

Local Governance and Service Improvement Project (LGSIP)

Environmental and Social Management Manual (ESMM)

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Abbreviation

ACIP	Annual Capital Investment Plan
ESIA	Environmental and Social Impact Assessment
ESMM	Environmental and Social Management Manual
ESMP	Environmental and Social Management Plan
ESSA	Environmental and Social Systems Assessment
GRM	Grievance Redress Mechanism
JSC	Joint Service Council
LGSIP	Local Governance and Services improvement Program
MDLF	Municipal Development and Lending Fund
MDP	Municipal Development Program
MoLG	Ministry of Local Government
POM	Program Operation Manual
SDIP	Strategic Development and Investment Planning
VLD	Voluntary Land Donation
VC	Village Council

1. Introduction

The Environmental and Social Management Manual (ESMM) is Appendix 4 of the Local Governance and Service Improvement Project (LGSIP). ESMM will provide assistance to Ministry of Local Governorate (MOLG), Municipal Development and Lending Fund (MDLF), the village councils (VC), and the joint service councils (JSC) in implementing sub-activity 1 and sub-activity 2 of the Local Governance and Service Improvement Project (LGSIP) ensuring:

- Promote environmental and social sustainability in the program design, avoid, minimize or mitigate against adverse impacts, and promote informed decision-making relating to a program's environmental and social effects.
- Avoid, minimize or mitigate adverse impacts resulting on natural habitats and physical and cultural resources resulting from the program.
- Protect public safety and the safety of workers against the potential risks associated with: (i) construction and/or operation of facilities or other business practices in the program, (ii) exposure to toxic chemicals, hazardous wastes and other dangerous goods under the program; (iii) reconstruction or rehabilitation of infrastructure in areas prone to natural hazards.
- Avoid land acquisition and loss of access to natural.
- Give due consideration to the cultural appropriateness of, and equitable access to, program benefits, giving special attention to the rights and interests of the Indigenous Peoples and to the needs or concerns of vulnerable groups.
- Avoid exacerbating social conflict .

The ESMM is applicable for both sub-activities 1 and 2 of LGSIP in order to provide a review, analysis and recommendations of the best mitigation measures that the project management teams shall consider during implementation. Furthermore, sectoral ESMP is to be integrated to facilitate ESMM implementation.

2. Project Identification

The Program operational manual verifies the process of project selection under sub-activity 1 and 2 of the investments under LGSIP.

Projects are selected based upon community priorities ; where VC's/ JSC's can select from the VC/JSC Annual Capital Investment Plan (ACIP) or Light strategic Development and Investment Plan (SDIP) as per stated in ESSA . ESSA investigated prospective sectors and size of projects where small- to medium-scale civil works includes upgrading of existing roads, solid waste management, transportation infrastructure such as bus and truck stands, markets, and drains . And no large-scale or high-risk projects are expected, any sub-projects that fail under environmental and social exclusion list as per the Environmental Quality Authority is to be excluded at early stages of identification.

3. Environmental and Social Screening

The ESMM applies for sub-activity 1 and 2 of LGSIP in order to provide a review, analysis and recommendations of the best mitigation measures that the project management teams shall consider during implementation. Furthermore, an ESMP for each sector is to be prepared and integrated to the ESMM.

The Environmental and Social System Assessment (ESSA) highlighted the potential environmental and social benefits, these might vary by LGU depending on the context and investment choices, but community benefits are likely to include reduced environmental degradation and sanitary conditions through improved waste management systems; lower vehicle operating costs, reduced transportation costs, fewer road accidents and reduced traffic congestion as a result of improved road conditions and improved access to public transport services; and reduced risk of flooding and soil erosion as a consequence of drainage improvements. Some negative environmental impacts which are easily mitigated may occur due to the implementation of the rehabilitation and maintenance sub-projects.

ESSA investigated the initial environmental and social screening of the program, the LGSIP will have potential adverse environmental effects include air pollution from dust and exhaust; nuisances such as noise, traffic interruptions, and blocking access paths; water and soil pollution from the accidental spillage of fuels or other materials associated with construction works, as well as solid and liquid wastes from construction sites and worker campsites; traffic interruptions and accidents; and accidental damage to infrastructure such as electric, wastewater, and water facilities. These types of impacts, however, are generally site-specific and temporary.

Environmental and Social Screening of sub-activity 1 will be conducted by MOLG Environmental and Social Staff. For sub-activity 2 MDLF will be responsible on conducting environmental and social screening as part of its teams capacity. **Annex 1** Environmental Screening, and **Annex 2** Social screening shall be used for each project.

Summary list for environmental and social screening under sub-activity 1 shall be prepared and submitted to MDLF, similarly MDLF will prepare the list under sub-activity 2. The summary list to include but not limited (project description, the category, environmental and social safeguards, major environmental and social impacts, mitigation measures, additional notes, etc). Environmental and Social Screening sheets and summary list shall be submitted to MDLF.

Sub-projects proposal under LGSIP shall comply with the legal requirements of the revised Palestinian Basic Law of 2003, the Jordanian Law No. 79 of 1966 The Cities, the Villages and Buildings Regulating Law, the Buildings and Regulation Bylaw for Local Authorities No. 5 for 2011, the Palestinian Environmental Law NO 7 for the year 1999, the Palestinian Environmental Strategy for the year 2004, the Jordanian Heritage Law No 55 for the year 1966, and the Palestinian Health Law, further to any related to sub-project sector law or policy not stated above.

Projects will be socially screened considering the following:

- Project will be socially screened to excluded in the following cases:
 - Projects that would significantly convert natural habitats or significantly alter potentially important biodiversity and/or cultural resource areas.
 - Projects that involve relocation of households, temporary or permanent land take, impacts on livelihoods, including those that may occur through restriction of access to resources
 - Project that involve the use of land with squatters or users of public or state lands.
- In cases where the projects doesn't comply to below mentioned options, further investigation of the project is deemed necessary to verify project eligibility, otherwise project will be rejected:
 - Projects shall comply with the legal requirements of the revised Palestinian Basic Law of 2003, the Jordanian Law No. 79 of 1966 The Cities, the Villages and Buildings Regulating Law, the Buildings and Regulation Bylaw for Local Authorities No. 5 for 2011, the Jordanian Heritage Law No 55 for the year 1966, and any other social related law or policy.
 - In cases of projects where there is a master plan, then this master plan will be considered as the reference legal document for all considerations. The public area and the width of roads that were planned in the master plans will be considered as public land.
 - Each submitted project; master plan prevails for project boundaries, land use, sectors, etc.
 - However in cases where master plan are not approved, not effective or not covering the project selected location; project will be screened to verify landownership, not causing major environmental social and environmental impacts, documentation of the case (landownership papers, approval of citizens) shall be provided in screening stage.
 - Potential case where Master plan might not be effective in project location as in rehabilitation of joint road, such project will be screened taking into consideration no complaints if no widening of the publically used road, where letter specifying the public use of the land is to be submitted by the VC/JSC is required. On the other hand, approval of land owners deemed necessary in cases where road widening is required. The process shall be properly documented in screening stage.
 - In cases where land is required for sub-project implementation, the screening process will ensure verifying the presence of proper land ownership documents if the land is owned by the VC/JSC. Or to verify the presence of full documentation in cases of willing seller willing buyer and voluntary land donation. Documents are to be submitted in screening stage.

In cases where there is voluntary land donation, defined as when people or communities agree to voluntarily provide land in exchange for benefits or services related to the project, the below requirements must be met:

In cases of voluntary land donation the VC /JSC must document the VLD process. where written notification indicating the location, the area, and the intended use for the project is required. In addition to a formal statement of donation, establishing informed consent and signed by each owner or user involved. Taxes to be paid by the land donator for registration of the land transfer, if applicable, should be covered in full by the VC/JSC. Measures should be in place to protect project affected peoples who cannot read and write to ensure they are fully aware when signing a document and particularly cognizant of the right to refusal (i.e. having a literate witness of their choice inform them of the contents of the documents and their right of refusal at the timing of signing). The VC/JSC shall maintain a record with documentation for each instance of land donation. The documentation is made available for review in any grievances that may arise.

Basic guidelines is recommended to be followed for voluntary land donation as follows:

1. The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities;
2. The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign
3. Land to be donated must be identified by the VC/JSC in coordination with the community for the project that have been selected; the impacts of proposed activities on donated land must be fully explained to the donor;
4. The donor may negotiate compensation (in full or in part) or alternative forms of benefits as a condition for donation
5. Donation of land cannot occur if it requires any household relocation;
6. For community or collective land, donation can only occur with the consent of the individuals owners of the land.
7. Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses);
8. The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry;
9. Voluntary land donation will not be permitted in cases of site-specific infrastructure as community pressure could be too onerous for a person to refuse, thus removing the power of choice.¹
10. Any donated land that is not used for its agreed purpose by the project, VC/JSC and donor are to agree on the new purpose.
11. There should be no coercion, manipulation or pressure from the community or public or traditional authorities for individuals to voluntary donate land.

With regards to Environmental screening of projects, projects will be screened against the Palestinian Environmental Law No 7 and the Palestinian Environmental Policy. Screening criteria are used to

¹ In cases of site-specific infrastructure it is recommended to use land under ownership of VCs or JSCs and in exceptional cases willing-buyer willing-seller if adequate measures are put in place to avoid coercion.

determine whether an Initial Environmental Evaluation or an Environmental Impact Assessment (or none of them) is required for a project.

The Environmental policy states the major following projects where an Environmental Impact Assessment (EIA) study shall be conducted, and will be part of LGSIP exclusion list:

- Power plants (including gas turbines, substations and super tension lines)
- Quarries and mines
- Wastewater treatment plants including main sewers
- Cement plants
- Solid waste disposal sites
- Hazardous waste disposal sites
- Plants producing, storing or using hazardous substances
- Airports and landing strips
- Seaports, jetties and harbors
- Refineries
- Industrial estates
- Major dams and reservoirs
- Steel mills

Projects shall comply with environmental and social related laws, policies and conditions stated in the ESMM.

4. Environmental and Social Management Plan (ESMP)

Environmental and Social Management Plan (ESMP) is part of the bidding documents, and are to be referred to in special conditions, the ESMP document is annexed in bidding document as “Environmental and Social management Plan” with appendixes of authorization and approval by all contractor submitting the bidding documents.

Annex 5 provide ESMP template/outline to be utilized for each sector (water, public facilities, roads, electricity). In cases where site specific conditions/restrictions is revealed during screening stage for a project under sub-activity 1 and 2; then MOLG/MDLF are to verify and update the sectoral ESMP to take into consideration the management of the site specific conditions.

Sectoral ESMP will handle the environmental and social safeguards, screening, potential impact mitigation, social consideration (impact/mitigation), management, monitoring, in addition to complaint system, and disclosure to community, etc.

5. Environmental and Social Management and Reporting

VC and JSC is the supervisory body responsible on the project supervision and implementing environmental considerations under sub-activity 1 and sub-activity 2 respectively. Roles and responsibilities specified in the Program Operational Manual.

The technical personnel; the engineer at VC and JSC are responsible on supervising the project inclusive of environmental and social management as part of construction management. However their capacity to handle the environmental and social issues is expected to be minimal.

Though, MOLG is expected to provide support to VC Engineers to comply with environmental and social requirements furthermore to audit and monitor sub-projects under sub-activity 1. The Program operational manual provide elaboration of the process. MDLF is expected to hire Local Technical Consultant equipped with staff to support the JSC staff responsible for environmental and social management and supervision of works, furthermore to audit and monitor sub-projects.

MOLG/MDLF through their staff or/and Local Technical Consultants are responsible to provide support on environmental and social management within the construction management.

The MOLG/MDLF and JSC/VC Supervision Engineers will be responsible to ensure that contractor's works are complying with ESMM, and instruct workers/personnel on the compliance with the sectoral ESMP.

Reporting

Project reporting by VC/JSC, MDLF/MOLG are to include environmental and social sections; detailing the status of environmental and social performance under the program, including overview of deviations/violations of ESMPs encountered over the report period, monitoring of social complaints, social issues, instructions given to the contractors for addressing identified issues, and follow-up actions on the revealed outstanding matters. Under sub-activity 1 MOLG are to prepare these reports and provide copy of these reports to MDLF, considering that MDLF is to prepare these reports for sub-activity 2.

6. Environmental and Social Monitoring and Complaints Mechanism

Environmental and Social Monitoring

Environmental and social monitoring is integrated under MOLG /MDLF 's supervisory work in the course of the project implementation where MOLG and MDLF is responsible to monitor sub-activity 1, and sub-activity 2 respectively.

The MOLG/MDLF and/or LTC Environmental and Social officers are to conduct site monitoring of civil works to verify contractors' adherence to the requirements set out in ESMPs, and the VC/JSC are implementing and complying with the complaint mechanism.

Checklist attached in **Annex 3** is utilized to facilitate comparing environmental and social mitigation measures recorded and what is implemented on ground.

Environmental and social monitoring of progress reports shall be prepared periodically. Considering that reports under sub-activity 1 are to be submitted to MDLF.

Complaints Mechanism

The LGSIP program is relying on Palestinian Council Resolution No. 60 in 2009 and the amendment of 2015 mandating the development of a complaints mechanism.

Under sub-activity 1 and 2 , the VC/JSC will ensure availability of documentation of complaints and responses, timely responses, a log of all complaints received-date received, date responded to, type of response, etc. The complaint form is enclosed in Annex 4.

The proposed procedure that VC/JSC will follow through the implementation of LGSIP:

Complaints procedures depend on the nature of complaint submitted by citizens. Some complaints are submitted to the Village Council (VC), or Joint Service Council (JSC), then submitted to the concerned department or person in charge to resolve the matter.

In case the VC (or JSC) was unable to resolve the complaint, it will then be transferred to the regional directorate or to the Ministry of Local Government (MoLG) either through the project coordinator, or the citizens themselves. The process reads as follows:

- 1- Citizen submits their complaint to the VC or JSC.
- 2- In the event a response was not received regarding the complaint within 28 days as required by the regulations, the citizen may submit their complaint to the Directorate of the Local Government.
- 3- In the event the concerned Directorate provided a negative response or was unable to provide feedback, the citizen may then make a complaint to the Complaints Department at the MoLG, as follows:
 - a. Submit a written complaint annexed to it all required documents concerning the complaint if found. Citizen must receive a copy of the receipt.
 - b. The Complaints unit pursues with the complaint following the procedures.
 - c. Citizen must receive a written response regarding their complaint within one (1) week at minimum.

Accepting or Rejecting the Complaint

1. Employee in charge of handling the complaint must inform the complainant about the accepting or rejecting of the complaint within three (3) days at most, since the submission of the complaint.
2. In the event the employee in charge of handling the complaint submitted the complaint to a specialized complaint unit, the unit must also submit an accepting or rejecting of the complaint within three (3) days at most.
3. In the event the complaint was accepted, the complainant will receive an officially-stamped Review Card with the following data:

- a. Complainant's Name or Their Legal Representative
- b. Complainant Address
- c. Complaint Title
- d. Review Date
- e. List Annexes Submitted with the Complaint

Means of Communicating the Complaints Department:

1. Directly contacting the MoLG
2. Contacting Hotline
3. Contacting the website of the MoLG
4. Provide a written complaint as stated in the system

In terms of monitoring the complaints, the VC/JSC will be required to submit the log of complaints on a monthly basis to the MOLG (for activities of sub-activity 1) and to MDLF (for activities of sub-activity 2). MDLF will share the logs it receives with MOLG as per request of complaints department. However, copy of all registered complaints logs under all sub-activities shall be submitted to MDLF quarterly in order to be incorporated in the reporting.

7. Environmental and Social Capacity Building and Training Program

The Local Governance and Service Improvement Project (LGSIP) implementation will require environmental and social considerations capacity building of VC/JSC technical and managerial personnel. Noting that the personnel of JSC is expected to have better capacity considering the programs implemented under their institutions.

And considering that environmental and social persons rarely exist in VC/JSC's, the technical team are to follow the environmental and social considerations; though training and on-job training to build their capacities is required.

Training include but not limited to identification of environment and social considerations, roles and responsibilities of VC/JSC/ central government, identification of environmental and social impacts and mitigation, integrating environmental considerations within construction management, and proper implementation of complaint mechanism. MOLG and MDLF will verify the needed training for each sub-activity.

Capacity building of MOLG staff in following environmental and social considerations and following complaints mechanism is to be assessed by the program manager; might options of on-job training and orientation

Capacity building could be part of comprehensive training under sub-activity 1 and 2 , orientation workshops that will be conducted under sub-activity 1 and 2 and through on-job training during implementation.

8. Annexes

Annex 1: Environmental Screening and Classification of Subprojects

Section A – Basic Information
Project Title:
Project Sector:
Duration:
Environmental Specialist/ Officer

(A) IMPACT IDENTIFICATION

Environmental Category	
Has the subproject a tangible impact on the environment?	
What are the significant beneficial and adverse environmental effects of the subproject?	
Does the subproject have any significant potential impact on the local or affected communities?	
What impact has the subproject on the human health?	

(B) MITIGATION MEASURES

What alternatives to the subproject design have been considered and what mitigation measures are proposed?	
What lessons from the previous similar subprojects have been incorporated into the project design?	
Have concerned communities been involved and have their interests and knowledge been adequately taken into consideration in subproject preparation?	

(C) CATEGORIZATION AND CONCLUSION

Conclusion of the environmental screening:

1. Subproject is declined
2. Subproject is accepted
3. Subproject require Initial Environmental Impact Assessment Study

If accepted, and based on risk assessment, subproject preparation requires:

1. No Environmental and Social Management Plan

- 2. Environmental Monitoring Matrix
- 3. Sectoral Environmental and Social Management Plan

Annex 2: Social and Cultural Resource Screening of Subprojects

Social screening information 1		Yes	No
1	Is the project selected from VC/ JSC ACIP plan		
2	Is the project are depicted on Master plan, or falls under any of the accepted procedure stated in Environmental and Social screening		
3	Is the information related to the affiliation and ownership status of the subproject site available and verifiable?		
4	If there is voluntary land donation, is documentation provided and have the outlined procedures been followed		
If the answer to any above question is “No”, revision and clarification are required otherwise the project is rejected			
Social screening information 2			
1	Will the project reduce other people’s access to their economic resources, such as land, pasture, water, public services or other resources that they depend on?		
2	Will the project result in resettlement of individuals or families or require the acquisition of land (public or private, temporarily or permanently) for its development?		
3	Will the project result in the temporary or permanent loss of crops		
4	Will the project will result in resettlement of squatters on proposed project land		
If the answer to any above question is “Yes”, the project is subjected for revision and verification otherwise the project is rejected			
Cultural resources screening		Yes	No
1	Will the project require excavation near any historical, archaeological or cultural heritage site?		
If answer to question 6 is “Yes”, possible chance finds must be handled in accordance with the Jordanian Heritage Law			

Annex 3 Environmental and Social Management Checklist

VC /JSC:
 Project Name:.....
 Date:.....

#	Impact to check	Yes	No	Remarks	Sam
1	Noise/alarm generation				
2	Dust spreading out				
3	Odor emission				
4	Traffic problems (hindering, detours, closure ...etc.)				
5	Solid Waste Services problems				
6	Sewerage Services problems				
7	Water Services problems				
8	Green cover negatively affected				
9	Pedestrians' safety endangered				
10	Electricity services problems				
11	Landscape / aesthetic element/s deteriorated				
12	Natural Resources negatively affected				
13	Biodiversity & Wildlife threatened				
14	Recreational sites negatively affected				
15	Heritage and archaeological sites negatively affected				
16	Agricultural activities negatively affected				
17	Industrial utilities negatively affected				
18	Workers safety and health considered				
19	Workers commitment to OHS (vests, gloves, HD wearing apparel etc)				
20	Working machines suitability				
21	Additional Impact(Add it)				

22. Comments:

23. Recommendations:

Environmental Specialist Signature

Date

Annex 4 : Complaints Form

VC /JSC	
Name	
Date received	
Compliant details	
Signature	
Responsible personnel	
Responsible personnel signature	
Solution Progress / response	
Date of Response	

Annex 5:ESMP Outline

Introduction

VC /JSC: (add description and introduction about your VC /JSC)

Project Description

(detailed description of project, description of the current and prospective environmental issues and improvement, etc.)

Environmental Safeguards:

(as any project MDLF has given a preapproval is complying with safeguards)

Environmental and Social Screening

Environmental Management Plan

Potential Environmental and Social Impacts- site specific

Construction and operation stages,

Environmental and Social Liabilities of MDLF Contractors

Environmental Management Guidelines for Contractors (provisional to Construction in Roads)

Purpose

The purpose of these environmental management guidelines for contractors is to define minimum standards of construction practice acceptable to the MOLG/MDLF.

Roads

In order to carry out the rehabilitation works, it may be necessary to close or divert certain specified roads, either permanently or temporarily during the construction period. The contractor should arrange diversions for providing alternative route for transport and/or pedestrians.

After breaking up, closing or otherwise interfering with any street or footpath to which the public has access, the Contractor shall make such arrangements as may be reasonably necessary so as to cause as little interference with the traffic in that street or footpath during construction of the rehabilitation works as shall be reasonably practicable.

Wherever the rehabilitation works interfere with existing public or private roads or other ways over which there is a public or private right of way for any traffic, the Contractor shall construct diversion ways wherever possible.

Movement of Trucks and Construction Machinery

The Contractor moving solid or liquid construction materials and waste shall take strict measures to minimize littering of roads by ensuring that vehicles are loaded in such a manner as to prevent falling off or spilling of construction materials and by sheeting the sides and tops of all vehicles carrying mud, sand, other materials and debris.

Traffic Safety Measures

The Contractor shall provide, erect and maintain such traffic signs, road markings, barriers and traffic control signals and such other measures as may be necessary for ensuring traffic safety around the rehabilitation site. The Contractor shall not commence any work that affects the public motor roads and highways until all traffic safety measures necessitated by the work are fully operational.

Access across the Construction Site and to Frontages

In carrying out the rehabilitation works, the Contractor shall take all reasonable precautions to prevent or reduce any disturbance or inconvenience to the owners, tenants or occupiers of the adjacent properties, and to the public generally. The Contractor shall maintain any existing right of way across the whole or part of the rehabilitation site and public and private access to adjoining frontages in a safe condition and to a standard not less than that pertaining at the commencement of the contract. If required, the Contractor shall provide acceptable alternative means of passage or access to the satisfaction of the persons affected.

Protection of the Existing Installations

The Contractor shall properly safeguard all buildings, structures, works, services or installations from harm, disturbance or deterioration during the concession period. The Contractor shall take all necessary measures required for the support and protection of all buildings, structures, pipes, cables, sewers and other apparatus during the concession period, and to repair any damage occurs in coordination with JSC/VC and concerned authorities.

Noise and Dust Control

The Contractor shall take all practicable measures to minimize nuisance from dust and noise from the rehabilitation sites. This includes:

- Respecting normal working hours in or close to residential areas;*
- Maintaining equipment in a good working order to minimize extraneous noise from mechanical vibration, creaking and squeaking, as well as emissions or fumes from the machinery;*
- Shutting down equipment when it is not directly in use.*

Regarding Dust control, contractor is asked to provide a water tanker, and apply water spraying when required to minimize the impact of dust.

Waste Disposal

The Contractor must agree with the JSC/VC about arrangements for construction waste disposal. The JSC/VC shall designate a dumping site or landfill for the disposal of solid waste. .

Protection of Trees And Other Vegetation

The Contractor shall avoid loss of trees and damage to other vegetation wherever possible. Adverse effects on green cover within or in the vicinity of the rehabilitation site shall be minimized.

Clearance of Rehabilitation Site On Completion

The Contractor shall clear up all working areas both within and outside the rehabilitation site and accesses as work proceeds and when no longer required for the carrying out of the Rehabilitation works. All surplus soil and materials, sheds, offices and temporary fencing shall be removed, post holes filled and the surface of the ground restored as near as practicable to its original condition.

Environmental and Social Monitoring and Complaints Mechanism

Environmental and Social Monitoring

Complaints Mechanism

(please add VC/JSC procedures to receive and facilitate complaints for the project)

Environmental and Social Monitoring Plan

ES monitoring plan is detailed for each sector