

Annex L: UNDP Social and Environmental Screening Procedure

Part A. Integrating Overarching Principles to Strengthen Social and Environmental Sustainability

QUESTION 1: How Does the Project Integrate the Overarching Principles in order to Strengthen Social and Environmental Sustainability?

Briefly describe in the space below how the Project mainstreams the human-rights based approach

The objective of the project is to improve the understanding, use, management and protection of coastal aquifers in Republic of Palau, Tuvalu and the Republic of Marshall Islands towards enhanced water security within the context of a changing climate.

Mainstreaming a human rights-based approaches (HRBA) is crucial in this project as it promotes the participation of the Pacific people from the three countries in the decision making processes in the design of this project and ensure that this proposed project provides water services that are tailored to the people's needs, and is provided in partnership with them. The consultations used participatory approaches that enabled people to raise their human rights needs and concerns in relation to water security in changing climate in the Pacific. The consultations increased meaningful participation from the affected people, it provided an opportunity for the duty bearers and project team members to listen to the needs, concerns, human rights issues and will promote ownership for the local people in all the phases of this project (design, planning , implementation , monitoring and evaluation).

This project will mainstream a human rights-based approach by supporting the implementation human rights commitments made by the government of Palau, Republic of Marshall Islands and Tuvalu, specifically to the right to water. Article 11 of the International Covenant on Economic, Social and Cultural rights and General comment 15 reaffirms the right to water, Palau is a signatory and RMI is a state party to this convention. The three countries are state parties to the Convention on the Elimination of all forms of discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC) and Convention on the Rights of Persons with Disability (CRPD). Becoming a state party means the government has a duty to promote, protect and respect the human rights of its citizens, including the human rights to water that entitle every human being to sufficient, safe, accessible and affordable water for personal and domestic use. Article 14 (2) of CEDAW calls on state parties to take all measures to ensure adequate living conditions in relations to housing, sanitation, electricity and water supply are met. Article 24 of the CRC calls on state parties to ensure provision of adequate drinking water and article 28 of the CRPD urge governments to ensure equal access by persons with disability to clean water services, that is accessible, appropriate, affordable. Practically, as stated above, once governments ratify a human rights convention, they are legally obliged to ensure the implementation and provision of the principles of these conventions to realize the human rights of their citizens. Furthermore, this is consistent with the UNGA [HYPERLINK "http://www.un.org/es/comun/docs/?symbol=A/RES/64/292&lang=E"](http://www.un.org/es/comun/docs/?symbol=A/RES/64/292&lang=E) \o "Resolution 64/292" **Resolution 64/292** in July 2010 that explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights. The Resolution calls upon States and international organizations to provide financial resources, help capacity-building and technology transfer to help countries to provide safe, clean, accessible and affordable drinking water and sanitation for all. Additionally, mainstreaming a human rights-based approach support the implementation of SDG 6 on clean water. SPC as an intergovernmental organization supports Pacific Island governments to fulfill their human rights obligations and this project supports the mainstreaming of human rights-based approaches.

This project mainstreams a HRBA by ensuring the government of the three PICs, SPC and donors are accountable to the people to ensure the proposed project results will be relevant to the needs of the people in Tuvalu, Palau and RMI. This project supports the government of the PICs to be accountable to its human

rights commitments by meeting the needs of its people in regard to the right to water security. This project will be beneficial to all the people of the three PICs regardless of their ability, age, status, sex, political opinion property or other status. Marginalized people are given priority to access the proposed services, This project will empower Pacific people from the relevant countries in all their diversities with knowledge and skills in project management, technical skills in managing coastal aquifers, human rights, gender and social environmental responsibilities. Finally, ensuring that all people and the most marginalized equally benefit from the project requires the transformation of social norms. The project will collaborate with the existing SPC SER to analyze the existing harmful social norms and design strategies to address them using a HRBA.

In the early stages of project implementation, a suitable project-level Grievance Redress Mechanism will be established at the project sites to receive and address concerns about the impact of project interventions on external stakeholders. These GRMs will build on existing mechanisms already present within the local government structures and will follow the local decision-making processes through a GESI-sensitive lens to ensure participation of all groups. The establishment and communication of GRMs to the communities will take place during the initial visit to project sites, accompanied by socio-cultural surveys (Output 1.1.1) and community consultations to obtain Free Prior and Informed Consent on the proposed project interventions. SPC has a dedicated email address (complaint@spc.int) for feedback collection, however, a formal grievance form will also be provided to the communities to ensure access to such mechanism (see Annex 2).

Briefly describe in the space below how the Project is likely to improve gender equality and women's empowerment

The project will mainstream gender equity and social inclusion by ensuring the needs and views of women, elderly people, youth, people with disability and the LGBTI communities are fully considered and incorporated at regional, national and community level. Gender transformation will be supported and promoted through the implementation of the Gender Action Plan and achieving its targets, ensuring women actively participate in MCAP decision-making processes, through the provision of training in non-traditional gender occupations, and by reducing women's work burden. Gender parity targets and outputs included in the Gender Action Plan require inclusive and participatory community/island water planning and decision-making processes as well as parity in training and capacity development to ensure women's increased engagement in broader leadership roles and engagement in political processes over time. Social inclusion will be promoted by ensuring that youth are included in aquifer education, conservation and monitoring efforts, noting that many sites will be providing water for boarding schools. In this way, all stakeholders will become more knowledgeable about water resource management, the impacts of climate change and how to safeguard this resource for future generations. The project also supports the inclusion of people with disabilities to ensure their rights and needs are understood and addressed while enhancing disability inclusive water security efforts at island level and community level.

The project Gender Action Plan notes that the project will improve water security and will strengthen women's meaningful participation in WASH planning delivery and monitoring; transform infrastructure and service delivery for gender equality; and improve GESI-related WASH data for more effective monitoring. Ongoing MEL and inquiry questions will ensure that the GAP targets are achieved.

Briefly describe in the space below how the Project mainstreams environmental sustainability

All travel-related CO₂ emissions will be offset through appropriate compensation mechanisms. This will also include the travel of country delegates to attend training sessions, workshops and regional steering committee meetings, which will be recorded as part of the project monitoring procedures

Once the exact locations of project interventions are confirmed upon a consensus reached between the project team and the local communities, an early environmental assessment will be carried out to ensure that the project implementation is not (temporarily or on longer term) impacting critical habitats, endangered species or nearby biodiversity. Preliminary environmental impact assessments will be conducted following the national legislation in the three project countries and more specifically the "EIA Regulations 2014" for Tuvalu, the "EIA Regulations 1994" for RMI, and the "Environmental Impact Assessment Regulations" of the Palau National Constitution (see Annex 1).

A maintenance plan for the installed monitoring and water supply infrastructure will be set up in collaboration with the existing island governance mechanisms (island council, state governments, kaupule). This plan will involve the training of technical officers onsite, as well as the definition of maintenance procedures guidelines to ensure local capacity is optimal in the management of the newly installed water distribution system. The cost related to the water system maintenance will be covered by the project funds throughout the entire project duration. For the long-term sustainability of the project interventions, attention will be given to build local stakeholders ownership over the project outcomes and ensure this cost is embedded before the end of the project in the annual budget of relevant island governance body.

A disposal plan will also be designed, as part of the project activities, in collaboration with local stakeholders and authorities along international legislation. The project will therefore follow the Pacific Waigani convention which Palau, RMI and Tuvalu have ratified, aiming at prohibiting dumping of hazardous waste and ensuring availability of adequate treatment and disposal facilities for its management. The disposal plan, which will be built in collaboration with local project stakeholders and existing waste management technical partners, will ensure all materials imported in the country required for the proposed installations will be disposed appropriately.

Part B. Identifying and Managing Social and Environmental Risks

QUESTION 2: What are the Potential Social and Environmental Risks? <i>Note: Describe briefly potential social and environmental risks identified in Attachment 1 – Risk Screening Checklist (based on any “Yes” responses). If no risks have been identified in Attachment 1 then note “No Risks Identified” and skip to Question 4 and Select “Low Risk”. Questions 5 and 6 not required for Low Risk Projects.</i>		QUESTION 3: What is the level of significance of the potential social and environmental risks? <i>Note: Respond to Questions 4 and 5 below before proceeding to Question 6</i>		QUESTION 6: What social and environmental assessment and management measures have been conducted and/or are required to address potential risks (for Risks with Moderate and High Significance)?
Risk Description	Impact and Probability (1-5)	Significance (Low, Moderate, High)	Comments	Description of assessment and management measures as reflected in the Project design. If ESIA or SESA is required note that the assessment should consider all potential impacts and risks.
Risk 1: The project involves/promotes the abstraction of groundwater	I = 1 P = 5	Low	The project will promote groundwater abstraction as a positive application of sustainable resource development and climate change adaptation approach to enhance resilience against droughts. Groundwater use is promoted as an	The risk of over-abstraction will be mitigated through the development of technical guidance notes to ensure sustainable abstraction and management of the groundwater resource. Monitoring bores will be installed, and monitoring programs implemented to help guide abstraction rates during different climatic scenarios to reduce impacts to aquifers. Aquifer

			alternate water source to shift exclusive reliance on rainwater .	management will be strengthened through the development of numerical groundwater models to ensure groundwater abstraction is performed sustainably. All proposed construction for water supply and for monitoring purposes will be undertaken in accordance with country legislation requirements (see Annex 1).
Risk 2: The project could potentially involve temporary or permanent land loss	I = 3 P = 3	Moderate	A temporary loss of land access due to restrictions may take place as a result of project development (monitoring and groundwater development infrastructure, groundwater protection planning, etc.). Land restriction during installation works would occupy a maximum area of 2,000 m² per horizontal gallery and a maximum area of 500 m² per monitoring bore. Permanent recharge area protection measures to prevent contamination of abstracted groundwater would be developed in collaboration with all beneficiaries following a GESI-sensitive consultation process. Such measures may involve demarcation fencing of the immediate catchment area surrounding the horizontal gallery (maximum of 20,000 m² or 2 hectares) to designate the area where polluting human activities should be avoided or it could just involve the mapping of the protected area.	Approximate locations for the installation of groundwater development infrastructure have been communicated to island and national stakeholders and island communities after the relevant groundwater investigation surveys were conducted over the course of previous projects (NZ MFAT – Atoll Water Security, GEF – Tuvalu Ridge To Reef). During these communications no objections were made and quite the opposite, stakeholders were positive for receiving the news on the presence of useful fresh groundwater supplies. In addition, preliminary consultations with communities and landowners have also been conducted during the project preparation phase. Prior to any construction activities, consultations using established island practices, as well as GESI strategies to extend the reach of consultations, will be undertaken. The consultations will specifically include the detailed proposed construction activities, and identification of the land proposed for development, and the limitations on land use activities post construction. In practice consultations will include details on the process for land clearing compensation, or other areas of compensation, as well as process for securing land use. Informed consent through the established island council processes will be sought. . The project design accounts for project interventions to take place, to the extent possible, outside of human settlements in order to avoid affecting communities. Project design will make sure that loss of land access will not lead to resettlement. If concerns arise during implementation consultations there is scope in the project design for alternate sites to be selected and the selection of new sites will include a GESI-sensitive participatory consultation with all stakeholders.

Risk 3: The project could possibly affect land tenure arrangements	I = 3 P = 2	Moderate	Project sites are located within native land with well-established native land tenure arrangements in place.	During the community consultations planned early during the project implementation land tenure arrangements for the proposed sites will be identified and discussed, being guided by existing national legislation and any relevant island by-laws. Land tenure arrangements will follow the "Falekaupule Act 1997", the "Crown Acquisition of Lands Act 2008", and the "Water Supply Act 1967" for Tuvalu, the "Land Acquisition Act 1986" and the "Planning and Zoning Act 1987" for RMI, and the "Trust Territory Land Planning Act" for Palau (see Annex 1).
Risk 4: Is it likely that certain project interventions will be located on lands and territories claimed by indigenous people	I = 2 P = 5	Moderate	Project sites are located within native land with well-established native land tenure arrangements in place. With regards to what the three project countries define as "indigenous" in their own legislation: <u>Palau</u>: Public Lands – Title 35 defines what land is Public or Alien but does not define indigenous but references indigenous inhabitants throughout the Act, which is indicative of essentially meaning anyone who is not considered Alien. <u>Tuvalu</u>: The Leadership Code Act provides a definition of indigenous as (a) person of whose ancestors at least one is known to have been an inhabitant of the country; and (b) matters derived from or relating to the culture, traditions, and customary laws of such persons; <u>RMI</u>: Only use of the word indigenous comes in their Historic Preservation Act in the context of oral traditions and prehistoric sites of indigenous peoples, and their Public Lands Act makes several references	During this process of consultation any existing land tenure claims will be recorded. Concerns or claims raised will be addressed through the existing country legislation mechanisms. Where agreement cannot be reached, alternate sites will be identified for consideration. Given that the definition of "indigenous" is met for the persons concerned, a Free, Prior, and Informed Consent will be sought to ensure that all peoples concerned have the right to freely pursue their economic, social, and cultural development and to ensure Indigenous Peoples' rights to lands, territories and natural resources.

			to traditional and customary rights over land, but no definition. It is concluded that the criteria for defining the persons concerned in the project SESP as “indigenous” are met.	
Risk 5: The project involves the utilization of natural resources (groundwater) on lands and territories claimed by indigenous people	I = 2 P = 5	Moderate	Project sites are located within native land with well-established native land tenure arrangements in place. The project will promote the use of groundwater as a beneficial approach to climate change and extreme climatic events (droughts). This strategy will be beneficial for the entire communities in the outer islands	The use of groundwater from a chosen site will require a formal agreement between land holders and island council prior to development. Existing country legislation and mechanisms for development of groundwater as a water supply will be adhered to ensure safe and sustainable development of the resource in accordance with existing uses (see Annex 1).
Risk 6: The proposed project interventions may be vulnerable to potential impacts of climate change and extreme climatic conditions	I = 4 P = 2	Moderate	Extreme climate events may impact the implementation of some of the project components. Project interventions are an adaptation intervention to improve the resilience of the community and reduce the potential impacts of climate change and extreme climatic conditions on the community	Although rare, extreme climate events such as flooding and wave inundation may affect the implementation and operation of groundwater development and monitoring infrastructure. The inundation vulnerability mapping that is planned under Output 1.1.1 for each project island will guide the installation of such infrastructure towards the safer areas within each identified groundwater resources, to minimize the risk. The technical guidance notes developed under Component 3 will provide guidance on the management of these interventions during extreme events such as land inundation and drought. Moreover, the planned construction works will follow relevant national legislation procedures (e.g. “Public Water Supply System Regulations” in Palau) and international standards (e.g. Minimum construction requirements for water bores in Australia) to ensure the quality of the installations and minimize the vulnerability to extreme climatic conditions.
Risk 7: The project could potentially result in increased health risks (water-borne)	I = 4 P = 1	Moderate	As groundwater development constitutes part of the project outputs, the risk of developing and	Improving the quality of existing groundwater supply systems is one of the project outputs. As such, any developments of new groundwater resources will ensure the risk to groundwater supply contamination

			using a contaminated source may lead to water-borne diseases.	is minimized. Suitable monitoring schemes will be put in place to ensure groundwater quality does not degrade. Best practice guidelines to reduce contamination risks during construction and operation will be identified and communicated through adequate awareness raising activities.. Adequate communication material and awareness campaigns will be produced during the water system set up so that no health-related risks is triggered.
Risk 8: The project could potentially pose risks related to OH&S due to physical hazards during project construction	I = 4 P = 1	Moderate	As drilling of monitoring boreholes and installation of infiltration galleries are foreseen, these activities could potentially pose OH&S related risks.	Strict OH&S procedures and industry best practices will be used to minimize physical hazards (incl. ISO 45001:2018 and SPC OH&S policy).
Risk 9: The proposed project interventions will potentially result in the generation of non-hazardous waste	I = 1 P = 3	Low	The installation of groundwater development and monitoring infrastructure will potentially result in the generation of non-hazardous waste, including PVC pipes.	A disposal plan for the material brought onsite (PVC pipes etc) will be developed to ensure that the environmental and social impact are minimized. Disposal plans will be part of contractual arrangements with consultants undertaking the installation works.
	QUESTION 4: What is the overall Project risk categorization?			
	Select one (see <u>SESP</u> for guidance)			Comments
	Low Risk			
	Moderate Risk			X
	High Risk			

QUESTION 5: Based on the identified risks and risk categorization, what requirements of the SES are relevant?			
Check all that apply		Comments	
<i>Principle 1: Human Rights</i>	☐		
<i>Principle 2: Gender Equality and Women's Empowerment</i>	☐		
<i>1. Biodiversity Conservation and Natural Resource Management</i>	X		
<i>2. Climate Change Mitigation and Adaptation</i>	X		
<i>3. Community Health, Safety and Working Conditions</i>	X		
<i>4. Cultural Heritage</i>	☐		
<i>5. Displacement and Resettlement</i>	X		
<i>6. Indigenous Peoples</i>	X		
<i>7. Pollution Prevention and Resource Efficiency</i>	X		

Final Sign Off

Signature	Date	Description
QA Assessor		UNDP staff member responsible for the Project, typically a UNDP Programme Officer. Final signature confirms they have "checked" to ensure that the SESP is adequately conducted.
QA Approver		UNDP senior manager, typically the UNDP Deputy Country Director (DCD), Country Director (CD), Deputy Resident Representative (DRR), or Resident Representative (RR). The QA Approver cannot also be the QA Assessor. Final signature confirms they have "cleared" the SESP prior to submittal to the PAC.
PAC Chair		UNDP chair of the PAC. In some cases PAC Chair may also be the QA Approver. Final signature confirms that the SESP was considered as part of the project appraisal and considered in recommendations of the PAC.

SESP Attachment 1. Social and Environmental Risk Screening Checklist

Checklist Potential Social and Environmental Risks	
Principles 1: Human Rights	Answer (Yes/No)
1. Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?	No
2. Is there a likelihood that the Project would have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups? ¹	No
3. Could the Project potentially restrict availability, quality of and access to resources or basic services, in particular to marginalized individuals or groups?	No
4. Is there a likelihood that the Project would exclude any potentially affected stakeholders, in particular marginalized groups, from fully participating in decisions that may affect them?	No
5. Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?	No
6. Is there a risk that rights-holders do not have the capacity to claim their rights?	No
7. Have local communities or individuals, given the opportunity, raised human rights concerns regarding the Project during the stakeholder engagement process?	No
8. Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project-affected communities and individuals?	No
Principle 2: Gender Equality and Women's Empowerment	
1. Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?	No
2. Would the Project potentially reproduce discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?	No
3. Have women's groups/leaders raised gender equality concerns regarding the Project during the stakeholder engagement process and has this been included in the overall Project proposal and in the risk assessment?	No
4. Would the Project potentially limit women's ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services? <i>For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their livelihoods and well being</i>	No
Principle 3: Environmental Sustainability: Screening questions regarding environmental risks are encompassed by the specific Standard-related questions below	
Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management	
1.1 Would the Project potentially cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services? <i>For example, through habitat loss, conversion or degradation, fragmentation, hydrological changes</i>	No
1.2 Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?	No

¹ Prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. References to "women and men" or similar is understood to include women and men, boys and girls, and other groups discriminated against based on their gender identities, such as transgender people and transsexuals.

1.3	Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)	No
1.4	Would Project activities pose risks to endangered species?	No
1.5	Would the Project pose a risk of introducing invasive alien species?	No
1.6	Does the Project involve harvesting of natural forests, plantation development, or reforestation?	No
1.7	Does the Project involve the production and/or harvesting of fish populations or other aquatic species?	No
1.8	Does the Project involve significant extraction, diversion or containment of surface or ground water? <i>For example, construction of dams, reservoirs, river basin developments, groundwater extraction</i>	Yes
1.9	Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	No
1.10	Would the Project generate potential adverse transboundary or global environmental concerns?	No
1.11	Would the Project result in secondary or consequential development activities which could lead to adverse social and environmental effects, or would it generate cumulative impacts with other known existing or planned activities in the area? <i>For example, a new road through forested lands will generate direct environmental and social impacts (e.g. felling of trees, earthworks, potential relocation of inhabitants). The new road may also facilitate encroachment on lands by illegal settlers or generate unplanned commercial development along the route, potentially in sensitive areas. These are indirect, secondary, or induced impacts that need to be considered. Also, if similar developments in the same forested area are planned, then cumulative impacts of multiple activities (even if not part of the same Project) need to be considered.</i>	No
Standard 2: Climate Change Mitigation and Adaptation		
2.1	Will the proposed Project result in significant ² greenhouse gas emissions or may exacerbate climate change?	No
2.2	Would the potential outcomes of the Project be sensitive or vulnerable to potential impacts of climate change?	Yes
2.3	Is the proposed Project likely to directly or indirectly increase social and environmental vulnerability to climate change now or in the future (also known as maladaptive practices)? <i>For example, changes to land use planning may encourage further development of floodplains, potentially increasing the population's vulnerability to climate change, specifically flooding</i>	No
Standard 3: Community Health, Safety and Working Conditions		
3.1	Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?	No
3.2	Would the Project pose potential risks to community health and safety due to the transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?	No
3.3	Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?	No
3.4	Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	No
3.5	Would the proposed Project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?	No
3.6	Would the Project result in potential increased health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?	Yes

² In regards to CO₂, 'significant emissions' corresponds generally to more than 25,000 tons per year (from both direct and indirect sources). [The Guidance Note on Climate Change Mitigation and Adaptation provides additional information on GHG emissions.]

3.7	Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	Yes
3.8	Does the Project involve support for employment or livelihoods that may fail to comply with national and international labor standards (i.e. principles and standards of ILO fundamental conventions)?	No
3.9	Does the Project engage security personnel that may pose a potential risk to health and safety of communities and/or individuals (e.g. due to a lack of adequate training or accountability)?	No
Standard 4: Cultural Heritage		
4.1	Will the proposed Project result in interventions that would potentially adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: Projects intended to protect and conserve Cultural Heritage may also have inadvertent adverse impacts)	No
4.2	Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	No
Standard 5: Displacement and Resettlement		
5.1	Would the Project potentially involve temporary or permanent and full or partial physical displacement?	No
5.2	Would the Project possibly result in economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?	No
5.3	Is there a risk that the Project would lead to forced evictions? ³	No
5.4	Would the proposed Project possibly affect land tenure arrangements and/or community-based property rights/customary rights to land, territories and/or resources?	Yes
Standard 6: Indigenous Peoples		
6.1	Are indigenous peoples present in the Project area (including Project area of influence)?	Yes
6.2	Is it likely that the Project or portions of the Project will be located on lands and territories claimed by indigenous peoples?	Yes
6.3	Would the proposed Project potentially affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples possess the legal titles to such areas, whether the Project is located within or outside of the lands and territories inhabited by the affected peoples, or whether the indigenous peoples are recognized as indigenous peoples by the country in question)? <i>If the answer to the screening question 6.3 is “yes” the potential risk impacts are considered potentially severe and/or critical and the Project would be categorized as either Moderate or High Risk.</i>	No
6.4	Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?	No
6.5	Does the proposed Project involve the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?	Yes
6.6	Is there a potential for forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?	No
6.7	Would the Project adversely affect the development priorities of indigenous peoples as defined by them?	No
6.8	Would the Project potentially affect the physical and cultural survival of indigenous peoples?	No

³ Forced evictions include acts and/or omissions involving the coerced or involuntary displacement of individuals, groups, or communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating the ability of an individual, group, or community to reside or work in a particular dwelling, residence, or location without the provision of, and access to, appropriate forms of legal or other protections.

6.9	Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?	No
Standard 7: Pollution Prevention and Resource Efficiency		
7.1	Would the Project potentially result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?	No
7.2	Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?	Yes
7.3	Will the proposed Project potentially involve the manufacture, trade, release, and/or use of hazardous chemicals and/or materials? Does the Project propose use of chemicals or materials subject to international bans or phase-outs? <i>For example, DDT, PCBs and other chemicals listed in international conventions such as the Stockholm Conventions on Persistent Organic Pollutants or the Montreal Protocol</i>	No
7.4	Will the proposed Project involve the application of pesticides that may have a negative effect on the environment or human health?	No
7.5	Does the Project include activities that require significant consumption of raw materials, energy, and/or water?	No

Annex 1 – Relevant national legislation procedures

Tuvalu

EIA Regulations 2014

3 Forms of environment impact assessment

The procedures for undertaking environment impact assessment shall be:

1. a preliminary environmental assessment report; and
2. a full environment impact assessment.

6 Notification and applications

1. Notify the Department of Environment of the proposed activity
2. Apply for a development consent under these regulations (\$500 fee)

8 Content of Preliminary Environmental Assessment Reports

1. a brief description of the development proposal;
2. a brief description of the area to be affected and the nature of the proposed change to the area (including a location map and site plan);
3. a brief justification for the development proposal;
4. an assessment of all reasonably foreseeable adverse and positive impacts, including long-term and short-term, primary and secondary consequences;
5. an indication of possible alternatives to mitigate any identified adverse impacts; and
6. an indication of measures that the proponent intends to take to mitigate or avoid identified adverse impacts.

10 Approval based on preliminary report

The Minister may give approval to any development activity based upon a preliminary report which the Department has confirmed will not cause any significant adverse impact to the environment. An approval given under this regulation shall be in writing under the hand of the Minister or the Director (acting on the authority of the Minister), and may impose conditions determined by the Department to minimise any adverse impacts to the environment.

Falekaupule Act 1997

48 Acquisition of land

With regards to land acquisition, according to Section 48, a Kaupule may, for the purposes of performing its statutory functions or those of the Falekaupule, acquire by purchase, lease, gift or exchange, any land either within or outside the Falekaupule area.

Functions of Falekaupule

- to provide, erect and maintain a public water supply, and impose water rates in accordance with the Water Supply Act;
- to establish, maintain and control public wells, springs, bathing places, wash houses and swimming pools;

Crown Acquisition of Lands Act 2008

11 Matters to be considered in determining compensation

In determining the amount of compensation to be awarded for land acquired under this Act, the High Court shall take into consideration:

1. the market value of the land at the date of the notice of intention to take such land;
2. the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of taking possession thereof;
3. the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of severing such land from his other land;
4. the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;
5. if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

Water Supply Act 1967

The Minister may by notice appoint a person to be the Authority for the purposes of this Act.

3 Authority may construct aqueducts etc. and enter lands for purpose

The Authority shall have power to make and construct such cuts, channels, feeders, catch-drains, reservoirs, aqueducts, tunnels, pipes, pipe tracks, conduits, filters, trenches, mounds, engines, works and machinery as he may think necessary, proper or convenient for conducting adequate supplies of water, together with such reservoirs and other works as the Authority shall think necessary for securing regularity in the said supplies of water, and to clean, uphold and repair the said works and machinery in all times ensuing, and for any and every such purpose to enter upon, take and use any lands required to be entered, taken or used for such purpose.

4 Authority may enter and survey land, etc.

The Authority may for the purpose of this Act enter into and upon any land or premises other than a dwelling-house and inspect, survey and take levels of the same and set out and ascertain such parts thereof as he shall think necessary and proper for making or erecting any works or machinery authorised by this Act, and may also bore, dig, cut, trench, get, remove, take and convey away and lay earth, clay, stone, rubbish and beds of gravel or sand for making works which may be got in carrying on the said works.

10 Water reserves

Where the Minister considers it necessary for the protection or conservation of any water catchment area, or otherwise to secure to Tuvalu or any part thereof adequate and pure supplies of water, he may by notice declare any area to be a water reserve.

Environmental Impact Assessment (EIA) Regulations 1994

5. Submission of Preliminary Proposal

a) The proponent of each and every proposed development activity shall prepare and submit to the General Manager of the Authority a Preliminary Proposal at the inception of the proposed development activity. The inception of a proposed development activity is the stage at which the proponent has a development goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated.

6. Content of Preliminary Proposal

The Preliminary Proposal shall be submitted on forms supplied by the Authority and shall contain at a minimum the following particulars:

1. WHO -identification and contact information regarding the project proponent and beneficiaries;
2. WHAT -a brief description of the proposed development activity;
3. HOW -a brief description of the methods, materials, and techniques used to accomplish the proposed development activity;
4. WHERE -a brief description of the area to be affected and the nature of the proposed change to the area;
5. WHEN -a statement of the commencement - and completion dates for the proposed development activity;
6. WHY -a brief justification of the purpose and need for the proposed development activity;
7. HOW MUCH -an assessment of the cost of the proposed development activity;
8. IMPACT -a brief statement of possible adverse impacts to the environment, and possible alternatives to mitigate those impacts.

8. Determination of significant effect

If a determination is made that the proposed development activity may have a significant effect on the environment, the General Manager shall notify the proponent in writing that an Environmental Impact Assessment is required.

Land Acquisition Act 1986

§208. Assessment of compensation.

1. Where any land or servitude is taken, the amount of compensation shall include reasonably equivalent land rights for all interest holders or the means to obtain the subsistence and benefits that such land rights provide.
2. Whenever the taking of land or servitude forces those who are dispossessed to live in circumstances reasonably requiring a higher level of support, that fact shall be considered in assessing whether the compensation provided is just.
3. In determining whether compensation for land rights is just, the High Court shall refer the matter to the Traditional Rights Court and shall give substantial weight to the opinion of the Traditional Rights Court.
4. In construing this Section the High Court shall have due regard for the unique place of land rights in the life and law of the Republic.
5. In the event of a dispute to ownership among the persons interested in the land, the High Court shall adjudicate and determine the ownership of the property as part of the

proceedings and determine the apportionment of compensation among the persons interested.

Planning and Zoning Act 1987

An Act that provides for planning of inland water use (among others)

§203. Chief Planner

The National Government Chief Planner may act in his capacity as advisor:

1. to formulate and submit physical development plans to the national government in relation to areas;
2. to formulate land and water use policy in Majuro and other atolls;
3. to advise all local government Councils:
 - (i) in setting environmental standards and preparation of schemes for environmental improvement in municipal areas;
 - (ii) in the formulation of and the execution of housing schemes in such areas;
 - (iii) in the demarcation of zones and areas for better planning, environmental protection and landscaping; and
 - (iv) in technical planning services;
4. to advise on physical planning projects or schemes prepared by any local government Council or any statutory authority.

§208. Planning local areas.

The local government Council may take into consideration in its planning and implementation program the necessity to establish and maintain catchment areas and water reserves for the collection and supply of water

§219. Acquisition of land.

For the purpose of giving effect to the provisions of this Chapter, the National Government may acquire land for the local government Council and the use of such land by the local government Council shall be deemed to be a public use under the Land Acquisition Act 1986

Palau

CHAPTER 2401-61 Environmental Impact Assessment Regulations

2401-61-03 Applicability

An environmental assessment shall be required for any and all actions which propose:

1. the use of national or state lands
2. any use within any historic site as designated by the Palau Historic Preservation Office
3. any proposed action which the Board determines may have a significant impact on the environment

Some classes of actions shall be exempted from preparation of an environmental assessment because they will probably have minimal or no significant effect on the environment:

1. operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.
2. Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.
3. Construction and location of single, new, small facilities or structures and the alteration and modification of same anti installation of new, small equipment and facilities and the alteration and modification of same including water, sewage, electrical, gas telephone and other essential public utility services extensions to serve such structures or facilities

2401-61-05 Contents of EA

An applicant shall prepare all environmental assessment of each proposed action and the (EPQB) Board shall determine whether the anticipated effects constitute a significant impact in the context of 2401- 61 -06 thereby requiring the applicant to submit an environmental impact statement. The environmental assessment shall contain the following information:

1. Identification of applicant;
2. Identification of agencies and organizations consulted in making assessment;
3. General description of the action's technical, economic, social, and environmental characteristics;
4. Summary description of the affected environment, including suitable and adequate location and site maps;
5. Identification and summary of major impacts and alternatives considered, if any;
6. Proposed mitigation measures, if any.

2401-61-06 Significance Criteria

In determining whether an action may have a significant effect on the environment, the Board shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:

1. Involves substantial secondary impacts, such as population changes or effects on public facilities or infrastructure.

2401-61-07 Notice of Determination

If the Board determines that an action requires the preparation of an environmental impact statement, the notice of determination will be considered to be an environmental impact statement preparation notice; or

If the agency determines that an environmental impact statement is not required, the notice shall be considered to be a negative declaration.

Land acquisition and resettlement In Palau (after JICA review in 2017)

It is traditionally considered an honour to transfer right of a land to the government for public purpose. When it is necessary to acquire a land for public purpose, the owner transfers easement to the government and an agreement is exchanged. The government pays maximum efforts to avoid or minimize land acquisition and involuntary resettlement. Although there is no particular law

concerning the transfer of easement and there is no compensation accompanying land acquisition, it is legally effective.

Land ownership other than the Palauan people is not permitted by the Constitution.

The competent authority is Palau Public Lands Authority, which manages all public areas. Bureau of Land and Survey, Ministry of Public Infrastructure, Industries and Commerce, conducts land survey and registration work.

2401-51 PUBLIC WATER SUPPLY SYSTEM REGULATIONS

2401-51-04 Siting Requirements

No person may enter into a financial commitment for or initiate construction of a new water supply system or significantly increase the capacity of or modification to an existing public water supply system, until he has submitted to the Board a notification of intent which shall include a conceptual, descriptive plan with appropriate sketches detailing proposed location, water source/capacity, budget estimates and other data as described in Section 2401-51-06 and the Board has given its approval.

Final drawings and specifications shall be reviewed on the basis of the judged ability of the completed facility to produce water of a quality which meets the standards prescribed by these regulations.

All work performed on a public water supply shall be in accordance with accepted engineering practices, such as the American Water Works Association and the Committee of the Great Lakes, Upper Mississippi River Board of State Public Health and Environmental Managers.

2301-51-06 Notification of Intent

No person may enter into a financial commitment for or initiate construction of a new water supply system or significantly increase the capacity of or modification to an existing public water supply system, until he has submitted to the EQPB the following information, and the Board has given its approval:

1. If well(s): estimated depth, measures to be taken to exclude surface water from wells, kind of pumps to be used
2. Description of proposed water treatment process
3. Number of persons to be supplied at initiation of operation;

Annex 2 – Grievance Mechanism - Complaint Form

To: SPC (designate responsible Division or refer to headquarters),

- by post;
- by email to:

1. We *[insert name(s) and /or name of the institution]* live and/or represent others who live in the project area *[insert name of area, country]*.

2. The following project *[insert name or description of project]* implemented by SPC and *[insert name of executing agency if known]* is a cause for concern:

3. Description of the harm that is, or may be resulting from project activities:

4. Indicate the environmental and/or social safeguards of the SER Policy or related procedures you believe have been infringed and explain why they have not been complied with:

5. List the actions taken to solve the issue(s), including previous contacts with SPC and/or executing agency staff, describe explanations given and (if any) actions proposed, and why these are not considered satisfactory:

6. We request SPC to investigate these matters as part of its commitment to serve the Pacific Islands Community.

7. Signatures: _____ Date: _____

8. Contact address(es), telephone number(s), fax number(s) and email address(es):

9. List of supporting documents and attachments, as appropriate.

Important note: if the complaint is filled by a representative, please provide proof of representation.

