

ENVIRONMENTAL AND SOCIAL SAFEGUARDS SYSTEM

UN-HABITAT SAFEGUARDS SCREENING REPORT

(Not Approved for Public Disclosure)

1. PROJECT INFORMATION

Title:	Enhancing the climate and disaster resilience of the most vulnerable rural and emerging urban human settlements in Lao PDR				
Location:	Lao People's Democratic Republic Region: Asia Pacific				
Description:	The project objective is to "enhance the climate and disaster resilience of the most vulnerable human settlements in Southern Laos by increasing sustainable access to basic infrastructure systems and services, emphasizing resilience to storms, floods, droughts, landslides and disease outbreaks". It combines a number of horizontally and vertically interrelated policy, planning and capacity development initiatives and has at its core the delivery of resilient infrastructure and services in target settlements that are characterized by a high exposure to climate hazards. It is structured around the following components: - Component 1: Institutional level strengthening to reduce vulnerability in human settlements; - Component 2: Building capacity at the human settlement and community level for climate resilience; - Component 3: Enhance climate and disaster resilient infrastructure systems in human settlement; - Component 4: Ensure project compliance with AF and UN-Habitat				
File Reference:	S1-32QXB-000365, Lao AF, ESS	Total value: USD 4.5 million			
Managing Unit:	Regional Office for Asia and the Pacific Urban Planning and Design Branch	Partners: Ministry of Public Works and Transport ¹			

¹ The UN-Habitat Lao office has a strong track record of working at community levels and has successfully mobilised community participation in planning, implementation and monitoring of its project activities. Additionally UN-Habitat will work closely with village level representatives of quasi-governmental institutions like Lao Women's Union (LWU), Lao Youth Union (LYU) and Lao National Front for Construction (LNFC) besides partnering with appropriate National Non-Profit Associations (NPA) and INGOs.

2. ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS CHECKLIST

Assess Environmental and Social Risks and Impacts			Check	
SS 1: Community Health, Safety and Working Conditions				
1.	Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?	×		
2.	Would the Project pose potential risks to community health and safety due to the transport, storage, use or disposal of hazardous or dangerous materials during construction and operation?	×		
3.	Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?		×	
4.	Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	×		
5.	Would the Project potentially lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?		⊠	
6.	Would the Project cause an increase in potential health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?	×		
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?		×	
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 International Labour Organization)?	☒		
9.	Does the Project engage security personnel that may pose a potential risk to health and safety of communities or individuals (e.g. due to a lack of adequate training or accountability)?		×	
SS	2: Pollution Prevention and Resource Efficiency	Yes	No	
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, or transboundary impacts?	×		
2.	Would the Project potentially result in the generation of hazardous and non-hazardous waste that could be avoided or minimized through pollution prevention practices?		×	
3.	Will the Project potentially involve the manufacture, trade, release, or use of hazardous materials?		×	
4.	Does the Project propose use of chemicals or materials subject to international bans or phase-outs?		M	
5.	Will the Project involve the application of pesticides that may have a negative effect on the environment or human health?		×	
6.	Does the Project include activities that require significant consumption of raw materials, energy, and/or water?		×	
7.	Will the Project result in more than 25,000 tonnes of greenhouse gas emissions?		×	
SS	3: Biodiversity, Conservation and Sustainable Natural Resource Management	Yes	No	
1.	Are any Project activities proposed within or adjacent to critical habitats 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 or Indigenous Peoples or local communities?	×		
2.	Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, or livelihoods?		×	
3.	Would Project activities pose risks to endangered species?		×	

4.	Would the Project pose a risk of introducing invasive alien species?		\boxtimes
5.	Does the Project potentially involve harvesting of natural forests, plantation development, or reforestation?	×	
6.	Does the Project involve the production or harvesting of fish populations or other aquatic species?		×
7.	Does the Project involve significant extraction, diversion or containment of surface or ground water?	×	
8.	Does the Project involve utilization of genetic resources? (e.g. collection, harvesting, commercial development)?		×
9.	Would the Project generate potential adverse transboundary or global environmental concerns?		×
10.	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?		
SS 4	4: Displacement and Resettlement	Yes	No
1.	Would the Project potentially involve physical displacement e.g. temporary or permanent; full or partial?	×	
2.	Would the Project possibly result in economic displacement due to land acquisition or access restrictions e.g. loss of assets or access to resources?		×
3.	Would the Project lead to forced evictions?		⊠
4.	Would the Project possibly affect land tenure arrangements or community based property rights or customary rights to land, territories or resources?		×
SS	5: Indigenous Peoples	Yes	No
1.	Are Indigenous Peoples present in the Project area?	×	
2.	Would the Project be located on lands and territories claimed by Indigenous Peoples?	×	
3.	Would the Project potentially affect the rights, lands and territories of Indigenous Peoples, regardless of whether Indigenous Peoples possess the legal titles to such areas?		×
4.	Has there been full consultation and effective participation with the Indigenous Peoples regarding matters that may affect their rights and interests, lands, resources, territories and traditional livelihoods?		
5.	Does the Project involve the utilization or commercial development of natural resources on lands and territories claimed by Indigenous Peoples?		×
6.	Is there a potential for forced eviction or physical or economic displacement of Indigenous Peoples, including through access restrictions to lands, territories, and resources?		\boxtimes
7.	Would the Project potentially affect the traditional livelihoods, physical and cultural survival of Indigenous Peoples?		×
8.	Would the Project potentially affect the Cultural Heritage of Indigenous Peoples, including through the commercialization or use of their traditional knowledge and practices?		×
SS	6 : Cultural Heritage	Yes	No
1.	Will the Project adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values?		
2.	Does the Project propose utilizing tangible or intangible forms of cultural heritage for commercial or other purposes?		

3. ENVIRONMENTAL AND SOCIAL BENEFITS

Safeguard Standard	Description of Potential Benefits from Project
Human Rights	Human rights principles underline all the work of UN-Habitat. The demonstrated implementation of HRBA across UN-Habitat projects will be continued throughout the development of the proposed project. The Precautionary Principle will be applied at all stages of the proposed project



cycle. This principle was adopted into international law through the signing of the 1992 Rio Declaration, of which UN-Habitat is a signatory.

The utilities (NPSE) in the three provinces will be responsible for the delivery of resilient infrastructure to the community and urban areas. Within this responsibility the NPSEs agree to develop a participatory framework with the community for project implementation and facilitate the participation of stakeholders within meetings relating to the components of the proposed project.

General actions that will be undertaken:

- Details of human rights markers to be included in MoU and AoC with government
- Refresher training to be available and completed by all UN-Habitat staff every 2 years.
- A grievance mechanism will be established. This mechanism will ensure there is an open space for communities and households to share any instance of grievance, with a clear channel for a response and subsequent action taken as necessary.

Specific actions:

- Focus on people in vulnerable situations: The project supports resilience building of communities identified as being particularly vulnerable to climate change. Specific focus on the most vulnerable community members (women, children/youth, elderly, and people with disabilities) will be ensured through detailed household level VAs, the deliberate inclusion of such community members in the action planning and targeted interventions.
- Right to adequate shelter, water and sanitation: Such rights are at the centre of the project as the focus is resilience building through infrastructure and capacity development in informal settlements.
- Environmental and Social Management Plan: Based on the requirements of the Adaptation Fund, UN-Habitat's ESS and Lao PDR's specific project safeguard systems an environmental and social management plan has been developed and will be applied for all sub-projects (primarily those that include potential infrastructure or ecosystem development actions). In addition, all stakeholders will be trained in the application of the ESMP throughout the project. The Project Management Committee will review the monitoring procedures that are in place.
- <u>Community-based vulnerability assessment tool</u>: A tool is currently being developed that ensures detailed disaggregation (gender, age, people with disabilities) of data which will be stored in a geo-tagged database. The VA tool will also ensure full participation of people in vulnerable situations and compliance with the ESMP.

Prior to project implementation at the community level, UN-Habitat's Vulnerability Assessment (VA) will establish and recognize the needs of the marginalized and the vulnerable, including women.

National laws, UN rules, principles and procedures to be upheld:

- UN Women Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- ILO Conventions No. 100, 111, 156 and 183

Measures to ensure safeguard fulfillment:

- Ensure the continued adherence to the specifications of CEDAW and ILO Conventions
- Ensure gender equity throughout project design and implementation Actions that will be undertaken:
 - Quota system for female engagement and engagement of Lao's women union (in every community) and Lao National commission on status of

Gender Equality



	women (in every ministry) - Equitable benefits of project outcome for men and women - Channels to be available to report instances of discrimination in a safe and anonymous manner
	The ESMP covers:
	YAY 11
	Working conditions:
	The proposed project will engage closely with the Ministry of Labour and social welfare.
	National laws, UN rules, principles and procedures to be upheld: - UN Secretariat Administrative Instruction ST/AI/2013/4
	- ILO Minimum Age Convention
	- ILO Worst forms of Child Labour Convention Measures to ensure safeguard fulfillment:
	- Ensure transparency and accountability throughout project cycle
	- Ensure the project is accordance with ILO Conventions
	- Ensure that no underage staff or children are employed in the project
	Actions that will be undertaken:
	- All documents & minutes produced during the project cycle to be available online
	- Safeguard Officer to visit the project site and ensure ILO Conventions are
	being upheld
	- MoUs, AoC and Community contracts to include standard clauses
	requiring the compliance with ILO conventions
	Community health, safety and security:
	The proposed project has been developed in accordance with UN-Habitat's
Community Health,	safeguard for Community health and safety.
Safety and	- Throughout the scope of the proposed project no public health issues are
Working	foreseen.
Conditions	- In addition, improved public health is a secondary impact area of this project The environmental impact assessment will identify potential negative health
	impacts and will identify appropriate mitigation measures, which may, include,
	for example, filtration and treatment systems at the household level.
	- The proposed project will support the INDC of Lao PDR to increase the
	resilience of public health infrastructure, and improve public health services for climate change adaptation.
	NPSE-ATTAPEU (and UN-Habitat) will support above.
	National laws, UN rules, principles and procedures to be upheld:
	- International Civil Service Commission (ICSC)
	International Health and Safety StandardsSlum & Housing upgrading projects
	- The Lao National Unexploded Ordnance Programme
	- Building Back Better Principles Guideline for Shelter and Sanitation
	- Lao PDR Building Codes and Building Control
	Lao PDR Construction LawLao PDR Hygiene Law
	Measures to ensure safeguard fulfillment:
	- Ensure that ICSC international health and safety standards are clearly
	accessible and understood
	- Ensure adherence to relevant UN-Habitat policy and programmes
	- Ensure Projects are not implemented in areas that have not been demined in accordance with the Lao National Unexploded Ordnance
	Programmes
	- Ensure Compliance with the build back better principles
	- Ensure adherence to Lao PDR Building Codes
	- Ensure project develops infrastructure in accordance with the Lao PDR

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	Construction Law - Ensure compliance with the Lao PDR Hygiene Law in all aspects of the project cycle Actions that will be undertaken: - Clearly visible signs detailing health and safety standards to be located at projects sites - Project will provide all necessary safety equipment - UN-Habitat Slum & Housing upgrading specialist to provide advice and support to project design when necessary - Prior to project implementation, high resolution unexploded ordnance maps will be cross-referenced with proposed project locations - Project will support de-mining where unexploded ordnance is detected
	 Project to be implemented in accordance with build back better principles Project Manager to have a clear working knowledge of Lao PDR Building Codes All project related staff to be provided with details of Lao PDR Construction Law Project infrastructure to be monitored throughout construction, to ensure standards are met Construction of sanitation facilities throughout the project will be checked against the Lao PDR Hygiene Law
Indigenous Peoples	Indigenous peoples are identified as important stakeholders to be involved throughout the development and implementation of the proposed project. The project will ensure full engagement in the action planning process. Indigenous people in Lao PDR represent around 32% of the population [Lao Theung (22%), Lao Sung, including the Hmong and the Yao (9%), ethnic Vietnamese/Chinese (1%)]. National laws, UN rules, principles and procedures to be upheld: - UN-Habitat Vulnerability Assessment and action planning guide - Article 27 of the International Covenant on Civil and Political Rights (1966) - UNDRIP Declaration on the Rights of Indigenous People - ILO Convention 169 - Free, Prior and Informed Consent (FPIC) Measures to ensure safeguard fulfillment: - Ensure VA is completed to the highest standard and that community action planning ensures full participation of all communities. - Ensure that the details of International Covenant on Civil and Political Rights (1966) are respected and upheld - Ensure that the components of the UNDRIP Declaration and ILO Convention 169 on Indigenous tribes and people, are respected and upheld - Ensure FPIC is granted to indigenous communities affected by project implementation Actions that will be undertaken: - VA assessment to be completed prior to project implementation and to include vulnerabilities of indigenous people - Include measures to protect indigenous people in project plan - Background research to be completed prior to initial project design - Project Managers to have read and understood UNDRIP Declaration and ILO Convention prior to project implementation - Provide summary of UNDRIP Declaration within ESS Handbook - Follow a pre-defined FPIC procedure - Allow 1 month for feedback to be gathered from consent letter
Displacement and Resettlement	The project is designed to avoid / prevent resettlements as it will strengthen tenure security. However, in case of severe climate risk where costs of mitigating impacts far exceed benefits, in-situ resettlements may be supported by the project. Land readjustment and the support of rebuilding of shelter are foreseen in such cases. Land in particularly exposed locations will be assigned to either

open space and/or agricultural use.

Measures in place:

National laws, UN rules, principles and procedures to be upheld:

- Right to Adequate Housing
- Free, Prior and Informed Consent (FPIC)
- Participatory Land Use Planning (PLUP)
- Lao PDR '3-build' or 'Samsang' process of decentralization
- National Standard on Quality management for drinking water and household water supply
- SDG technical standards for water supply
- See also Human Rights crosscutting area; HRBA and Compliance with the law: Lao PDR Urban Planning Law

Measures to ensure safeguard fulfillment:

- Ensure all project affected persons have free, prior and informed consent relating to project outcomes, including potential resettlement
- Ensure that no (sub-) projects are undertaken that involve forced eviction
- Ensure Participatory Land Use Planning (PLUP) is within project cycle
- Ensure Lao PDR 'Samsang' process of decentralization is included in project design
- Ensure that project water supply is in accordance with the Laos National Standard on Quality management for drinking water & household supply
- Ensure SDG technical standards for water supply are adhered to throughout project cycle

Actions that will be undertaken:

- Accountability in administration with online access to reports
- Principles of FPIC to be adopted throughout project cycle with channels to review project plan
- No (sub-) project will be approved where there is the possibility, however small, of forced eviction
- Project to operate in accordance with FPIC to ensure PLUP principles are established in the project
- The MoUs and AoCs will detail the government's role in planning, developing and implementing the development of project infrastructure
- National standards to be incorporated into proposed water supply outlets during the project design
- Project Manager will be responsible for project water supply is in accordance with SDG technical standards

Some of the target informal settlements are located in mangrove areas which are vital for their wide ranging ecosystem services, including coastal protection.

Protection of natural habitats:

Prior to the implementation of the proposed project, UN-Habitat will complete a Vulnerability Assessment. This will identify, through techniques such as GIS and community mapping, particular areas of natural habitats that could have the potential to be damaged during construction. Identifying these areas within the environmental impact assessment will ensure that the potential direct and indirect impacts are investigated and avoided.

In addition UN-Habitat has partnered with the following stakeholders to ensure the protection of Natural Habitats:

- Ministry of Natural resources and Environment; Ministry of Labour and Social Welfare; Mekong River Commission and UNEP

NPSEs in the three provinces (and UN-Habitat) will support above.

Lands and soil conversation:

Soils are recognized as integral to ecosystems and of great importance for nutrient cycling and interconnected feedbacks. It is recognised that the proposed project could lead to the unintended consequence of negatively impacting wildlife that depends on watershed for nutrition.

Biodiversity, Conservation and Sustainable Natural Resource Management

	- As such the environmental and social impact assessment will identify the important ecosystem considerations that need to be upheld throughout
	project development and implementation.
	- The proposed project will provide sustainable access to resilient
	infrastructure and conserve the development of major watersheds. These
	measures are in alignment with national socio-economic, climate change and
	disaster management priorities.
	NPSEs in the three provinces (and UN-Habitat) will support above.
	National laws, UN rules, principles and procedures to be upheld:
	- UN-Habitat Vulnerability Assesment
	- Convention on Biological Diversity
	- TEEB Guidance Manual
	Measures to ensure safeguard fulfillment:
	- Ensure VA is completed to the highest standard
	- Ensure adherence to the Convention on Biological Diversity
,	- Ensure all project outcomes respect the importance of ecosystems and
	ecosystem services
•	Actions that will be undertaken:
	- VA assessment to be completed prior to project implementation
	- Project Managers to have read and understood the Convention prior to
	project implementation
	- Ecosystem services included as part of the VA
	- Provide information on ecosystem services within training to project
	staff
***************************************	Climate Change resilience building is the entry point of this project.
	Comprehensive vulnerability assessments and community-level action plans and
	their implementation are at the core of the project.
	National laws, UN rules, principles and procedures to be upheld:
	- UN-Habitat Vulnerability Assessment
	- Planning for Climate Change Guidelines
Climate Change	Measures to ensure safeguard fulfillment:
Mitigation and	- Ensure VA is completed locally accepted/ endorsed and clear linkages to
Adaptation	the project plan produced
Haaptation	- Ensure project is conducted in accordance with Lao PDR climate change
	guidelines
	Actions that will be undertaken:
	 VA to be completed in close cooperation with communities prior to
	project implementation
	- Climate Change Guidelines to be read and understood by Project
	Manager prior to implementation
	UN-Habitat recognizes the need to protect and promote the importance of
	physical and cultural heritage. In the context of Lao PDR it is critical to engage
	closely with indigenous groups / land owners to fully understand the cultural
	importance of specific sites, which may not necessarily be understood of being of
	cultural importance by an outsider.
	Note that the majorithm and an advance to be such that
	National laws, UN rules, principles and procedures to be upheld:
	- UN-Habitat Vulnerability Assessment
0.1, 177 (- UNESCO World Heritage List
Cultural Heritage	Measures to ensure safeguard fulfillment:
	- Ensure VA is completed to the highest standard and clear linkages to the
	project plan produced
	- Ensure avoidance of project site location on or near a UNESCO World
	Heritage Site or other locally important heritage sites
	Actions that will be undertaken:
	- VA to include local/ community map of tangible and intangible heritage
	areas
	- Map resources of heritage sites to be included in UN-Habitat ESS
	Handbook

Pollution Prevention and Resource Efficiency	UN-Habitat is committed to working towards the implementation of the Sustainable Development Goals. As such UN-Habitat recognizes that all projects must ensure the sustainable consumption of resources and prevent mal-adaptive practice leading to the polluting of surrounding areas. - No pollution or resource use issues are foreseen throughout the implementation of the proposed project as no construction, infrastructure, appliances or raw materials are involved In addition the proposed project will work to ensure that the community is trained in how to use resources efficiently and prevent further pollution to surrounding areas. NPSEs in the three provinces (and UN-Habitat) will support above.
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4. SIGNIFICANCE OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS

Safeguard Standards		Project Risk			
		Impact Probability		Significance	
SS 1	Community Health, Safety, and Working Conditions	3. Moderate	1. Slight	Low	
SS 2	Pollution Prevention and Resource Efficiency	2. Minor	1. Slight	Low	
SS 3	Biodiversity, Conservation and Sustainable Natural Resource Management	1. Negligible	1. Slight	Low	
SS 4	Displacement and Resettlement ²	4. Severe	1. Slight	Moderate	
SS 5	Indigenous Peoples	3. Moderate	1. Slight	Low	
SS 6	Cultural Heritage	1. Negligible	1. Slight	Low	

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² It should be noted that, although there is some potential for resettlement, this will be very localized and resettlement would only be required if households are in harm's way as a result of project implementation. No resettlement outside of the community is envisaged.

5. SCREENING DETERMINATION

6. Safeguards at Rìsk				Project Risk Category		Assessment and Management Measures	
Safeguard	Low	Moderate	High				
SS 1					Low		
SS 2	×				LOW		
SS 3						×	Best Practices
SS 4		×			Moderate		Limited ESIA for Safeguards at Risk ESMP
SS 5					11. 3		ESIA ESMP
SS 6					□ High		Safeguards at Risk

7. SAFEGUARDS SCREENING REPORT RECORD

Prepared by:	Tomke Rinschede L. Rinschede	2017-02-23
Reviewed by:	Bernhard Barth	2017-02-28
Director of Programme Division, Branch Coordinator or Regional Director:	Yoshinobu Fukasawa, Director, ROAP	2017-02-28