

Terms of Reference (ToR) and Scope of Services

REPUBLIC OF CROATIA Ministry of Culture

Project Preparation Advance – CROATIA NATURE PROTECTION INVESTMENT PROJECT (CNPIP)

Project Preparation Advance IBRD No. P4500-HR

Consulting services – Environmental Assessment and Development of a Resource Access Restriction Process Framework

1. Background

The Republic of Croatia has received a Project Preparation Facility (PPF) Advance from the International Bank for Reconstruction and Development (IBRD) to support the preparation of a proposed Croatia Nature Protection Investment Project (CNPIP). The CNPIP is intended to be a key vehicle for a multi-year program to help expand and support Croatia's preparation for European Union (EU) integration in the Nature Protection Sector. EU Accession requires an expanded ecological network beyond the core National and Nature Parks to be protected and aligned with EU Nature Protection Legislation; the Bird and Habitat Directives. Based on these Directives, EU members are obliged to determine areas important for conservation of endangered species and habitats. Access to EU grant post-accession funds for nature protection will depend on a strong proactive capacity to identify opportunities, and on strengthened inter-governmental discourse and coordination to agree on beneficial approaches. The over-arching goal of the proposed CNPIP is to support Croatian authorities' efforts on EU integration in nature protection. The Ministry of Culture (MoC), as governmental body responsible for nature protection in Croatia will implement the PPF.

The project will support technical assistance, training and capacity building for preparation of Management Plans and elaboration of Action Plans for National Parks and Nature Parks and, to a more limited extent, for the county level Public Institutions responsible for Nature Protection. Support for planning will include inventory and data collection, assistance with problem analysis, business planning and document preparation, and workshops and other activities to ensure effective stakeholder participation in the planning process. A special effort will be placed on helping to establish one or more Marine Protected Areas (MPAs), as this has been identified as both a national and EU priority (e.g. Marine Directive).

The project will also finance investments (technical assistance, equipment and works) to support implementation of priority Action Plans, including: expanded and improved visitor service infrastructure to enhance safety and accessibility (including for visitors with special needs) and encourage increased visitation in under-utilized areas; strengthened management and supervision services; improved interpretation and education facilities and programs; equipment and facilities for research and monitoring in support of Protected Areas (PA) management objectives; development of cultural heritage resources within and around PAs; and marketing and promotion of PAs as tourism destinations. Action plan investments will mainly target National Parks and Nature Parks, but may be extended to other sites within the wider NEN with completed Management Plans, where this is a priority for achieving national and local conservation objectives.

The project will help strengthen fire prevention, monitoring, and control efforts led by parks in their role as first responders and as a vehicle for public education. It will help finance specific priority infrastructure improvements such as reconstruction of firebreak roads, automated telemetry equipment for early detection and warning, fire fighting equipment adapted to park vehicles, and training and public awareness. Priority will be placed on most vulnerable coastal and island protected areas.

The project will support capacity building and a menu of small community grants to help simultaneously meet nature protection and rural development objectives, while promoting local benefits to populations surrounding or living within protected areas. Grants would be administered across the three main eco-regions of Croatia with the assistance of decentralized grant facilitation teams. Specifically, this component would support three different types of grants:

1. Individual Conservation and Rural Revitalization Grants (up to Euro 25,000) to local stakeholders to develop or expand economic activities, education, or research programs compatible with nearby PA management objectives;
2. LEADER model Integrated Community and Business Grants (up to Euro 100,000) will support a coherent package of small scale public and/or private investments;
3. Pilots of incentive payments for conservation-oriented land use. These grant payments will help secure implementation of activities that are important for PA management but that are not profitable for local populations (win-lose activities).

In accordance with the World Bank's safeguard policies and procedures OP/BP 4.01 on Environmental Assessment the NPIP Project has been classified as an environmental category B project. Since the project may require involuntary restriction of access to natural resources in legally designated protected areas a Resource Access Restriction Process Framework for the project in accordance with OP/BP 4.12 on Involuntary Resettlement will be developed.

2. Objective

The purpose of the reports outlined by this TOR is to carry out an Environmental Assessment (EA) and a Development of a Resource Access Restriction Process Framework (RAR/PF) of the proposed Nature Protection Investment Project. The purpose of the EA is to produce an a) Environmental Management Plan (EMP) for known investments, and b) define procedures for environmental screening and assessment for small community grants; and the purpose of the RAR/PF is to define the process of identifying and mitigating the possible adverse impacts of restrictions placed on natural resource access for Project Affected People (PAPs) in the protected area (PA) zones.

This ToR describes the assignment that an EA Consultant/firm accredited in Croatia by the Ministry of Environment, Physical Planning and Construction (MEPPC) is expected to carry out in order to complete NPIP project preparation before the formal appraisal by the Bank. The purpose of the EA is to ensure that the proposed investments implemented through the Project comply with the existing environmental protection laws, regulations and standards in Croatia as well as with the World Bank's Operation Policies and Practices; and will not have a lasting adverse impact on the country's population, the natural environment or assets of particular cultural heritage value. More specifically the assignment entails, but is not necessarily limited to, the following purpose:

For the EA part of assignment:

- a. Participating in meetings with the government project team and a consultant which will be responsible for identification of First Phase Investment Needs. Determine the basic environmental baseline condition at project sites;
- b. Suggest procedures for small grants environmental screening, scoping, and assessment. In addition define procedure for review, approval, disclosure and implementation monitoring of environmental due diligence documents.
- c. Assess the environmental impact of the construction and operation of the planned infrastructure/ physical investments;
- d. Identify cost related to mitigation measures and monitoring activities;
- e. Participate as part of the government project team in discussions with the World Bank team during project preparation/pre-appraisal/appraisal/negotiation as needed;
- f. Identify, compile and collate materials necessary to draft the Project EA based on interviews, document analysis, site visits, etc; and
- g. Consult the public and main stakeholders in relation with the project benefits and the related environmental and social issues.

For the RAR/PF part of assignment:

- a. Participating in meetings with the government project team and a consultant which will be responsible for carrying out a social assessment which would provide baseline information necessary for development of the RAR/PF.
- b. Identify, compile and collate materials necessary to draft the Project RAR/PF based on interviews, focus groups, survey data, document analysis, site visits, secondary data on livelihoods or patterns of resource usage etc; and
- c. Consult with the public, with a particular focus on affected communities in the vicinity of National Parks, Nature Parks, and other Protected Areas, and with main stakeholders in relation with the Project RAR/PF.

The assignment calls for an experienced consulting firm that shall be able to provide a team of experts possessing the experience in different environmental areas, including environmental policy, and is able to perform an EMP for a wide range of facilities.

3. EA Requirements/Regulations

The EA should be done in accordance with Croatian and World Bank's environmental policies, policies on physical planning and construction and relevant international environmental agreements/conventions to which the country is a party. These may include the following laws (listed) and their secondary legislation (not listed) but are not limited to:

Croatian environmental/cultural heritage/physical planning/ construction legislation: Environmental Act, Nature Protection Act, Regulation on Environmental Impact Assessment, Regulation on Appropriate Assessment, Laws and regulations related to National and Nature parks, Water Act, Ordinance on Informing the Public and Participation of Public and Stakeholders in Environmental Protection Issues, Law on Protection of Cultural Heritage, Law on Archaeological Excavation, Law on Physical Planning and Construction.

World Bank policies:

- World Bank Operational Policy 4.01: Environmental Assessment,
- World Bank Operational Policy 4.04: Natural Habitats Policy, All physical investments within protected areas will be done in accordance with the park and environmental management plans.
- World Bank Operational Policy 4.11: Physical and Cultural Resources, The policy is applicable because the project will support re-furbishment of cultural monuments identified as priority to protected areas. The physical and cultural resources issues should be covered within the scope of EMP
- World Bank Operational Policy 4.12: Involuntary Resettlement; The project may require involuntary restriction of access to natural resources in legally designated protected areas; a Resource Access Restriction Process Framework for the project will be developed by the EA Consultant.
- World Bank Operational Policy 4.35: Forests; This policy potentially applies as the construction of some physical investments might require very small forest cleaning. Forest management issues should be covered within the scope of EMP
- World Bank Operational Policy 7.50: International Waters; This policy potentially applies however the project does not trigger the formal notification requirement of this policy because it will not support any infrastructure involved in abstraction of water. The project will support data collection and planning for marine protected areas in Croatian waters of the Adriatic Sea, which could involve water resource surveys, which are eligible for exemption from the notification requirement. A determination of need for exemption approval will be sought.
- World Bank Pollution and Abatement Handbook (1998) and Disclosure Handbook (December, 2002);

4. Deliverables

The EA should cover all reconstruction and construction activities planned under the project as well as good management practices for operation of the same facilities in the operation phase. In addition, the EA should cover environmental due diligence procedures for small community grants. The Consultant will deliver an EMP, the detailed description of which is identified in Annex 1, which will:

- Describe the environment characteristics of the Project/site(s);
- Document relevant regulations and identify authorities with responsibility for their enforcement;
- Provide the description and assessment of the Project's potential impact and effects;
- Develop a preliminary mitigation measures plan in the form of an Environmental Management Plan (EMP) if needed;
- Recommend EIA-related actions to be taken as part of further project preparation.

Within the same EA the consultant will deliver Environmental due diligence procedures for small grants as described in Annex 2.

The RAR/PF should cover the project components potentially associated with restrictions of access, the people likely to be affected, and the participatory processes by which the project was prepared and will be implemented. It should provide guidelines on the criteria for determining “affected people”, the form of mitigation measures included in the project design for vulnerable people, the institutional arrangement implementing these mitigation measures, how conflicts will be resolved, and monitoring and evaluation procedures (the detailed description of the RAR/PF is in Annex 3). It should also include an annex detailing consultations conducted in the course of preparing the RAR/PF.

Paper copies of all reports shall be submitted to the Client in Croatian and English. A CD-ROM containing an electronic version shall be included in every paper copy of any submitted Final Report.

The first draft of the EA shall be delivered in 4 working copies in English and Croatian 30 calendar days after the receipt of the First Phase Investment Needs which documents all Project related relevant works. The first draft of the RAR/PF as well as the environmental due diligence documents shall be delivered in 4 working copies in English and Croatian 30 calendar days after the receipt of all relevant inputs from the consultant which will be responsible for carrying out a social assessment which would provide necessary baseline information.

The drafts will be reviewed by the reviewing team appointed by Ministry of Culture through the Project Coordination Unit. The Client will provide comments on all reports, as deemed appropriate, within two weeks after their submission. Changes requested and/or wishes expressed by the Client in these comments shall be duly considered by the Consultant and the updated version of reports should be delivered one week after the consultants receipt of Clients comments.

After the final approval of the contents of the documentation at the meeting with the official representative of the World Bank, the consultant shall submit 4 additional copies of the documentation and 2 copies on CD, in Croatian and in English. After the final public consultation, the final version of the documentation should reflect the changes and as such should be resubmitted to the World Bank.

5. Reporting and Liaison

For the tasks detailed in Annex 1, 2 and 3 below, the Consultant will in cooperation with MoC if needed visit the project locations and will be in constant coordination with appropriate local government authorities (Energy, Water, Environment, Physical Planning – location permit) and for collecting and reviewing necessary environmental (location) and social data (e.g., location, noise; air, water, traffic flow; land use and cultural heritage aspects, land ownership, etc.) that could update the existing documents and prepare accordingly the project EA and RAR/PF. During the project site visit particular attention should be paid to the local public (affected people) views on environmental, cultural heritage and social effects imposed during the proposed construction investments and their operation.

The draft EA and RAR/PF report providing sufficient information on impacts, measures, monitoring and potential drawbacks of the report presented to the public and publicly discussed, will be submitted in English and Croatian.

The Consultant will report to the MoC, who will assign technical counterparts for day to day work and liaison.

6. Duration of Assignment

The assignment is expected to be for about 60 calendar days. The expected start date is on or about February 15, 2010 and the expected end-date is about April 15, 2010. The contract may be extended depending on necessity, resource availability and performance.

7. Qualifications and Experience

The Consultants (company) shall demonstrate experience of implementing similar assignments, e.g. EA, EMP, RAR/PF development for projects financed by international financial institutions (IBRD, EBRD, etc) and large foreign companies.

The EA and RAR/PF requires interdisciplinary analysis. The Consultant's team shall include professionals covering all skills and relevant experience required to carry out the described tasks. The Consultant's team should possess the following qualifications, experience and skills:

- Proven cumulative experience of EA, EMP, RAR/PF development for projects financed by international financial institutions (IBRD, EBRD, etc) and large foreign companies (particular attention will be on assignment-related contracts completed during last three years);
- Knowledge of the current Croatian environmental legislation and procedures as well as the World Bank safeguards policies, including experience on organizing public consultations.
- The team may include the following experts: (i) project leader (civil or environmental engineer or similar with experience in environmental management); (ii) environmental engineer/specialist with expertise in nature protection; (iii) environmental and social specialist;
- The key personnel should have advanced degree in environmental policy/science, economics, engineering, social or relevant discipline;
- Ability to work as part of a high-performing and multi-disciplinary team, often operating under tight deadlines and timetables;
- Excellent oral and written communications skills in both Croatian and English, including the ability to prepare reports, presentations and briefing materials.

Annex 1:

Environmental Management Plan

Task 1.

Describe the proposed project. The consultant should provide description of location for all construction sites. The Consultant should provide as well a brief description of the relevant components of the project, using maps (at appropriate scale) where necessary, and including the following information on specific site: historical ownership data, size, pre-rehabilitation and rehabilitation / construction activities, projected schedule, staffing and support, facilities and services, operation and maintenance activities, required off-site investments (access roads, etc.). This chapter, if applicable, should have excerpts from physical planning documentation or location permit.

MoC will provide to the Consultant copies of all the relevant technical documentation available (i.e. location permits, designs, etc.). The Consultant shall be responsible for identifying all necessary data that are missing in previous studies and are required for the complete description of the proposed new project.

Task 2.

Description of the Environment (baseline conditions). The Consultant will review, evaluate and present baseline data on the relevant environmental characteristics within the chosen site area taking into account the present activities. Specifically, the baseline conditions should include information on physical environment (noise, traffic, air emission sources, water supply, etc.), meteorology and socio-cultural environment.

Task 3.

Legislative and Regulatory Considerations. The Consultant shall review new government legislation, decisions and/or guidance notes relevant to the environment quality, health and safety, waste management, hazardous substance storage and handling; noise emissions; protection of sensitive areas and endangered species, public information; cultural heritage etc. determining their relevance to the project. The Consultant shall assess the institutional arrangements for EMP including the mechanisms and responsibilities. This should include a review of institutional capacity for the supervision and enforcement of EMPs during construction and operation.

Task 4.

Determination of the Potential Impacts of the Proposed Project. The Consultant shall identify significant positive and negative impacts, direct, indirect and cumulative impacts, and immediate and long-term impacts related to the construction phase of the proposed facilities as well as during their operation phase. A special attention should be put to identify impacts that are unavoidable or irreversible. Opportunities for environmental enhancement should be explored and good construction practices identified. For this task, the Consultant will review the environmental aspects presented in the Location permits and the other relevant environmental technical documents relevant for the chosen sites. Based on this review, the Consultant will generate the overall updated environmental impacts specifically related to all proposed project investments.

Impacts during construction phase may focus on, but are not limited to: contamination of surface and groundwater by use of fuels, construction materials, and transport activity; soil

contamination; hazardous and non hazardous waste storage and disposal; recycling of demolition materials where feasible; noise and air emissions; workers health and safety.

Impacts during the operation phase may include analysis on: impact from solid and hazardous waste management.

The Consultant shall propose mitigation measures and affiliated costs for each of the above identified impacts that will represent the content/summary of a Mitigation and Monitoring Plan for the overall project during its construction as well as the operation phases. The Mitigation and Monitoring Plan is part of the overall project Environmental Management Plan (Task 6).

Task 5.

Development of Mitigation and Monitoring Plan. The Consultant shall prepare clear Mitigation Plan and Monitoring Plan according to the Bank requirements on the OP 4.01. The EMP should clearly present costs affiliated with proposed mitigation and monitoring actions as well as the institutions responsible for the EMP implementation.

The Mitigation Plan shall present the mitigation measures related to prevent or reduce the possible project environmental impacts. The mitigation plan should define the key environmental issues which should be managed; describe specific mitigating measures to manage each possible impact, including specific actions to be achieved; identify the authorities responsible for mitigation implementation and presents associated estimated costs for each measure. Mitigation measures should be feasible and practical as well as easily observed and checked. Proposed format of Mitigation plan is attached.

The Monitoring Plan should propose a plan of feasible actions to monitor the implementation of the mitigation measures proposed in the Mitigation Plan and the impacts of the project during the construction and operation. The Monitoring Plan should include an estimate of costs required to successfully implement such plan as well as the parties responsible to carry out this plan. The Monitoring Plan should ensure that the project is complying with National environmental regulatory requirements and WB Safeguard requirements. It should also addresses concerns which may rise during the public consultation. Proposed formats for Monitoring plan are attached.

The overall project EMP shall be prepared in such way that Mitigation and Monitoring Plan (and Institutional Arrangements for Monitoring and Mitigation Plan and Strengthening) could be easily integrated in the tender documents for the Contractors who will perform the proposed civil works affiliated with the project investments. This will assure proper implementation of such EMP during the course of the project civil works.

Task 6.

Institutional Arrangements for Monitoring and Mitigation Plan and Strengthening. The consultant should describe how the overall environmental management system works during the project implementation (construction and operation phases) and who is responsible to implement it. In addition the following responsibilities need to be allocated: who will supervise the implementation of Mitigation Plan, who will collect the data from the Monitoring Plan; who will analyze the data to produce information; who will prepare reports and how often indicating how recommended actions are being taken, and who will receive the reports and act upon them.

Also, the EMP should include proposed staffing and training requirements related to EMP implementation, institutional needs, and other necessary support for proper EMP implementation. The strengthening should be done through a) Monitoring equipment to be provided (purchase or rental) as needed to implement the Monitoring Plan (specify number of units, type, cost), b) Training for mitigation actions and for monitoring, training for general environmental management (specify details of type of training, number/identity of staff to be trained, duration, location, costs).

Task 7.

Assist in Inter-Agency Coordination and Public/NGO Participation. The Consultant will assist MoC in coordinating the EMP with relevant agencies and stakeholders and MoC will consult with affected groups likely to be affected by the proposed project and with local NGOs on the environmental and social aspects of the proposed project. These groups will be consulted / informed at least once. EMP should be presented in a public place accessible to affected groups and local NGOs meaning in the municipalities where the physical investments are located, and public consultation of the draft should be held in each participating city. All issues raised by the public should be addressed in the final document.

EMP report should be concise and limited to significant environmental issues. The main text should focus on findings, conclusions and recommended actions, supported by summaries of the data collected and citations for any references used in interpreting those data. Detailed or uninterrupted data are not appropriate in the main text and should be presented in appendices or a separate volume. The consultant should organize the report according to the outline below. A variation of the content may be needed to satisfy national requirements. The Bank would give its no objection to draft report.

Mitigation Plan suggested format:

	Project Activity	Potential Environmental Impacts	Proposed Mitigation Measures(s) (including legislation/regulations)	Institutional Responsibility (including enforcement/coordination)	Cost Estimates
Pre-Construction Phase	1) 2) 3)				
Construction Phase	1) 2) 3)				
Operation and Maintenance Phase	1) 2) 3)				

Proposed Mitigation Measure	Parameters to be Monitored	Location	Measurements (incl. Methods & equipment)	Frequency of Measurement	Responsibilities (incl. review and reporting)	Cost (equipment & individuals)
Pre-Construction Phase						
Construction Phase						
Operation and Maintenance Phase						
Total Cost for all Phases						

	What	Where	How	When/By whom	Costs
Potential Environmental Impacts	<i>Parameter is to be monitored?</i>	<i>Is the parameter to be monitored?</i>	<i>Is the parameter to be monitored?</i>	<i>Is the parameter to be monitored?</i>	

Annex 2:
Environmental due diligence procedures for small grants

Task 1. Describe the proposed small grant schemes. For each scheme consultant should define the eligibility and potential types of project to be financed under NPIP. MoC will provide to the Consultant necessary background documentation. Compare the potential type of projects against World Bank safeguard policies and Croatian EIA legislation

Task 2. Taking into account both World Bank safeguard policies, as well as Croatian environmental legislation, the consultant shall define procedures for investment covered by grants preparation. The task should include checklist or forms for simple project screening / scoping. The consultant should propose content of environmental due diligence documents which result from scoping and screening and define the consultation, disclosure requirements.

Task 3. The consultant should propose institutional arrangements for reviewing and approving environmental due diligence documents. The Consultant should also include an assessment of capacity needs for those institutions responsible for implementing the procedures in terms of training, monitoring equipment, consultancy services etc.

Task 4. Implementation monitoring. For environmental due diligence documents the consultant will define procedures for follow ups and reporting requirement. All the procedures would be incorporated into the Project Operation Manual

Task 5. The Consultant will assist MoC in coordinating the procedures (with the EMP) with relevant agencies and stakeholders and MoC will consult with affected groups likely to be affected by the proposed project and with local NGOs on the environmental and social aspects of the proposed project.

Annex 3:

Resource Access Restriction Process Framework

Policy Requirements

Projects affecting local communities in terms of their access to local resources need to be prepared with care and with the participation of affected communities. The requirements of the World Bank's policy include:

1. The development of a project-specific Process Framework during project preparation that describes the project and implementation process, including: (a) how specific components of the project were prepared and will be implemented; (b) how the criteria for eligibility of affected persons will be determined; (c) how measures to assist the affected persons in their efforts to improve or restore, in real terms, to pre-displacement levels (during the CNPIP implementation there will be no Involuntary Resettlement), their livelihoods while maintaining the sustainability of the park or protected area will be identified; and (d) how potential conflicts involving affected persons will be resolved. It also provides a description of the arrangements for implementing and monitoring the process.
2. The development of a Plan of Action during project implementation that describes the agreed restrictions, management schemes, measures to assist the displaced persons and the arrangements for their implementation. This could be in the form of a natural resources or protected areas management plan.

Preparation of a Process Framework

Participation of affected communities is the key element of the Process Framework. Affected communities have the right to participate in deciding the nature and scope of restrictions and the mitigation measures.

Affected communities should also participate in the drafting of the Process Framework. Typically, the Consultant will prepare a draft Framework that will then be shared and discussed with local communities and other relevant stakeholders. Based on the consultations, a final Framework will be prepared. The MoC and the World Bank may provide guidance on development of the Framework and will review and approve the final Framework prior to approving the final project proposal application.

The level of details of the Framework may vary depending on project activities, characteristics of restrictions and their impacts, and the number of persons affected. In some cases, the Consultant may prepare a simple Framework with input from local communities, leaving more detailed analysis for implementation. In more complex or larger projects, the preparation of the Framework may be supported by social analysis or surveys during preparation to assess the local context, particularly the circumstances of local communities and their land and natural resource use and management systems.

Content of the Process Framework

The Process Framework will describe the project and how restrictions of access to natural resources and measures to assist affected communities will be determined with the participation of affected communities. The Process Framework should include the following elements:

A. Project background

The Framework will briefly describe the project and local context, how the project was prepared, including the consultations with local communities and other stakeholders, and the findings of any social analysis or surveys that informed design. It will describe project activities and potential impacts from these.

B. Participatory implementation

This section will detail the participatory planning process for determining restrictions, management arrangements, and measures to address impacts on local communities. The roles and responsibilities of various stakeholders and the methods of participation and decision-making should be described; decision-making may include the establishment of representative local structures, the use of open meetings, and involvement of existing local institutions. Methods of consultation and participation should be in a form appropriate to local needs.

Decisions should be based on well-founded understandings of the biological and socioeconomic contexts. It is thus common to include some form of participatory social assessment to inform the decision-making process. Such an assessment could develop a more in-depth understanding of: (a) the cultural, social, economic, and geographic setting of the communities in the project areas; (b) the types and extent of community use of natural resources, and the existing rules and institutions for the use and management of natural resources; (c) identification of village territories and customary use rights; (d) local and indigenous knowledge of biodiversity and natural resource use; (e) the threats to and impacts on the biodiversity from various activities in the area, including those of local communities; (f) the potential livelihood impacts of new or more strictly enforced restrictions on use of resources in the area; (g) communities' suggestions and/or views on possible mitigation measures; (h) potential conflicts over the use of natural resources, and methods for solving such conflicts; and (i) strategies for local participation and consultation during project implementation, including monitoring and evaluation.

Similarly, biological and ecological assessments are commonly undertaken to develop a well-founded understanding of existing biodiversity and natural resources and threats to these. Threats analysis is a useful tool to ascertain that restrictions will be informed by real threats rather than assumptions about the impacts from local communities' natural resource use practices, which sometimes can be viewed in stereotypical ways.

It is important to also pay particular attention to land tenure issues, including traditional land rights and obligations and use of natural resources by different local communities. For instance, areas used to collect non-timber forest products and for shifting cultivation, including fallow areas, under traditional farming systems should not be exposed to restrictions unless this is necessary for the conservation of important biodiversity and appropriate agreements with local communities can be made.

C. Criteria for eligibility of affected persons

The Framework describes how the local communities will participate in establishing criteria for eligibility for assistance to mitigate adverse impacts or otherwise improve livelihoods. In cases with significant consultations and social analysis during preparation, these criteria may be included in the Framework. However, in most cases they will be developed, or at least refined, during implementation. This would typically be done as part of a participatory social assessment process described above.

The eligibility criteria would determine which groups and persons are eligible for assistance and mitigation measures, not groups affected by the project. That is, the criteria may exclude certain persons or groups from assistance because their activities are clearly illegal, unsustainable, and destructive (e.g. wildlife poachers, dynamite fishers). The criteria may also distinguish between persons utilizing resources opportunistically and persons using resources for their livelihoods, and between groups with customary rights and non-residents or immigrants.

The Framework should identify vulnerable groups and describe what special procedures and measures will be taken to ensure that these groups will be able to participate in, and benefit from, project activities. Vulnerable groups are groups that may be at risk of being marginalized from relevant project activities and decision-making processes, such as groups highly dependent on natural resources, forest dwellers, Indigenous Peoples, 2 groups or households without security of tenure, mentally and physically handicapped people or people in poor physical health, and the very poor.

D. Measures to assist the affected persons

The Framework should describe how groups or communities will be involved in determining measures that will assist affected persons in managing and coping with impacts from agreed restrictions. The common objective is to improve or restore, in real terms, to pre-displacement levels, their livelihoods while maintaining the sustainability of the park or protected area. However, in some circumstances affected communities may agree to restrictions without identifying one-for-one mitigation measures as they may see the long-term benefits of improved natural resource management. They may also forego practices in place of obtaining more secure land tenure and resource use rights. Possible measures to offset losses may include:

- Special measures for the recognition and support of customary rights to land and natural resources.
- Transparent, equitable, and fair ways of more sustainable sharing of the resources;
- Access to alternative resources or functional substitutes;
- Alternative livelihood activities;
- Health and education benefits;
- Obtaining employment, for example as park rangers or eco-tourist guides; and
- Technical assistance to improve land and natural resource use.

These measures should be in place before restrictions are enforced, although they may be implemented as restrictions are being enforced. The Plan of Action should be approved by MoC and the World Bank before implementation.

E. Conflict resolution and complaint mechanism

The Framework should describe how conflicts involving affected persons will be resolved, and the processes for addressing grievances raised by affected communities, households or individual regarding the agreed restrictions, criteria for eligibility, mitigation measures and the implementation of these elements of the Process Framework.

The roles and responsibilities concerning conflict resolution and grievances of different stakeholders, including the Grantee, affected communities and relevant government agencies, will be described. The roles of mediation entities or institutions will be described. The procedures should take into account local dispute resolution practices.

F. Implementation Arrangements

The Framework should describe the implementation arrangements. The roles and responsibilities concerning project implementation of different stakeholders, including the grantee, affected communities, and relevant government agencies, will be described. This includes agencies involved in the implementation of mitigation measures, delivery of services and land tenure, as appropriate and to the extent that these are known at the time of project preparation.

Monitoring and evaluation arrangements will also be described in the Framework, with more specific details for the Plan of Action designed during implementation. The Framework should include a budget for its implementation.

Plan of Action

During implementation, a Plan of Action is developed together with affected communities to describe the agreed restrictions, management schemes, measures to assist the displaced persons and the arrangements for their implementation. The action plan can take many forms. It can simply describe the restrictions agreed to, persons affected, measures to mitigate impacts from these restrictions, and monitoring and evaluation arrangements. It may also take the form of a broader natural resources or protected areas management plan.

The following elements and principles may be included in the plan, as appropriate:

- Project background and how the plan was prepared, including consultations with local communities and other stakeholders;
- The socio-economic circumstances of local communities;
- The nature and scope of restrictions, their timing as well as administrative and legal procedures to protect affected communities' interests if agreements are superseded or rendered ineffective;
- The anticipated social and economic impacts of the restrictions;
- The communities or persons eligible for assistance;
- Specific measures to assist these people, along with clear timetables of action, and financing sources;
- Protected area boundaries and use zones;
- Implementation arrangements, roles and responsibilities of various stakeholders, including government and non-government entities providing services or assistance to affected communities;
- Arrangements for monitoring and enforcement of restrictions and natural resource management agreements;
- Clear output and outcome indicators developed in participation with affected communities;
- Special measures concerning women and vulnerable groups;
- Capacity building of the grantee or other implementing agencies;
- Capacity building activities for the affected communities to enhance their participation in project activities;

- Grievance mechanism and conflict resolution taking into account local dispute resolution practices and norms; and
- Participatory monitoring and evaluation exercises adapted to the local context, indicators and capacity. Monitoring will include the extent and significance of adverse impacts as well as the outcome of mitigation measures.

Disclosure

A draft Process Framework is shared with (potential) affected communities to inform them about the project and get their input to project design and the Framework. Once the project, with the Process Framework, has been approved, the final Framework is again disclosed locally.

The Plan of Action is prepared with the participation of affected communities. A draft should be disclosed together with the findings of any social analysis that may inform the plan in a culturally appropriate manner to the persons affected by the project. Language is critical and the Framework should be disseminated in the local language or in other forms easily understandable to affected communities – oral communication methods may be needed to communicate the proposed plans to affected communities.

After the MoC and the World Bank has reviewed and approved the Plan of Action, the MoC discloses the final plan to affected communities and other stakeholders.