Marshallese culture and its original manner is maintained. It is mainly matrilineal but with each parcel of land being mutually owned by chiefs (Iroij) and

Commented [KD1]: What year was the update?

Commented [FS1R2]: Year corrected, thanks for noting.

Characteristics of Indigenous People	Case in the outer islands and atolls of RMI
<p>in a given socio-economic, political and historical context</p>	<p>sub-chiefs (Alabs) and occupied by “the workers of the land” (Ri-Jerbal). Traditional family gatherings, celebrations and birthdays are keenly observed.</p> <p>There is an increasing take-up of American cultural aspects due to close family and economic ties with the USA. This varies across the atolls and is most prevalent in the 2 cities. These changes are integrated-in with traditional Marshallese ways in a purely voluntary, unforced way.</p> <p>The RMI economy is still very dependent on that of the United States. All non-traditional foodstuffs (i.e. the majority of food) are imported.</p>
<p>Has maintained a distinct group identity, languages, traditional beliefs, customs, laws and institutions, worldviews and ways of life</p>	<p>The language of RMI; Marshallese is spoken by the entire population (outside of the few expatriate workers) of the outer islands. This language is part of the Austronesia language group of South-east Asia, Oceania and Madagascar. English is spoken to a varying and limited extent.</p> <p>RMI has entered into a “Compact of Free Association” with the USA which allows mutual migration between the countries as well as financial, educational, medical and other benefits for RMI residents. Approximately 20 000 Marshallese are resident in the USA. This relationship has resulted in many Marshallese cultural changes by taking on American cultural traits.</p>
<p>Exercises control and management of the lands, natural resources, and territories that they have historically used and occupied</p>	<p>The Republic of the Marshall Islands became fully independent in May 1979 with a Constitution “shall be the supreme law of the Republic of the Marshall Islands; ...”</p> <p>The government of the Marshall Islands operates under a mixed parliamentary-presidential system. Elections are held every four years electing one or more representatives (senators) to the lower house of RMI's unicameral legislature, the <u>Nitijela</u>. The President, who is head of state as well as head of government, is elected by the 33 senators of the Nitijela. Four of the five Marshallese presidents who have been elected since the Constitution was adopted in 1979 have been traditional <u>paramount chiefs</u>. Legislative power lies with the Nitijela. The upper house of Parliament, called the Council of Iroij, is an advisory body comprising twelve paramount chiefs. The Traditional Rights Court deals with customary law and land disputes.</p> <p>The Marshall Islands were the sites of numerous significant WWII battles between the Allies and Japan as well as many (67) USA nuclear tests between 1946 and 1958. The nuclear tests resulted in significant health problems for the resident Marshallese and rendered some of the affected atolls unsuitable for human habitation; which necessitated both</p>

Characteristics of Indigenous People	Case in the outer islands and atolls of RMI
	<p>permanent and temporary relocation of the inhabitants. The issue of land ownership in the relocation sites requires attention.</p> <p>The negative impacts of these tests are still a major issue for the indigenous residents of some of the most northern atolls. Satisfactory (that is for both parties) compensation agreements remain a serious point of contention.</p> <p>The island of Kwajalein is leased on a long-term basis to the US Army and operated as a US-controlled military base.</p> <p>The atoll of Likiep was sold by the local chiefs to a pair of German and Portuguese traders in 1877. All subsequent offspring were to Marshallese mothers and in accordance with traditional land inheritance the atoll residents consider themselves fully Marshallese.</p>
Existence pre-dates colonization	<p>The original inhabitants of RMI were seafaring Austronesians thought to have originated from the indigenous people of Formosa; now Taiwan, who arrived between 2000-1000BC. The islands were historically known by the inhabitants as "<i>jolet jen Anij</i>" (Gifts from God).</p> <p>Thereafter the islands were explored by Europeans from Portugal, Spain and England. The islands were thereafter either claimed, sold or won in war by Spain, Germany, Japan and the United States with varying degrees of colonial influence and control.</p> <p>Following on from the Congress of Micronesia in 1965 – established by the USA to increase self-governance full independence followed in 1965.</p>

Table 2: How the Marshallese satisfy the definitions of IPs.

Based on the above, the population of RMI can be considered indigenous and Standard 6 applies.

The UNDP Standard 6 Guidance Note (2020) provides the following advice: “In countries where all, or nearly all, the people meet the characteristics of indigenous and in countries that are inhabited entirely or largely by different peoples”, the standard still applies. The objective is, as in all other countries, to ensure that those indigenous peoples’ communities that are potentially affected by the project are able to voice their interests and concerns through meaningful consultation processes and to have their rights respected.” So, UNDP Standard 6 is triggered and the SESP checklist for the project has been amended to reflect this.

2.4.1.3 Meeting the requirements of Standard 6

For projects that may affect indigenous peoples, mitigation and management measures are typically contained in an Indigenous Peoples Plan, which acts like an ESMP but focused on IPs. However as almost all the population of the outer islands and atolls of RMI can be considered IPs, then the

requirements of the plan can be met through the Project Document and associated safeguard documents in particular this ESMP, the Stakeholder Engagement Plan (SEP) and Grievance Redress Mechanism (GRM).

The project is meeting the requirements of Standard 6 Indigenous Peoples through the key project documentation and Table 3 below summarizes these requirements and how they are being met by the project.

Requirements of Standard 6	How the ACWA Project is meeting the requirements
<p>Respect for domestic and international law: Ensure respect for domestic and international law regarding rights of indigenous peoples. Do not participate in a project that violates the human rights of indigenous peoples as affirmed by Applicable Law and the UN Declaration on the Rights of Indigenous Peoples (UNDRP) (Requirement 4)</p>	<p>The SESP and EIA process have assessed risks associated with this project and determined that the project does not violate human rights.</p> <p>The project will meet both domestic and international law. The relevant laws have been included into the ESMP.</p>
<p>Identification of indigenous peoples: Identify indigenous peoples who may be affected by project activities utilizing a range of criteria.</p>	<p>The assessments have determined that the majority of Marshallese, particularly those living on the outer islands and atolls, can be considered as Indigenous Peoples.</p> <p>Refer ESMP Table 2.</p>
<p>Land, territory and resources: Recognize rights of indigenous peoples to lands, territories and resources. Include measures to promote such recognition when necessary for project activities. (Requirement 6)</p>	<p>All land is privately owned by Marshallese citizens through complex family lineages. No land is publicly owned and although expropriation is allowed for in law it is not applied in practice.</p> <p>As noted before all Marshallese on the outer islands and atolls are considered Indigenous Peoples as thus all land is owned by Marshallese. The Traditional Rights Court deals with customary law and land disputes.</p>
<p>Legal personality: Recognize rights of indigenous peoples to legal personality. Include measures to promote such recognition when necessary for project activities. (Requirement 7)</p>	<p>The project is compliant with RMI law which ensures individual rights.</p> <p>The SEP is inclusive and includes a Grievance Redress Mechanism that can be used by any person or group of persons.</p>
<p>Involuntary resettlement: Prohibit forcible removal of indigenous peoples from lands and territories and ensure no relocation without free, prior and informed consent (FPIC) (Requirement 8)</p>	<p>The project does not require any resettlement.</p>
<p>Full, effective and meaningful participation: Ensure full, effective, meaningful participation of affected indigenous peoples throughout the project cycle and seek FPIC on any matters that may affect the rights</p>	<p>The project has been designed in consultation with communities and will be implemented through and with community-based water committees.</p>

Requirements of Standard 6	How the ACWA Project is meeting the requirements
<p>and interests, lands, territories, resources, and traditional livelihoods (Requirement 9) (also relocation and appropriation of cultural heritage)</p>	<p>The Stakeholder Engagement Plan (SEP) provides the frameworks and guidelines for ongoing consultation and feedback mechanisms.</p> <p>The SEP contains requirements for FPIC and the procedures for obtaining this prior to any project's activities on the outer islands and atolls.</p> <p>The PMU and project Board – the Project Steering Committee – includes Marshallese. The staff working directly with communities on the outer islands are exclusively Marshallese, fluent in the local language and the vast majority local people unable to communicate in English. The IPs issue and project response have been workshopped by the Marshallese staff (in their language) and modified per their comments and suggestions.</p>
<p>Prior social and environmental assessment: Ensure prior social and environmental impact/assessment if the project may affect the rights, lands, territories, and resources of indigenous peoples (Requirement 10)</p>	<p>Assessments have been undertaken to study the effects of the project and Indigenous Peoples were involved in these assessments.</p> <p>The assessment outcomes are publicly available documents.</p>
<p>Appropriate benefits: Ensure equitable sharing of benefits in culturally appropriate manner (Requirement 11)</p>	<p>The project will ensure improved resilience of water supplies on the outer islands and atolls by improving both private and community infrastructure. One of the design criteria is to ensure this results in equitable access to drinking water.</p> <p>The capacity building activities are mainly community-based or to serve the requirements of island communities. These activities will benefit all Marshallese. The eligibility criteria for project interventions is based on a thorough technical analysis of needs, complemented with a community participation component (no exclusion risks).</p>
<p>Support rights implementation: Support countries to implement their human rights duties and obligations regarding the rights of indigenous peoples (Requirement 12)</p>	<p>The project and all its planning, guidance, and safeguards all support human rights.</p> <p>Leading by example the project is assisting GoRMI to implement their human rights duties and obligations.</p>
<p>Special considerations: Pay particular attention to the rights and special needs of women and girls and marginalized indigenous peoples; respect, protect and promote rights of uncontacted or voluntarily isolated</p>	<p>The inclusion of women and youth, particularly girls, is a project design criterion.</p> <p>A Gender Equality and Social Inclusion guideline and procedure is to be prepared for</p>

Requirements of Standard 6	How the ACWA Project is meeting the requirements
peoples; respect, protect and conserve cultural heritage of indigenous peoples and ensure FPIC before use or appropriation (Requirement 13)	implementation by the project. Specific project indicators will be measured and monitored.
Indigenous Peoples Plan: Develop Indigenous Peoples Plan (IPP) for projects that may affect rights lands, territories, and resources of indigenous peoples. IPP summarizes potential impacts and documents culturally appropriate mitigation measures (Requirement 14)	<p>As all Marshallese on the outer islands and atolls are Indigenous Peoples rather than separate, discrete groups, the project has incorporated the components usually contained in an IPP into the overall project documents, in particular the safeguards documents.</p> <p>This avoids the considerable duplication which would occur with a separate IPP.</p>
Monitoring: Ensure participatory approach to verifying the project is designed in a manner consistent with Standard 6 and ensure arrangements for participatory joint monitoring of project implementation with indigenous peoples.	<p>As previously noted, all Marshallese are considered IPs.</p> <p>The project ESMP includes requirements for monitoring implementation of mitigation measures as well as social impacts. The Stakeholder Engagement Plan requires recording/monitoring of all consultation activities and feedback/complaints.</p>

Table 3: Meeting the requirements of Standard 6

3. SCREENING OF NEW OR CHANGED PROJECT ELEMENTS

The UNDP SES and GCF Environmental and Social Safeguards (ESS) applies to all phases of the project, therefore, during project implementation, it may be necessary to screen any new or significantly modified sub-activities prior to implementation.

For all project activities, screening will be done against the UNDP SESP. Any activities that meet the criteria of the Exclusion List (below) will not be considered further.

3.1.1 Exclusion List

1. No activities considered potentially “high-risk” when screened using the UNDP SESP will be permitted.
2. In addition, project activities will be screened against the following “negative list” or “exclusion list”. The following sub-projects or activities will be deemed ineligible for the project if they:
 - Involve significant conversion or degradation of natural habitats and/or may cause measurable adverse impacts to critical natural habitats;
 - Risk the introduction of alien and potentially invasive alien species;
 - May negatively affect endangered species;
 - Involve physical or economic displacement of people;
 - Could result in damage or loss to cultural heritage;
 - Do not meet minimum design standards (as set by the Chief Technical Advisor) with poor design or construction quality, particularly if located in vulnerable areas; or
 - Required or involve
 - Production or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements;
 - Purchase, application or storage of harmful pesticides or hazardous materials;
 - Production or activities involving forced labour/ harmful child labour;
 - Production or trade in wood or other forestry products from unmanaged forests;or
 - Trade in wildlife products regulated under CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora).

3.1.2 Screening process

This section sets out a process, as described below to determine the potential risk of associated environmental and social impacts, and associated mitigation options, for screening new or amended sub-projects and associated elements during project implementation.

The process consists of the following steps:

- Step 1: in developing the Terms of Reference, the new or amended activities shall be screened and categorized, with a decision made to proceed with further project formulation, or to “design out” potential adverse impacts, by modifying the proposal to

ensure it remains within Moderate or Low risks categories and to identify relevant safeguards instruments.

Sub-projects will be screened against RMI Law as part of Step1. Activities will be assessed against EPA requirements to determine whether an ESAP will be required.

- Step 2: Preparation of required safeguards instruments (ESIA and/or ESMP) including stakeholder consultations, as necessary.
- Step 3: Review of prepared safeguards instruments as per RMI law and UNDP/GCF safeguards policies; additional stakeholder consultations as deemed necessary.
- Step 4: Disclosure of approved instruments locally and on UNDP's website. In the case of moderate risk activities, the ESIA and/or ESMP will be disclosed at least 30 days in advance of the approval decision. The reports will be submitted to GCF and made available to the public via electronic links in both UNDP's and the GCF's websites, as well as in locations convenient to affected peoples as per the requirements of UNDP and GCF Information Disclose Policies and Section 7.1 of (Information Disclosure) of GCF Environmental and Social Policy.
- Step 5: Implementation to include monitoring, reporting and remedial measures with ongoing consultations and community engagement.

4. ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

As noted in the previous section, the ACWA project has been screened against the UNDP SES, and a number of moderate risks were identified using the UNDP SESP.

The areas identified to have moderate risk included:

- General construction impacts e.g., noise, dust, impacts on groundwater, etc.
- Generation of waste from replaced rainwater harvesting materials and construction works
- Duty-bearers do not have the capacity to meet their obligations in the Project
- The population of RMI can be considered Indigenous Peoples (per UNDP SES Standard 6)
- Ownership of groundwater wells in project locations
- Extreme climate events such as typhoons or king tides

Other potential risks include:

- Potential to cause adverse impacts to habitats
- Possibility to affect land tenure arrangements and/or community-based property rights
- Possibility to affect community relationships by introducing project resources
- Consumption of raw materials, energy and/or water
- Water storages become breeding places for disease vectors such as mosquitos
- Construction/operational health and safety risks
- Cultural Heritage-potential indirect impacts due to consequential development

The UNDP SES does not require a full ESIA to be prepared for projects of moderate risk, however, RMI law required a Preliminary Environmental Assessment (PEA). The findings of the PEA were reviewed by EPA and it was determined that an Environmental Impact Assessment (EIA) would not be required. The following documents were submitted to the EPA for the PEA process.

- Project Document (ProDoc)
- Funding Proposal (FP)
- Environmental Social Management Framework and Social Management Plan (ESMFMP)
- Drafted Environmental and Social Management Plan (ESMP)
- Social and Environmental Screening Sheet (SES)
- Atoll Profiles
- Feasibility Study (FS)
- Feasibility Study Annex (FSA)
- 2020 ACWA Baseline Survey Report

Although this review process determined that the current proposed project activities do not require an Environmental Impact Assessment, the ACWA project will provide regular updates on the project status and report any changes, and subsequent screening, to the current Project Document.

5. ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

This section identifies the key environmental and social management practices to be applied during project implementation, in order to address identified risks and impacts, as well as responsible parties and monitoring arrangements.

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• **Table 1 - Environmental and Social Management Plan for ACWA Project**

ESMP Program	Impact / Risk Description	Environmental and Social Management Practices	Responsibilities	Monitoring and Evaluation	Supervision
Flora and Fauna	Avoid negative impacts on flora and fauna derived by construction activities.	<ul style="list-style-type: none"> Limit vegetation clearing and minimize habitat disturbance through adequate protection and management of retained vegetation Minimize disturbance to mature remnant vegetation, particularly canopy trees. Revegetate disturbed areas using native and locally endemic species that have high habitat value. Rescue any injured fauna during construction 	<p>ACWA Site Coordinators:</p> <ul style="list-style-type: none"> train all personnel in flora and fauna practices and requirements keep records on site activities related to flora and fauna inspect construction 	<p>Indicators: number of trees removed; number of trees revegetated</p> <p>Records: records on vegetation clearing area and tree clearing number; records on revegetation activities (extent, species used, etc.); Training records for site personnel on flora/fauna protection (induction training)</p>	<p>ACWA PMU</p> <p>EPA</p>
Groundwater	Avoid decrease in quality or quantity of groundwater resources as a result of construction activities.	<ul style="list-style-type: none"> Ensure that wells have lids that fit snugly. Latches may be required to secure against entry by small children. Consider whether lids require facilities to lock, alternatively well surrounds may be securely fenced to prevent entry of small children and animals. During construction, ensure wells are fenced off to prevent unauthorized entry to area. Prevent contaminated surface water from entering aquifers via boreholes and wells 	<p>ACWA Site Coordinators:</p> <ul style="list-style-type: none"> train all personnel in groundwater protection practices and requirements inspect construction 	<p>Indicators: number of incidents involving potential leakage or spills that may impact groundwater</p> <p>Records: incidents involving leakage or spills; Training records for site personnel on</p>	<p>ACWA PMU</p> <p>EPA</p>

[Type here]

ESMP Program	Impact / Risk Description	Environmental and Social Management Practices	Responsibilities	Monitoring and Evaluation	Supervision
		- protect from runoff and flooding and keep surrounds clean.	ACWA Field Engineering Associates: <ul style="list-style-type: none"> Install high-visibility barrier fencing on all work sites prior to any installation activity Ensure surroundings of wells are clean and bunds limit surface runoff 	groundwater protection	
Noise and Vibration	Avoid nuisances by noise and damage by vibration derived from construction activities.	<ul style="list-style-type: none"> Ensure equipment and machinery is regularly maintained and appropriately operated Carry out potentially noisy construction activities during daytime hours only Conduct operator training to improve awareness of the need to minimize excessive noise in work practices and implementation of alternatives. 	ACWA Site Coordinators: <ul style="list-style-type: none"> train all personnel in noise awareness practices inspect construction 	Indicators: community complaints related to noise Records: Training records for site personnel on noise and vibration practices	ACWA PMU EPA

[Type here]

ESMP Program	Impact / Risk Description	Environmental and Social Management Practices	Responsibilities	Monitoring and Evaluation	Supervision
			ACWA Field Engineering Associates: use power tools during daytime hours only maintain and operate equipment appropriately		
Waste Management	Prevent pollution from inadequate disposal of solid waste.	<ul style="list-style-type: none"> Separate waste streams shall be maintained at all times i.e. general domestic waste, construction & demolition (C&D) waste, and special waste The personnel must be duly trained to differentiate these three groups of waste, for their correct management. Any contaminated waste shall be disposed of at an approved facility. The burning or burial of any type of waste generated during the construction period, whether household or special, solid, or liquid, nor the dumping of any type of waste into water or soil will be permitted. Disposal of waste shall be carried out in accordance with the Government of RMI requirements. Special waste must be stored in suitable containers according to the substance and 	ACWA Site Coordinators: <ul style="list-style-type: none"> train all site personnel in waste management practices inspect construction verify waste disposal is following requirements ACWA Field Engineering Associates: Dispose of waste in identified waste disposal area following disposal requirements	Indicators: <ul style="list-style-type: none"> volumes of C&D and special waste generated Records: Training records for site personnel on waste management practices; Reports by Site Coordinators certifying that special and C&D waste was adequately disposed by Field Engineering Associates.	ACWA PMU EPA

Commented [KD2]: Federico, evidence of disposal will be very challenging to obtain in the locations where we are working. i.e. Typical institutions existing on these islands are Schools (some), churches and clinics so obtaining will be very challenging. I'd suggest that the Site Coordinators in their daily/weekly report certify that material was disposed of by Field Engineering Associates following requirements. Would that suffice?

Commented [FS2R2]: Many thanks for the comment, which further adapts the ESMP to the local reality of project implementation. I edited accordingly.

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ESMP Program	Impact / Risk Description	Environmental and Social Management Practices	Responsibilities	Monitoring and Evaluation	Supervision
		managed as hazardous waste, in accordance with current legislation			
Community Social, Health, and Safety Impacts	Impacts on neighbouring population due to nuisances derived by the construction activities, or health and safety impacts resulting from the construction activities.	<ul style="list-style-type: none"> • Consultation with nearby residents in advance of construction activities, particularly if noise generating construction activities are to be carried out outside of 'daytime' hours: 7am-5.30pm. Ensure high-visibility barrier fencing is erected on all worksites during installation activities. • Set up a Grievance Redress Mechanism [described separately] • Gender Based Violence: require all community workers to sign and adhere to a Code of Conduct (see guidelines in Annex A of this ESMP) 	<p>ACWA Site Coordinators:</p> <ul style="list-style-type: none"> • lead information and consultation efforts with affected residents • train all workers in Code of Conduct • keep GRM records <p>ACWA Field Engineering Associates:</p> <p>Install high-visibility barrier fencing on all work sites prior to any installation activity</p>	<p>Indicators:</p> <ul style="list-style-type: none"> • percentage of complaints managed as per the GRM procedure over the total number of complaints generated • number of incidents (environmental, social, etc.) involving community health and safety <p>Records:</p> <p>GRM records</p>	ACWA PMU
Occupational Health and Safety		<ul style="list-style-type: none"> • Workers must be trained in the use of equipment and machinery, and in the procedures to carry out activities safely • Workers should be provided all Personal Protective Equipment (PPE) needed for their tasks, and should be trained in the appropriate use and limitations 	<p>ACWA Site Coordinators:</p> <ul style="list-style-type: none"> • train site workers in Occupational Safety aspects before the start of the works 	<p>Indicators:</p> <ul style="list-style-type: none"> • total number of occupational incidents • number of severe occupational incidents, including fatalities 	ACWA PMU

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ESMP Program	Impact / Risk Description	Environmental and Social Management Practices	Responsibilities	Monitoring and Evaluation	Supervision
		<ul style="list-style-type: none"> Conduct 5-minute safety talks each day prior to the start of work. The topics will be programmed based on the risks of the activities carried out. 	keep occupational health and safety records	<p>Records: Occupational Health and Safety records</p>	
Environmental and Social Training Plan	Minimize lack of knowledge about the role of personnel in the preservation, protection and conservation of the environment and occupational safety in the exercise of their functions.	<ul style="list-style-type: none"> Carry out construction planning training and training prior to the start of work on each island/atoll and after it has begun, with contents adjusted to the requirements of the different works with environmental implications, and emergency Training should include, at a minimum: <ul style="list-style-type: none"> Basic induction in environmental protection Waste management Emergency planning Code of Conduct Flora and fauna aspects Noise and vibration Groundwater protection Radiological risk (Enewetak only) 	<p>ACWA Site Coordinators:</p> <ul style="list-style-type: none"> Conduct training and informative meetings for community workers Keep training records <p>ACWA Area Coordinators: Train and supervise Site Coordinators</p>	<p>Indicators:</p> <ul style="list-style-type: none"> Percentage of personnel trained in accordance to the E&S Training Plan <p>Records: Worker training records</p>	ACWA PMU
Contingency Plan	Prevent human, economic and environmental losses associated	<ul style="list-style-type: none"> Comply with and enforce the general and special regulations, rules, procedures and instructions on health, hygiene, and occupational safety Define the response plan for emergencies that may occur 	<p>ACWA Site Coordinators:</p> <ul style="list-style-type: none"> train workers in Emergency preparedness <p>keep emergency incidents records</p>	<p>Indicators:</p> <ul style="list-style-type: none"> Number of environmental and health accidents managed in accordance with the defined 	ACWA PMU

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ESMP Program	Impact / Risk Description	Environmental and Social Management Practices	Responsibilities	Monitoring and Evaluation	Supervision
	with an emergency situation.	<ul style="list-style-type: none"> Carry out training on emergency preparedness and response for all workers Provide First Aid kits, personal protective equipment and fencing for all construction sites Work in wells: consider requirements in event of a rescue being required – wells may include steps/hand grips, ladder or rope/float kept nearby When working on Enewetak ensure DoE protocols are followed if a worker is suspected to have been exposed to radioactivity 		<p>procedure / Total number of environmental and health accidents that occurred in the project.</p> <p>Records: Emergency incidents records</p>	
Radioactivity on Enewetak Atoll	Prevent harm to workers and beneficiaries associated with radiological risk on Enewetak Atoll.	<ul style="list-style-type: none"> Undertake radiological testing following NNC protocol of existing roofs, tanks and ground in potential project locations to ensure interventions are safe for beneficiaries. Seek endorsement from RMI National Nuclear Commission (NNC) prior to installation. Exclude Enewetak from groundwater interventions. Do not undertake any interventions that would require excavation or removal of topsoil. Use only imported aggregate/sand for construction. 	<p>ACWA Site Coordinators:</p> <ul style="list-style-type: none"> Conduct training with all Enewetak workers on radiological risk <p>Field Engineering Associates:</p> <ul style="list-style-type: none"> Do not excavate ground on Enewetak <p>Use only imported aggregate for construction</p>	<p>Indicators:</p> <ul style="list-style-type: none"> Percentage of Enewetak personnel trained in radiological risk Percentage of sites endorsed by the National Nuclear Commission <p>Records: Worker training records</p>	<p>ACWA PMU</p> <p>EPA</p> <p>NNC</p>

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ESMP Program	Impact / Risk Description	Environmental and Social Management Practices	Responsibilities	Monitoring and Evaluation	Supervision
		<ul style="list-style-type: none">Carry out training on radiological risk and control measures prior to installation activities on Enewetak Atoll following Department of Energy (DoE) protocol.		Radiological testing records Endorsement letter from NNC	

6. IMPLEMENTATION

6.1 GENERAL MANAGEMENT STRUCTURE AND RESPONSIBILITIES

The project is being implemented following the **UNDP’s Direct Implementation Modality (DIM)** at the request from the Government of RMI and the GCF National Designated Authority.

Under the DIM arrangement, the UNDP assumes overall management responsibility and accountability for project implementation. Project organization structure is shown in Figure 2. The key roles are discussed below.

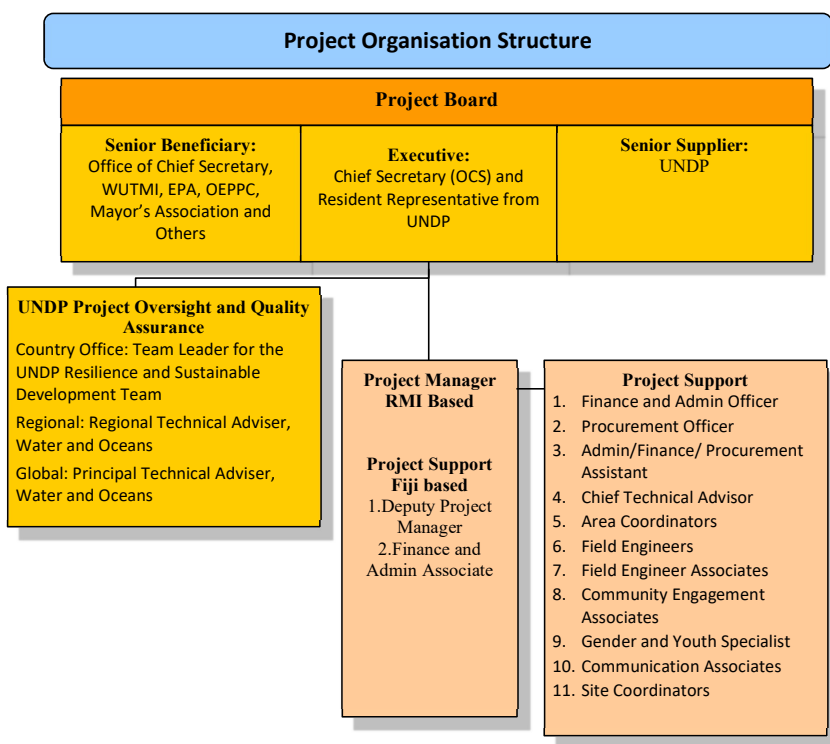


Figure 2 Project organisation structure

6.1.1 Project Board

The Project Board is comprised of Implementing Partner and Responsible Parties.

The Project Board (PB) will be co-chaired by UNDP’s Resident Representative and the Chief Secretary from Office of the Chief Secretary (OCS) or their designates. The PB is comprised of the Office of Chief Secretary, Environmental Protection Authority (EPA), NDA (Climate Change Directorate), Weather Service Office (WSO), Ministry of Public Works, National

Disaster Management Office, Ministry of Culture and Internal Affairs (MOCIA) Gender Office, Marshall Islands Mayors Association (MIMA), International Organization for Migration (IOM), Women United Together Marshall Islands (WUTMI).

EPA, WSO, and the 24 Municipal Governments are the Senior Beneficiaries. The Project Board meets twice a year and is responsible for approving, by consensus, the Annual Work Plan prepared by the Project Manager, and making management decisions when guidance is required by the Project Manager. The Project Manager's decisions will be made in accordance with standards that shall ensure management for development results, best value money, fairness, integrity, transparency and effective international competition. In case a consensus cannot be reached within the Board, final decision shall rest with the UNDP Resident Representative.

UNDP participates in the PB as Senior Supplier to represent the interests of the parties which provide funding and/or technical expertise to the project (designing, developing, facilitating, procuring, implementing). The senior supplier's primary function within the Board is to provide guidance regarding the technical feasibility of the project. The senior supplier role must have the authority to commit or acquire supplier resources required. If necessary, more than one person may be required for this role.

6.1.2 Project Manager

The Project Manager (PM) will run the project, under guidance of the Project Board and day-to-day supervision by UNDP and GoRMI within the conditions laid down by the PB. The PM function will end when the final project terminal evaluation report and other documentation required by the GCF and UNDP have been completed and submitted to UNDP.

The PM is responsible for day-to-day management and decision-making for the project within the Annual Work Plan approved by the PB and reviewed by UNDP. The PM's main responsibility is to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified constraints of time and cost. The Project Manager will have a matrix reporting arrangement to the UNDP Pacific Office and the GoRMI.

6.1.3 Project Support

The PM will be part of and supported by the Project Management Unit (PMU) which comprises of a group of project-financed staff.

The PMU will be located in Majuro, with several staff members outposted in the UNDP Pacific Office. The PMU will be responsible for supporting the PM in carrying out day-to-day activities of the project, the overall operational and financial management, and liaison with relevant stakeholders for the project. The PMU will be located within the EPA.

A number of staff categories – Field Engineer Associates and Site Coordinators will be contracted through EPA to facilitate employment.

6.1.4 Project Assurance

The 'project assurance' function of UNDP is to support the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate

project management milestones are managed and completed. Project assurance must be independent of the PM and the PMU; therefore, the Project Board cannot delegate any of its assurance responsibilities to the Project Manager. Furthermore, as the Senior Supplier, UNDP provides quality assurance for the project; ensures adherence to the NIM guidelines and ensures compliance with GCF and UNDP policies and procedures.

A UNDP Program Officer, or M&E Officer, the typically holds the Project Assurance role on behalf of UNDP.

6.2 PROJECT DELIVERY AND ADMINISTRATION

6.2.1 Project Delivery

The project will be delivered on the ground by the UNDP. In addition, collaboration with the atoll municipal governments, existing NGOs and local communities is expected. **Local community members will provide essential labour** to assist in the installation of the works as their “in-kind” contribution to the project.

6.2.2 Administration of Environmental and Social Management Plan

As the implementing agency, UNDP will be responsible for the implementation of this ESMP.

The ESMP identifies potential benefits and risks to the environment and society through the projects and outlines strategies for managing those benefits and risks and minimizing undesirable environmental and social impacts.

The EPA and ACWA PMU staff will be responsible for the **supervision** of the ESMP. The UNDP will gain the endorsement of the EPA and will ensure the ESMP is adequate and implemented. The PMU will ensure timely remedial actions are taken by the responsible parties where necessary.

The ESMP will be part of any construction tender documentation - if any. The UNDP will be responsible for the revision or updates of this document during the course of work. It is the responsibility of the person to whom the document is issued to ensure it is the most up to date version.

The UNDP is accountable for the provision of specialist advice on environmental and social issues for environmental and social monitoring and reporting. The UNDP or its delegates will assess the environmental and social performance of the team in charge of delivering each component throughout the project and ensure compliance with the ESMP.

During construction, the **Site Coordinators** and **Field Engineering Associates** will be accountable for **implementation of the ESMP**.

Personnel working on the projects have accountability for preventing or minimizing environmental and social impacts.

All project personnel will attend an induction that covers health, safety, environment, and cultural requirements. All workers engaged in any activity with the potential to cause serious environmental harm (e.g., handling of hazardous materials) will receive task specific environmental training.

Commented [KD3]: Federico, I suggest that we remove reference to the Water Committees being accountable for implementation of the ESMP as the role of the water is more operation and maintenance after construction. Suggest as well we include the Field Engineering Associates, who along with the Site Coordinators will be the project staff on each island for the duration of construction..

Commented [FS3R2]: Well noted, thanks!

The ACWA PMU will be responsible for the revision or updates of this document during project implementation. It is the responsibility of the person to whom the document is issued to ensure it is current by contacting the ACWA PMU to obtain any updates.

The ACWA Area Coordinators are the persons who are designated as responsible for community engagement on the outer islands and atolls whilst the ACWA Site Coordinators are the persons who are designated as responsible for community supervision of the sites and who are authorized to initiate actions onsite.

The Area Coordinators will be responsible for ensuring the appropriate introductory approaches are made to the atoll communities, the establishment of the community-based water committees **and direct supervision of the Site Coordinators.**

The **Site Coordinators** will be responsible for regular environmental inspections of the construction sites working closely with **Field Engineering Associates** and community water committees. The ACWA PMU will verify these inspections by undertaking regular audits.

The Site Coordinators will maintain and keep all administrative and environmental records, which include a log of complaints together with records of any measures taken to mitigate the cause of the complaints.

The Site Coordinators will be responsible **for ensuring all atoll-level project activities are executed in compliance with this ESMP.**

The UNDP as the implementing agency will be responsible for ensuring **overall** implementation and compliance with this ESMP by means of collaborating with responsible parties the **establishment of appropriate administrative systems, record keeping, monitoring, and regular site audits.**

Chief Technical Advisor, Field Engineers, Water Governance Coordination Specialist, Area Coordinators and Community Engagement Associates will provide support and oversight to the Site Coordinators to assist them with carrying out their ESMP responsibilities.

The ultimate responsibility for ensuring the safeguards policies are complied with lies with the Project Manager.

6.2.3 Environmental incident reporting

Any incidents, including non-conformances to the procedures of the ESMP are to be recorded using an Incident Record and the details entered into a register. For any incident that causes or has the potential to cause material or serious environmental harm, the Site Coordinator shall notify the Project Manager as soon as possible. The Field Engineering Associate and Site Coordinator must cease work until remediation has been completed as per the approval of the PMU.

6.2.5 Daily and weekly environmental inspection checklists

A daily environmental checklist is to be completed at each work site by the relevant site coordinator and maintained within a register. A weekly environmental checklist is to be completed and will include reference to any issues identified in the daily checklists completed. The

Commented [KD4]: Federico, as above I suggest that the site coordinators have this responsibility as they are ACWA project staff. Water committees responsibility is focused operation and maintenance. Being a voluntary committee my thoughts are they are potentially not accountable.

Commented [FS4R2]: Well noted, thanks. I also searched for other references in the document to water committees and edited accordingly to tone down the responsibility for ESMP implementation.

completed weekly checklist is to be forwarded to the PMU for review and follow-up if any issues are identified.

6.2.6 Corrective Actions

Any non-conformances to the ESMP are to be noted in weekly environmental inspections and logged into the register. Depending on the severity of the non-conformance, the site coordinator may specify a corrective action on the weekly site inspection report. The progress of all corrective actions will be tracked using the register. Any non-conformances and the issue of corrective actions are to be advised to the PMU.

6.2.7 Review and auditing

The ESMP and its procedures are to be regularly reviewed by UNDP staff and the EPA. The objective of the review is to update the document to reflect knowledge gained during the course of project delivery/construction and to reflect new knowledge and changed community standards (values).

The ESMP will be reviewed, and amendments made if:

- There are relevant changes to environmental conditions or generally accepted environmental practices; or
- New or previously unidentified environmental risks are identified; or
- Information from the project monitoring and surveillance methods indicate that current control measures require amendment to be effective; or
- There are changes to environmental legislation that are relevant to the project; or
- There is a request made by a relevant regulatory authority; or
- Any changes are to be developed and implemented in consultation with UNDP Staff and EPA.

When an update is made, all site personnel are to be made aware of the revision as soon as possible e.g. through a tool box meeting or written notification.

6.3 TRAINING

As UNDP is the implementing agency, UNDP standards will apply, this includes environmental and social policies. Capacity building of various RMI entities, both government, private sector (eg contractors and suppliers), and community so that environmental and social requirements can be met. The project includes capacity building at a number of levels: PMU / CWC / SOPs etc.

Site coordinators have the responsibility for ensuring systems are in place so that relevant workers are aware of the environmental and social requirements for construction, including the ESMP.

All project personnel will attend an induction that covers health, safety, environment and cultural requirements.

All workers engaged in any activity with the potential to cause serious environmental harm (e.g. handling of hazardous materials) will receive task specific environmental training.

6.4 RECORDS

Environmental and social management records will include, but not be limited to:

- ESMP
- Stakeholder engagement records
- Complaints and grievance redress actions
- Environmental/Emergency Incident Records
- Occupational Safety Records
- Training Records

7. Annex A: Code of Conduct

ACWA PMU shall develop and implement a Code of Conduct for Site Personnel to be included in employment contracts. Its objective is to take the necessary measures and precautions to avoid the generation of gender, social, political, cultural or racial conflicts, and to prevent tumult or disorder on the part of the construction personnel, as well as for the preservation of order, the protection of the inhabitants and the security of public and private property within the area of influence of the project.

This Code prohibits harassment, violence or exploitation, and racism. It must be applied during the working day and outside it, by all the people involved in the project.

Sanctions, fines or dismissals will be applied for non-compliance or infringement of the established rules of conduct, depending on their degree of severity.

All construction personnel, regardless of their level of hierarchy, must attend talks and training on the Code.

ACWA PMU must implement for all workers, at least two activities on non-discrimination and gender equity, focused on the following topics: 1) Sexual exploitation of children and adolescents including labor and criminal consequences; and 2) Relationship between men and women at the work level.

Example of Individual signed commitment:

I, _____, acknowledge that sexual exploitation and abuse (SEA) and sexual harassment (SH), are prohibited. As an (employee/contractor) of the ACWA Project, I acknowledge that SEA and SH activities on the work site, the work site surroundings, or the surrounding community constitute a violation of this Code of Conduct. I understand SEA and SH activities are grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit SEA and SH may be pursued if appropriate.

I agree that while working on the project I will:

- Treat all persons, including children (persons under the age of 18), with respect regardless of sex, race, color, language, religion, political or other opinion, national, ethnic or social origin, gender identity, sexual orientation, property, disability, birth or other status.
- Commit to creating an environment which prevents SEA and SH and promotes this code of conduct. In particular, I will seek to support the systems which maintain this environment.
- Not participate in SEA and SH as defined by this Code of Conduct and as defined under (country) law (and other local law, where applicable).
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual contact or activity with anyone below the age of 18. Mistaken belief regarding the age of a child is not a defense. Consent from the child

Commented [KD5]: Federico, as part of our indicators we also need to collect data on the Gender and Age of those participating in installation activities. In the signature block can you also put a line for gender and age?

Commented [FS5R2]: Added to the signature block, thanks.

is also not a defense. I will not participate in actions intended to build a relationship with a minor that will lead to sexual activity.

- Not solicit/engage in sexual favors in exchange for anything as described above.
- Unless there is the full consent by all parties involved, recognizing that a child is unable to give consent and a child is anyone under the age of 18, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” under this Code.

I commit to:

- Adhere to the provisions of this code of conduct both on and off the project site.
- Attend and actively partake in training courses related to preventing SEA and SH as requested by my employer.

If I am aware of or suspect SEA and SH, at the project site or surrounding community, I understand that I am encouraged to report it to the Grievance Reporting Mechanism (GRM) or to the Site Coordinator. The safety, consent, and consequences for the person who has suffered the abuse will be part of my consideration when reporting. I understand that I will be expected to maintain confidentiality on any matters related to the incident to protect the privacy and security of all those involved.

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

- Informal warning or formal warning
- Additional training.
- Loss of salary.
- Suspension of employment (with or without payment of salary)
- Termination of employment.
- Report to the police or other authorities as warranted.

I understand that it is my responsibility to adhere to this code of conduct. That I will avoid actions or behaviors that could be construed as SEA and SH. Any such actions will be a breach this Individual Code of Conduct. I acknowledge that I have read the Individual Code of Conduct, do agree to comply with the standards contained in this document, and understand my roles and responsibilities to prevent and potentially report SEA and SH issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Gender: _____

Age: _____

Date: _____

