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| **Republic of Niger**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**    **PROGRAM**  **OF PUBLIC SECTOR MANAGEMENT**  **FOR RESILIENCE AND SERVICE DELIVERY**  ***(P174822)***  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  ***Results-Based Program Loan (RBPL)***  **EVALUATION OF ENVIRONMENTAL AND SOCIAL SYSTEMS**  **(ESES)**    **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**      **Final version**  **April 2022** |

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AID International Development Association

WB World Bank

NESO National Environmental Assessment Office

CADL Local Development Support Center

UNFCCC United Nations Framework Convention on Climate Change

EAS Sexual exploitation and abuse

ESIA Environmental and Social Impact Assessment

ENA National School of Administration

ERP Establishment Receiving Public

ESES Environmental and Social Systems Assessment

FIDS Simplified Diagnostic Sheet

PFM Public Finance Management

GHG Greenhouse Gases

HRM Human Resources Management

HS Sexual Harassment

LTD Disbursement Related Indicator

MEN Ministry of National Education

MF Ministry of Finance

MSP Ministry of Public Health

MTGES Technical Manual of Environmental and Social Management

NES Environmental and Social Standard

NGO Non-governmental organization

CAP Action Plan

BY Resettlement Action Plan

PEFSP Public Finance Efficiency Program for Service Delivery

PforR Program for Results (in French: PPR)

ESMP Environmental and Social Management Plan

SME Small and Medium Enterprise

PPP Public-Private Partnership

RPP Results-Based Program Loan (RBPL)

GBV Gender-based violence



## **ANALYTICAL SUMMARY**

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| * This ***Environmental and Social Systems Assessment*** (ESSA) was undertaken by the World Bank (WB) as part of the preparation of the Results-Based Program Loan (RBPL) for the *Public Sector Management Program for Resilience and Service Delivery* (P174822) in Niger, to be implemented by the Ministry of Finance (MoF). * The Program, which has a ***duration of five years***, has a ***budget of 200 million US dollars from the International Development Association (IDA).*** It covers the areas of service delivery in education and health.   **GENERAL PRESENTATION OF THE PROGRAM**   * **The program development objective (PDO)** is to strengthen public expenditure and human resource management in order to improve the availability of (i) medical equipment, drugs, and nurses in health centers, and (ii) teaching materials and teachers in rural public elementary school.   **Results Indicators at the ODP Level**   * The ODP will be monitored through the following indicators: * *Increasing the ratio of textbooks to students in public elementary schools in rural areas,* * *Increase the number of public health centers in rural areas with tracer drugs and basic equipment,* * *Increase the number of nurses per capita in rural areas,* * *Improving the ratio of students to qualified teachers in public elementary school in rural areas.*   **Area of intervention**   * The scope of the RPP is articulated around the following two aspects: * *Scaling up performance-based budgeting and improving* expenditure *efficiency.* Specific activities covered focus on: adopting simplified processes, among others, for multi-year program budgeting for elementary school, health centers, and the Ministries of *Public Health* (MoPH) and National Education (MoE) at the local level; and implementing large-scale training and certification programs for officials with fiduciary responsibilities in health centers, schools, MoPH, MoE, and MoF; * *Introducing performance and needs-based HRM:* specific activities covered focus on Adoption of streamlined processes in accordance with the revised Civil Service Law; Implementation of large-scale training and certification programs for civil servants with human resource responsibilities in health centers, schools, MSP, MEN, and MF implemented by ENA and MF; Funding of an incentive package for rural retention of teachers and health personnel in rural and remote areas; Recruitment of qualified health personnel and teachers for remote and rural areas   **APPROACH, OBJECTIVES AND METHODOLOGY OF THE ESES**   * The ESES reviews ***country environmental and social management systems*** to assess their compliance with the provisions of the WB's RPP policy. The aim is to ensure that the RPP does not pose significant environmental and social risks and that the systems in place are adequate to identify and manage any risks. * Unlike conventional investment programs or projects, the RPP supports ***a government program***, emphasizing the following objectives: (i) to finance specific program expenditures of the borrower; (ii) to link the disbursement of funds directly to the achievement of specific results; (iii) to use and, in this case, strengthen systems to ensure that funds are used in an appropriate manner with adequate consideration of the environmental and social impact of the program; and (iv) to build institutional capacity to achieve the expected results * The ESES is undertaken to ensure that the RPP is consistent with the ***six core principles*** outlined in paragraph 8 of the World Bank's RPP Financing Policy to effectively manage program impacts and risks and promote sustainable development. The six core principles are: * ***Environment***: Promote environmental and social sustainability in program design; and avoid, minimize, or mitigate adverse impacts and promote informed decision making regarding environmental and social impacts of the program. * ***Natural Habitats and Cultural Resources***: Avoid, minimize, or mitigate adverse impacts to natural habitats and physical cultural resources resulting from the program. * ***Public and Worker Safety***: Protect public and worker safety from potential hazards associated with: (i) construction and/or operation of facilities or other operational practices under the program; (ii) exposure to toxic chemicals, hazardous wastes, and other hazardous materials under the program; and (iii) reconstruction or rehabilitation of infrastructure located in areas subject to natural hazards. * ***Land acquisition***: Manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and help affected people improve, or at least restore, their livelihoods and standard of living. * ***Vulnerable Groups***: Give due consideration to cultural appropriateness and equitable access to program benefits, with particular attention to the rights and interests of vulnerable groups as well as their needs or concerns. * ***Social conflict***: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes. * ***The WB team will*** be responsible for preparing the ESES, while the ***client (Nigerien counterpart)*** will be responsible for assessing the impacts associated with the activities (eligible investment sub-projects) to be financed under the program.   **PROGRAM INVESTMENTS**   * PPR investments will focus on ***supplying health centers*** with medicines and basic equipment and ***supporting teaching staff*** in rural schools.   **MAIN ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS OF THE PROGRAM**  **Positive environnemental and social impacts**   * The overall activities of the Program will have ***beneficial environmental, social, and economic*** impacts in both direct and indirect, temporary and permanent ways. They will contribute to combating poverty and improving food security in rural areas, reducing the impact of any type of crisis on the human environment and the environment, and improving the living conditions of populations, with particular attention to vulnerable groups (women, children, youth, people with low incomes, people without family support, people affected by Covid 19, migrant workers, etc.). The RPP activities will stimulate shared prosperity and encourage promising investments in health and education, while improving capacity in high-priority sectors. In addition, the program will contribute to raising awareness among all national stakeholders about the environmental and social issues of program activities. * The implementation of the activities is expected to have a ***structural impact*** on service delivery, particularly in the following areas * Needs- and performance-based ***human resource management*** (HRM): the implementation of individual performance assessment of teachers and health personnel will be an essential prerequisite for career management, incentives, performance-based mobility and deployment. * ***The integration of the Human Resources Information Management System*** (HRIMS) and the HRM system will automate the administrative processes following allocation, mobility, promotion, sanctions and recruitment decisions, and the associated actions on the payroll. * ***Digital payment*** will allow mobile money to pay civil servants' salaries and will alleviate absenteeism among teachers and health personnel in rural and remote areas. * The adoption and implementation of both ***HR planning tools*** and HRM deployment plans will improve the territorial footprint of health staff, teachers and MSPs and MEPs at the local level.   **Limited risks and negative impacts**   * In general, the risks and negative impacts of the RPP ***will be low***. This is due to the following aspects: * The exclusion, by virtue of the very nature of the PPR, of any investment involving major environmental and social risks (i.e., projects whose risks are classified as ***high*** by the WB, corresponding to activities classified as *Category A* according to the Niger nomenclature) * The fact that the PPR does not provide for ***any investment in*** the construction, redevelopment, or rehabilitation of educational (elementary school) or health infrastructure. * RPP investments will not require ***any form of land displacement or acquisition or access restrictions*** to economic resources.   Health **risks**   * The program will ensure that biomedical products will be managed in an optimal way to avoid any consequences on the health of people: particular risks posed by infectious waste are accidental needlestick injuries which can cause hepatitis B and hepatitis C and HIV.   **Risk mitigation measures**   * All of these potential environmental and social risks ***have specific mitigation measures***. By virtue of the nature of the program's investments, it will not be necessary to prepare an ESMF or ESMP, and simple environmental requirements will suffice.   **NATIONAL ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEMS**  **Policies and strategies**   * In Niger, the protection of the environment is a priority expressed in several texts, among which the most important are the following: * ***The Constitution of November 25, 2010,*** stipulates, among other things, that "*the State shall ensure the assessment and control of the impacts of any development project and program on the environment*. * The ***National Environment Plan for Sustainable Development (PNEDD)*** develops Niger's policy on the environment and sustainable development. * The ***National Policy on Environment and Sustainable Development*** covers all key dimensions of development including technical, institutional, and organizational aspects, capacity building and resource mobilization. * The ***National Strategy for Sustainable Development and Inclusive Growth*** (SDDCI Niger 2035) sets out the basic principles for harmonious sustainable development for present and future generations of Niger. * The ***Economic and Social Development Plan 2017-2021*** lays down and consolidates the government's policy guidelines for socio-economic, cultural, and environmental development.   **Institutional framework**   * The main Nigerien institutions in charge of environmental and social aspects are:      * The ***Ministry of the Environment and the Fight against Desertification (MELCD)*** is responsible for the design, development, implementation and monitoring of national policy on the environment and sustainable development, in accordance with the guidelines defined by the Government.   + Within the ME/SU/DD, the ***National Environmental Assessment Office (NEAO)*** is the structure responsible for the administrative process of assessing and reviewing the environmental impacts of any project. * Other national and local institutions are involved in a in the implementation of the program, namely: * ***The Ministry of Planning,*** responsible for the design, development, implementation, monitoring and evaluation of policies. * ***The High Commission for the 3N Initiative*** *("Nigeriens Feed Nigeriens")****,*** whose mission is to implement the strategic axes of the 3N Initiative in order to contribute to making the Nigerien population hunger-free and to guarantee them the conditions for full participation in national production and for improving their income * ***The Ministry of Public Health oversees*** the elaboration of national policies and strategies in the field of public health and the definition of norms and standards in the field of public health and hygiene, as well as the control and inspection of health services throughout the national territory. * ***The Ministry of National Education*** is responsible, among other things, for secondary and higher education and scientific research   **Legislative and regulatory framework**   * Niger has an important legal arsenal concerning the regulatory framework for environmental and social management. The most relevant texts to the program are the following: * ***Law 98-56 of 29 December 1998,*** on the framework law on environmental management and environmental impact studies as instruments of environmental management. * ***Law 2018-28 of May 14, 2018,*** determining the fundamental principles of environmental assessment in Niger * ***Law 2001-032 of December 31, 2001,*** on the orientation of the Land Use Policy aims to establish the legal framework for all interventions by the State and other actors that have the effect of structuring, occupying and using the national territory and its resources (among other things, the law establishes the EIA as a planning tool).   **Land rights in Niger**   * The main texts relating to land rights are the following: * The ***Constitution of the 7th Republic of Niger of November 25, 2010*** stipulates in its Article 28 that every person has the right to property. And that no one can be deprived of his property except for public utility, subject to a fair and prior compensation. * ***Ordinance 93-015 of March 2, 1993***, sets out the guiding principles of the rural code and defines the legal framework for agricultural, forestry and pastoral activities with a view to land use planning, environmental protection, and human development.   **Overview**   * Niger's environmental and social management legislation ***is relatively elaborate*** and includes several texts and documents covering a wide range of aspects. * The national SEA system sets the basic rules for environmental protection. It has been strengthened in recent years. It is now ***well established*** and provides some guarantee that the environmental and social impacts of new projects subject to EIA will be addressed. In addition, in terms of expertise, there are several consultancy firms and consultants with references in the field and good capacities in environmental management. * There is a great deal of ***convergence and similarity*** between Niger's environmental and social management system and that of the World Bank. All laws, regulations and instruments governing investments and activities in the natural resources sector are generally in line with the Bank's procedures. * However, the analysis of the system also shows ***some discrepancies, gaps and dysfunctions***. The discrepancies include: the inadequacy of national legislation; the absence of a framework for preparing the CGES.   **ENVIRONMENTAL AND SOCIAL MANAGEMENT TOOLS**   * All sub-projects submitted under the RPP will be imperatively analyzed according to Nigerien procedures and environmental and social assessment steps, if necessary, will be complemented by procedures in line with WB policies. In this regard: * The ***National Environmental Assessment Office (BNEE)*** will be responsible, under the authority of the Ministry of the Environment, for verifying any application from a sub-project promoter: this will allow ***a preliminary screening and classification of the sub-project according to existing categories.*** This will be completed, to comply with WB requirements, by the completion of a *Simplified Diagnostic Sheet* (S*DS)*, which will determine the scope and nature of the environmental study to be conducted. The ToR of any study deemed necessary will be prepared by the sub-project proponent and approved by the Minister in charge of the Environment. * The study carried out will be validated in accordance with the national regulations in force.   + Any project classified as *Category A* by NESO and considered ***high*** risk by the World Bank is excluded from funding under the RPP.   + ***For a sub-project with low environmental and social impact***, classified as *Category C* by NESO and considered ***low*** risk by the WB, the preparation of an ***Environmental and Social Information Sheet (ESIS)*** will be sufficient.   + ***For a sub-project with a moderate environmental and social impact*** (*Category B* according to the NESO and whose risks are considered ***substantial*** by the World Bank), an ***Environmental and Social Impact Assessment* (ESIA)** will be prepared by each promoter, in accordance with national procedures. The ESIA will be supplemented by an ***Environmental and Social Management Plan (ESMP)*** to ensure that the study complies with WB requirements, particularly with respect to measures for prevention, control, and elimination of environmental and social risks, mechanisms for managing complaints, particularly in the context of sexual and gender-based violence (SGBV), possible compensation, modalities for implementing measures, public participation, and monitoring and evaluation.   + ***For an investment sub-project with moderate and substantial risks due to the*** use and generation of various hazardous solid wastes - glassware, rubble, paper and plastic packaging, chemicals (paint, thinner, etc.), as well as biomedical products (including expired products) and construction materials and leftover cements - a ***Liquid and Solid Waste Management Plan*** will be developed to allow for the effective management and safe disposal of wastes in and around the program sites. * NESO will be responsible for coordinating and monitoring the implementation of ***all communication activities*** (indeed, the implementation of all communication activities is the responsibility of the project owners, with NESO providing monitoring and oversight). In terms of communication, NESO's responsibility includes publishing reports, holding consultations with project stakeholders and the general public, and making all documentation accessible to all stakeholders. According to the WB's requirements, these will be ***genuine public consultations*** on the potential risks and adverse effects of the investment sub-projects, which should be conducted in an accessible location and in a form and language that is understandable to the sub-projects' affected parties and other interested parties: the objective of these consultations is to provide valuable input into the design and mitigation measures envisaged for the project (they should not be limited to presenting documentation and informing stakeholders about decisions already taken in advance). Finally, NESO also conducts the field verification and public hearing missions. * Local beneficiaries will need to be informed of the commitments contained in the ESMPs and RAPs and have the authority to access ***a complaint management mechanism in*** case of non-compliance. * At the end of all these procedures, BNEE prepares the ***Certificate of Environmental and Social Compliance for the*** project, activity or program to be signed by the Minister in charge of the Environment. * All safeguard tools prepared as part of subproject preparation will require appropriate ***public disclosure as part of*** an effective engagement plan for all stakeholders. * In particular, at the local level, local stakeholders will need to ***be informed*** of the commitments contained in these instruments and have access to a ***mechanism for handling complaints in the*** event of non-compliance. Each beneficiary commune, supported by civil society organizations, will ensure that this mechanism is implemented as part of a more comprehensive monitoring, evaluation, and control system.   **ENVIRONMENTAL AND SOCIAL ACTION PLAN OF THE PPR**   * The ***Environmental and Social Action* Plan** identifies three streams of recommendations, each with distinct and complementary activities. All of these measures will be integrated into the ***overall Program Action Plan*** and specific budget lines will detail the costs of each of these components and their respective activities.   **Component A: STRENGTHENING THE ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEM**  **A.1:** Technical **manual**   * Preparation of a *Technical Manual for the Environmental and Social Management (MTGES) of PPR investments* for the use of monitoring and evaluation officers in the relevant ministerial departments (health and education), as well as any other stakeholder involved at the local and national level in the program's activities. * The ESMT, which will be an integral part of the *RPP Procedures Manual*, will be consistent with both national environmental and social assessment procedures and the provisions of the WB's policy on RPP financing. * Among other things, the MTGES will address the following: * Gender-based violence (GBV) and sexual harassment procedures. * Optimal management of medical waste; * Complaint management mechanisms. * The integration of the principles of inclusion and non-discrimination of any initiative carried out within the framework of the program in relation to vulnerable or marginalized groups or individuals such as, for example, women, or people with disabilities. * Procedures and tools for the possible preparation of the following safeguard tools: (i) *Environmental and Social Management Plan (ESMP)* even for structural subprojects with moderate environmental risks; and (ii) *Liquid and Solid Waste Management Plan* for the effective management and safe disposal of waste in and around program sites.   **A.2: Focal point**  One person will be designated in each of the ***ministerial departments*** involved, namely health and education, to act as focal point for environmental and social management. These focal points will be responsible for ensuring, in close collaboration with all stakeholders collecting and centralizing all information related to the consideration of social and environmental risks of the planned investments; monitoring and evaluating the implementation of mitigation measures; organizing the holding of public consultations to inform those directly and indirectly affected by the project's investments and to collect their views; keeping a register concerning the handling of complaints from individuals or groups of individuals; and integrating all data related to environmental and social management into the internal information system.  **Component B: CAPACITY BUILDING**  **B.1 Awareness**   * Organize awareness-raising initiatives for ***all stakeholders, including separate sessions for women, about*** the potential negative environmental and social impacts of program investments (including any forms of sexual and gender-based violence and actions that may affect women's safety). * Organizing initiatives to inform all individuals and communities ***negatively affected in*** some way by program investments about the program's complaint management system, as well as the existing national recourse mechanism or the *WB Grievance Redress Service* (GRS) - so that their complaints can be promptly investigated to address relevant concerns   **B.2 Training**   * Initiate measures to adequately build ***the capacity of focal points and representatives of other institutions involved in*** program implementation to update them on national arrangements and WB modalities (including good practices and procedures) for environmental and social management of investments. * Organization of initiatives to adequately strengthen the capacity of program ***executing agencies*** in managing, processing and resolving complaints submitted by both local populations and the workforce)   **COMPONENT C: MONITORING & EVALUATION AND REPORTING SYSTEM**  **C.1 Monitoring and Evaluation**   * Definition and implementation of the ***participatory monitoring*** system for the prevention, mitigation and correction of ES risks related to the Program's activities.   **C.2 Reporting**   * Definition and implementation of a ***reporting system for*** all ES risk prevention, mitigation, and correction measures. |

**Estimated costs of the GE&S Plan budget** (US$)

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| **MEASURES** | **COST(US$)** |
| **A. Environmental and Social Management Component** | |
| A.1 Technical manual | 10.000 |
| A.2 Focal points | P.M. |
| **B. Communication and Capacity Building** | |
| B.1 Awareness | P.M |
| B.2 Training | 50.000 |
| **C. Monitoring and Reporting System** | |
| C.1 Monitoring System | 50.000 |
| C.2 Reporting | 50.000 |
| **TOTAL** | 160.000 |



## **SUMMARY**

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| 1. This ***Environmental and Social Systems Assessment (ESSA***) was undertaken by the World Bank (WB) as part of the preparation of the Results-Based Program (PPR) Loan for the Public Sector Management Program for Resilience and Provision of Services (P174822) in Niger, which will be implemented by the Ministry of Finance (MF). 2. The Program, which has a duration of ***five years,*** covers the areas of service provision in education and health, and will have ***a budget of US$200 million*** from the International Development Association (IDA).   **GENERAL PRESENTATION OF THE PROGRAM**   1. The Program Development Objective (PDO) is to strengthen the management of public expenditure and human resources in order to improve the availability of (i) medical equipment, drugs, and nurses in health centers, and (ii) teaching materials and teachers in public primary rural schools.   **PDO Level Results Indicators**   1. The PDO will be monitored through the following PDO level indicators:  * Increased textbooks per student ratio in public primary schools in rural areas * Increased number of public health centers in rural areas with tracer drugs and basic equipment * Increased number of nurses per inhabitants in rural areas * Improved students per qualified teacher ratio in public primary schools in rural areas  1. **Result areas**  * (i) *To scale up program-based budgeting and improve expenditures efficiency.* The specific activities covered would focus on the following: Adopting simplified processes for multi-year program-budgeting for primary schools, health centers, and local level MSP and MEN; public procurement; Implementing large-scale training and certification programs of civil servants with fiduciary responsibilities in health centers, schools, MSP, MEN, and MoF; and implementing GovTech solution to enhance the integration and deployment of financial information management systems; (ii) *To introduce performance-based and need-based human resource management (HRM),* by adopting simplified processes in line with revised Civil Service Law, Implementing large-scale training and certification programs of civil servants, and implementing GovTech solution to enhance the integration of payroll and HR systems   **ESSA: APPROACH, OBJECTIVES AND METHODOLOGY**   1. The ESSA examines national ***environmental and social management systems*** to assess their compliance with the provisions of the WB's policy on PforR. The aim is to ensure that it does not involve significant environmental and social risks and that the systems in place make it possible to identify and manage any risks. 2. Unlike conventional investment programs or projects, the PforR supports ***a government program***, emphasizing the following objectives: (i) finance the borrower's specific program spending; (ii) link the disbursement of funds directly to the achievement of specific results; (iii) use and, where appropriate, strengthen the systems to ensure that funds are used in an appropriate manner, taking into account adequately the environmental and social impact of the program; and (iv) strengthen institutional capacities to achieve the expected results. 3. The ESSA is undertaken to ensure consistency with ***six core principles*** outlined in paragraph 8 of the World Bank Policy for Program-for-Results Financing in order to effectively manage Program's potential impacts and risks as well as promote sustainable development. The six core principles are: 4. ***Environment***: Promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts, and promote informed decision-making relating to the Program's environmental and social impacts 5. ***Natural Habitats and Cultural Resources***: Avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program 6. ***Public and Worker Safety***: Protect public and worker safety against the potential risks associated with: (i) construction and/or operations of facilities or other operational practices under the Program; (ii) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (iii) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards 7. ***Land Acquisition***: Manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and assist the affected people in improving, or at the minimum restoring, their livelihoods and living standards. 8. ***Vulnerable Groups***: 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. 9. ***Social Conflict***: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes. 10. The ***WB team*** is responsible for preparing the ESA, while ***the client (Nigerien counterpart***) will be responsible for assessing the impacts associated with the activities (eligible investment sub-projects) that will be funded under the program.   **PROGRAM INVESTMENTS**   1. PforR investments will focus on activities aimed at ***supplying of health centers*** with medicines and provision of basic equipment, and ***supporting teaching staff*** in schools in rural areas.   **ENVIRONMENTAL AND SOCIAL EFFECTS OF THE PROGRAM**  **Positive environmental and social results**   1. The overall activities of the Program will have ***beneficial environmental, social and economic results,*** in a direct and indirect, temporary and permanent manner. They will help fight poverty and improve food security in rural areas, reduce the impact of any type of crisis on the human environment and the environment, and improve local livelihoods, with particular attention to vulnerable groups (women, children, young people, low-income people, people without family support, people victims of Covid 19, migrant workers, etc). PforR activities will boost shared prosperity and encourage meaningful investments in health and education, while enhancing capacity in high priority sectors. In addition, the Program will contribute to sensitize all national stakeholders about the environmental and social issues of the activities of the program. 2. The implementation of the activities is expected to have ***a structural impact on service delivery***, especially in rural areas:  * ***Performance-based and need-based HRM*** to improve health staff and teachers' presence in rural areas will improve access to and the quality of primary education and health utilization in underserved areas. * ***Integrated and streamlined procedures*** for Early Warning System and emergency response will improve the Government' responsiveness and accountability to crisis. * ***The integration of the payroll and HR systems*** will automate the administrative processes following the HR decision-making on allocation, mobility, promotion, sanctions and recruitment. * ***Mobile money to pay salaries of civil servants*** will mitigate the absenteeism of teachers and health staff in rural and isolated areas due to wage collection in cash. * ***HR planning tools and the HR deployment plans*** will improve the territorial footprint of health staff, teachers, and local level MSP & MEN.   **Limited negative impacts**   1. The low level of risks and negative environmental and social impacts is due to the following aspects:  * The exclusion, by virtue of the very nature of the PforR, of any investment involving major environmental risks (i.e., projects whose risks are classified as ***high*** by the WB), with major, irreversible, and unprecedented negative environmental and social impacts. * The ***exclusion*** of any investment concerning the construction, redevelopment or rehabilitation of educational or health infrastructures. * Program investments will not require any form of displacement or land acquisition or restrictions on access to economic resources.   **Health-related risks**   1. Potential health-related risks are linked to:  * Transport, storage, and handling of biomedical products - insofar as they could involve health risks for medical personnel, as well as for the public. * Potential mismanagement of infectious and non-infectious waste (solid and liquid) generated in health centers and inadequate practices for their safe collection and disposal. This could have more or less serious consequences on the health of people (healthcare workers, garbage collectors, waste workers, patients and the general public): particular risks posed by infectious waste are accidental needle stick injuries, which can cause hepatitis B and hepatitis C and HIV infection.   **Risk mitigation measures**   1. To all of these potential environmental and social risks correspond specific mitigation measures. Due to the nature of the program investments, it will not be necessary to prepare a CGES or an ESMP, and simple environmental requirements will suffice.   **LEGAL SYSTEM OF ENVIRONMENTAL MANAGEMENT**  **Environmental policies and strategies**   1. In Niger, the protection of the environment is a priority expressed in several texts, among which the most important are the following:  * The ***Constitution of November 25, 2010*** stipulates, among other things, that "the State ensures the assessment and control of the impacts of any development project and program on the environment". * The ***National Environment Plan for Sustainable Development*** (PNEDD) develops Niger's policy on the environment and sustainable development. * The ***National Policy on Environment and Sustainable Development*** covers all the key dimensions of development relating to technical, institutional and organizational aspects, capacity building and resource mobilization. * The ***National Strategy for Sustainable Development and Inclusive Growth*** (SDDCI Niger 2035) sets down the basic principles of harmonious sustainable development for present and future generations of Niger. * The ***2017-2021 Economic and Social Development Plan*** sets out and consolidates government policy guidelines in the area of socio-economic, cultural and environmental development.   **Institutional framework**   1. The main Nigerien institutions in charge of environmental and social aspects are:  * The ***Ministry of the Environment and the Fight against Desertification*** is responsible for the design, development, implementation and monitoring of the national environmental policy and Sustainable Development, in accordance with the guidelines defined by the Government.   + Within the ME / SU / DD, the ***National Environmental Assessment Office*** (BNEE) is the structure responsible for the administrative procedure for assessing and reviewing the impacts of any project on the environment  1. Other national and local institutions are directly involved in the implementation of the program, namely:  * The ***Ministry of Planning***, responsible for the design, development, implementation, control, monitoring and evaluation of policies. * The ***High Commission for the 3N Initiative*** ("*Nigeriens Nourish Nigeriens*"), whose mission is to implement the strategic axes of the 3N Initiative, to help protect the Nigerien populations from hunger and guarantee them the conditions for full participation in national production and the improvement of their income * The ***Ministry of Public Health*** responsible in particular for the development of national policies and strategies in public health and the definition of standards and criteria in public health and hygiene, as well as the control and inspection of health services throughout the national territory. * The ***Ministry of national Education*** is responsible, among other things, for secondary and higher education and scientific research   **Legal and regulatory framework**   1. Niger has an important legal arsenal concerning the regulatory framework for environmental and social management. The texts most relevant to the program are as follows:  * ***Law 98-56 of 29 December 1998,*** on the framework law on environmental management which makes PNEDD and environmental impact studies tools for environmental management. * ***Law 2001-032 of December 31, 2001,*** on the orientation of the Land Use Planning Policy aims to establish the legal framework for all interventions by the State and other actors having the effect of structuring, occupying and the use of the national territory and its resources (among other things, the law enshrines the EIA as a planning tool). * ***Law 2001-032 of December 31, 2001***, on the orientation of the spatial planning policy, sets the legal framework for all interventions by the State and other actors having the effect of structuring, occupying and use of the national territory and its resources.   **Land rights**   1. The main texts relating to land rights are as follows:  * The ***Constitution of the 7th Republic of Niger of November 25, 2010,*** stipulates in article 28 that everyone has the right to property. And that no one can be deprived of their property except for reasons of public utility, subject to fair and prior compensation. * ***Ordinance 93-015 of March 2, 1993***, fixes the guiding principles of the rural code and defines the legal framework for agricultural, forestry and pastoral activities in the perspective of land use planning and environmental protection and human promotion   **Overview**   1. Nigerien legislation on environmental and social management is ***relatively elaborate*** and comprises several texts and documents, covering a great many aspects. 2. The national ESE system sets the basic rules for environmental protection. It has been the subject of several reinforcement actions in recent years. It is currently ***well established*** and makes it possible to guarantee in a certain way the treatment of the environmental and social impacts of new projects subject to EIA. In addition, in terms of expertise, there are several consulting firms and consultants who have references in the field and good capacities in the field of environmental management. 3. There is a great ***convergence of views and similarities*** between the environmental and social management system of Niger and that of the World Bank. All laws, regulations and instruments governing investments and activities in the natural resources sector are generally in accordance with Bank procedures. 4. However, the analysis of the system also shows some ***discrepancies, gaps, and dysfunctions***. The few differences concern in particular: the insufficiency of national legislative texts; the lack of a framework for the preparation of the CGES.   **ENVIRONMENTAL AND SOCIAL MANAGEMENT INSTRUMENTS**   1. All sub-projects submitted under the PforR will imperatively be analyzed according to Nigerien procedures and environmental and social assessment stages, if necessary, they will be supplemented by procedures in accordance with WB policies. For this purpose:  * The ***National Environmental Assessment Office*** (BNEE) will be responsible, under the authority of the Ministry for the Environment, for verifying any request from a sub-project promoter: this will allow a preliminary screening and classification of the sub-project according to existing categories. This will be supplemented, to comply with the requirements of the WB, by the completion of a Simplified Diagnostic Form (FIDS), which makes it possible to determine the scope and nature of the environmental study to be carried out. The ToR for any study deemed necessary will be prepared by the sub-project promoter, and will be approved by the minister for the Environment. * The study carried out will be validated in accordance with current national regulations. * Any project classified in Category A of the BNEE and whose risk is considered **high** by the World Bank, is excluded from any financing under the PforR. * For a sub-project with a low environmental and social impact, classified in Category C by the BNEE and whose risks are considered **low** by the WB, the preparation of an **Environmental and Social Information Sheet** (FIES) will be sufficient. * For a sub-project with **a moderate environmental and social impact** (Category B according to the BNEE and whose risks are considered **substantial** by the World Bank), an **Environmental and Social Impact Study (ESIA)** will be prepared by each promoter, in accordance with national procedures. The ESIA will be supplemented by an **Environmental and Social Management Plan (ESMP)** to make the study comply with the requirements of the WB, in particular with regard to preventive measures, control, elimination of environmental and social risks, grievance management, particularly in the context of sexual and gender-based violence (GBV), compensation (including related implementing measures), public participation and monitoring and evaluation. * For an investment sub-project **with moderate and substantial risks** due to the use and production of various more or less dangerous solid wastes (glassware, rubble, paper and plastic packaging, chemicals (paint, thinner, etc.), as well as biomedical products (including obsolete products) and construction materials and remaining cements, a **Liquid and Solid Waste Management Plan** will be developed to enable the efficient management and safe disposal of waste in and around the premises. program sites. * The BNEE will be responsible for coordinating and monitoring the implementation of all communication activities (in fact, the implementation of all communication activities is the responsibility of the project leaders, the BNEE ensuring monitoring and control). In terms of communication, the responsibility of the BNEE includes the publication of reports, the holding of consultations with the people, groups of people affected by the project and the general public and the accessibility of all stakeholders to all documentation. According to the requirements of the WB, these will be ***real public consultations*** on the risks and the potential negative effects of the investment sub-projects, which will have to be conducted in an accessible place and in a form and in terms. understandable for the parties affected by the sub-projects and other parties concerned: the objective of these consultations is to make a valid contribution to the development of the design and mitigation measures envisaged within the framework of the project (they should not be limited to presenting the elements of the documentation and informing stakeholders about decisions already taken in advance). Finally, the BNEE also conducts field verification and public hearing missions. * Local beneficiaries must be informed of the commitments contained in the ESMPs and the RAPs and have the power to access a grievances management mechanism in the event of non-compliance with these commitments. * At the end of all these procedures, the BNEE prepares the ***Environmental and Social Compliance Certificate*** (to be signed by the Minister in charge of the Environment, for the realization of the project, activity or program * All the safeguard tools prepared as part of the preparation of the sub-projects should be subject to appropriate ***public disclosure*** as part of a real plan to mobilize all stakeholders. * In particular, at the local level, local stakeholders should ***be informed*** of the commitments contained in these instruments and have access to a mechanism for handling complaints in the event of non-compliance with these commitments. Each beneficiary municipality, supported by civil society organizations, will ensure the implementation of this mechanism, as part of a more comprehensive system of monitoring, evaluation and control.   **ENVIRONMENTAL AND SOCIAL ACTION PLAN**   1. The ***Environmental and Social Action Plan*** identifies three strands of recommendations, each strand comprising distinct and complementary activities. All these measures will be integrated into the overall ***Action Plan of the Program*** and specific budget lines will detail the costs of each of these components and their respective activities.   **Section A: STRENGTHENING THE ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEMS**  **A.1: Technical** Manual   * Preparation of a ***Technical Manual for the Environmental and Social Management*** (TMESM) of the PforR investments intended for the ministerial departments (Health and Education) and all other stakeholders involved at local and national level in program activities. * The MTGES, which will be an integral part of the PPR Procedures Manual, will comply with both national environmental and social assessment procedures and the provisions of the WB policy on PPR financing. * Among other things, the MTGES will deal with the following aspects: * Procedures relating to gender-based violence (GBV) and sexual harassment. * Mechanisms for handling complaints. * Optimal management of medical waste; * The integration of the principles of inclusion and non-discrimination of any initiative carried out within the framework of the program in relation to vulnerable or marginalized groups or individuals such as, for example, women, or people with disabilities * The procedures and tools concerning the possible preparation of the following safeguard tools: (i) *Environmental and Social Management Plan (ESMP)* even for structural sub-projects involving moderate environmental risks; and (ii) the ***Liquid and Solid Waste Management Plan*** for the efficient management and safe disposal of waste in and around program sites.   **A.2: Focal** Point  One person will be appointed to act within each of the concerned ministerial departments (Health, and Education) as the focal point for environmental and social management of PforR investments. These focal points will be responsible for ensuring, in close collaboration with all stakeholders: the collection and centralization of all information relating to the consideration of social and environmental risks of planned investments; monitoring and evaluation of the implementation of mitigation measures; organization of public consultations to inform those directly and indirectly affected by the project's investments and to gather their views; keeping a register concerning the handling of grievances from individuals or groups of people; the integration of data at the level of the internal information system; and the preparation of full semi-annual and annual reports.  **Section B: CAPACITY BUILDING AND STRENGTHENING**  **B.1: Sensitization**   * ***Organization of awareness-raising initiatives*** for all stakeholders with regard to the potential negative environmental and social impacts of program investments (including impacts related to gender-based violence and undermining the security and safety of women) * Organization of awareness-raising initiatives for all those affected by the program about the ***grievance management system*** put in place under the program to enable them to use it properly   **B.2: Training**   * Launch of measures aimed at appropriately ***strengthening the capacities*** of the focal points and representatives of other concerned institutions to update them on national systems and the fundamental principles of the WB (including best practices and procedures) in terms of environmental and social management of investments. * Organization of initiatives to ***inform all people, including in separate sessions for women, and communities*** negatively affected in a more or less direct manner by program investments about the program's complaints management system, as well as the existing national complaints mechanism or the WB Grievance Service (GRS)-to have their complaints reviewed expeditiously to address relevant concerns.   **Section C: Monitoring & Evaluation and Reporting Systems**  **C.1 Monitoring & Evaluation**   * Design and implementation of the ***participatory monitoring system*** for prevention, mitigation and correction measures for ES risks related to Program activities.   **C.2 : Reporting**   * Definition and implementation of a ***reporting system*** for all the prevention, mitigation and correction measures related to the Program ES. |

**Estimated costs of the E&S Management Plan** (US$)

|  |  |
| --- | --- |
| **MEASURES** | **COST(US$)** |
| **A. Environmental & social management** | |
| A.1 Technical Manual | 10.000 |
| A.2 Focal points | P.M. |
| **B. Communication & Capacity building** | |
| B.1 Awareness raising | P.M |
| B.2 Training | 50.000 |
| **C. Monitoring system & Reporting** | |
| C.1 Monitoring and Evaluation System | 50.000 |
| C.2 Reporting | 50.000 |
| **TOTAL** | 160.000 |

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## **CHAPTER I. PREAMBLE**

### **I.1 BACKGROUND**

1. This ***Environmental and Social Systems Assessment*** (ESSA) was undertaken by the World Bank (WB) as part of the preparation of the Results-Based Program Loan (RBPL) in support of *the Public Sector Management Program for Resilience and Service Delivery* (P174822) in Niger, which will be implemented by the Ministry of Finance (MoF)

### **I.2 PURPOSE OF THE ESES**

1. The ESES reviews country environmental and social management systems ***to assess their compliance with the*** provisions of the WB's RPP policy. The aim is to ensure that the RPP does not involve significant environmental and social risks and that the systems in place are adequate to identify and manage any risks. In particular, the ESES identifies and analyzes any gaps that may exist between the country systems and the basic principles applying to the program and recommends actions for improvement to ensure that the environmental and social management systems are consistent with WB requirements.
2. Unlike conventional investment programs or projects, ***the RPP supports a government program,*** emphasizing the following objectives: (i) to finance specific program expenditures of the borrower; (ii) to link the disbursement of funds directly to the achievement of specific results; (iii) to use and, in this case, strengthen systems to ensure that funds are used in an appropriate manner that adequately takes into account the environmental and social impact of the program; and (iv) to build institutional capacity to achieve the expected results
3. ***The WB team will* be *responsible for preparing the ESES***, while the client (Nigerien counterpart) will be responsible for assessing the impacts associated with the activities (investment projects) to be financed under the program.
4. The preparation of an RPP requires an assessment of the environmental and social system applicable to the program to ensure that the systems in place are adequate to identify and mitigate potential risks. In particular, the environmental and social systems assessment must serve to: (i) promote the environmental and social sustainability of the program; (ii) avoid, reduce, or mitigate any adverse environmental and social impacts; and (iii) support informed and participatory decision making.
5. The WB's policy for financing PPR describes the basic principles of environmental and social management that must be respected in the ESES. The consistency of these principles takes into account: (i) systems defined by laws, regulations, procedures, etc. The consistency of these principles takes into account: (i) the systems defined by laws, regulations, procedures, etc. (*the system as defined*); and (ii) the capacity of the program's institutions to effectively implement the systems (*the system as applied in practice*). The ESES identifies and analyzes gaps between the country systems and the basic principles applying to the Program on both levels mentioned above. It should be emphasized that, by virtue of the nature of programmatic interventions, the ESES focuses on the system as such, providing only indications of the type, nature and characteristics of the activities that will be implemented under the Program.
6. ***The ESES is undertaken to ensure consistency with the six core principles*** outlined in paragraph 8 of the World Bank's Program Financing for Results Policy to effectively manage program impacts and risks and promote sustainable development. The six core principles are:
7. ***Environment***: Promote environmental and social sustainability in program design; avoid, minimize, or mitigate adverse impacts and promote informed decision making regarding environmental and social impacts of the program.
8. ***Natural Habitats and Cultural Resources***: Avoid, minimize or mitigate adverse impacts to natural habitats and physical cultural resources resulting from the program
9. ***Public and Worker Safety***: Protect public and worker safety from potential hazards associated with: (i) construction and/or operation of facilities or other operational practices under the program; (ii) exposure to toxic chemicals, hazardous wastes, and other hazardous materials under the program; and (iii) reconstruction or rehabilitation of infrastructure located in areas subject to natural hazards
10. ***Land acquisition***: Manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and help affected people improve, or at least restore, their livelihoods and standard of living
11. ***Vulnerable Groups***: Give due consideration to cultural appropriateness and equitable access to program benefits, with particular attention to the rights and interests of vulnerable groups and their needs or concerns.
12. ***Social conflict***: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
13. The ESES aims to identify the strengths and weaknesses of the environmental and social system applicable to the program in order to identify the actions needed to improve its performance. Specific measures to address the identified weaknesses or gaps are also proposed as part of a ***Program Environmental and Social Management Action Plan*** (an integral part of the PPR Action Plan), with a view to improving current practices and procedures to bring them more in line with WB requirements. The *Program's Procedures Manual* will specifically take into account all aspects related to environmental and social safeguards.

### **I.3 METHODOLOGY**

1. The preparation of the ESES and the development of measures to strengthen environmental and social management systems benefited from a variety of information and a broad consultation process, including:

* ***Review of available documents and data*** on national environmental and social procedures and related regulatory frameworks, analysis of environmental and social safeguard capacities of institutions involved in the program; and review of WB documentation on RPPs and ESESs.[[1]](#footnote-2)
* ***Interviews and working meetings*** with representatives of state and non-state institutions involved in the program and key stakeholders (during the program preparation phase).
* ***The recommendations and remarks of the public consultation*** with key stakeholders held in Niamey on Tuesday, March 15, 2022, at the Ministry of Finance (see the minutes of this consultation in Appendix 7).

1. The preparation of the ESES was done in a participatory manner, involving comments and inputs from key stakeholders working in the private sector, government, and non-governmental organizations. Taking into account the restrictions related to the COVID-19 pandemic, the World Bank team collected relevant information and shared the draft ESES with the FM Focal Points, NESO representatives, and other involved institutions to collect opinions and suggestions before preparing the final version. This helped to identify the environmental and social issues of the program, assess the technical assistance and capacity building needs to improve the environmental and social management system of the RPP, and develop a better understanding of the procedures, standards, and approach to be adopted with the technical staff of the concerned ministerial departments.
2. The final version of the ESES will be made publicly available through the WB's external website and also the Ministry of Finance's website prior to the Program's passage through the WB's Board of Directors. Public comments were solicited during preparation of the ESSA.



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## **CHAPTER II. DESCRIPTION OF THE PROGRAM**

### **II.1 PROGRAM DEVELOPMENT OBJECTIVE (PDO)**

1. The World Bank is supporting the Government of Niger's ***Public Financial Efficiency Service Delivery*** Program ***(PEFSP),*** which aims to strengthen public financial management (PFM) and human resource management (HRM) to improve service delivery in key areas for strengthening public financial management reform and resilience. In line with the government's request, the ***Results-Based Program (RBP)*** will support the Ministry of Finance (MoF) in the implementation of the PEFSP.
2. The RPP will support ***the Ministry of Finance in the implementation of*** the government's PEFSP program. The government has requested the Bank's support to strengthen PFM reform. Indeed, the PEFSP aims at improving PFM to enhance service delivery in key sectors for resilience. The scope of the PEFSP covers budgeting, expenditure chain management and public service management in relation to program-budget execution and related payroll management. The RPP will support the implementation of PEFSP in rural areas.
3. The PEFSP program will be implemented ***over five years.*** The US$200 million project will have a ***US$180 million*** PPR component (and also a US$20 million Technical Assistance (TA) component).[[2]](#footnote-3)
4. **The program development objective (PDO)** is to strengthen public expenditure and human resource management in order to improve the availability of (i) medical equipment, drugs, and nurses in health centers, and (ii) teaching materials and teachers in rural public elementary school.
5. The PPR operates in a context characterized by very high population growth (with a projected 70% population growth by 2030); increasing insecurity (violence from terrorist groups affecting the livelihoods of millions of Nigeriens); severe degradation of natural resources (contributing to conflicts over access to and use of land, water, rangeland and forest resources); and chronic political instability. All of this is exacerbated by the health, social, and economic impact of the Covid-19 pandemic.

**Results Indicators at the ODP Level**

1. The ODP will be monitored through the following indicators:

* *Increasing the ratio of textbooks to students in public elementary schools in rural areas,*
* *Increase the number of public health centers in rural areas with tracer drugs and basic equipment,*
* *Increase the number of nurses per capita in rural areas,*
* *Improving the ratio of students to qualified teachers in public elementary school in rural areas.*

1. The ***Disbursement Related Indicators (DRIs)*** (see Table 1) focus on budgeting, expenditure and human resource management in education and health. Anchoring frontline service providers in rural areas and local administrative levels in program-based budgeting and improved expenditure management will improve the availability of inputs to elementary school and health centers in underserved areas. The introduction of performance and needs-based human resource management (HRM) to improve the presence of health personnel and teachers in rural areas will improve access to and quality of primary education and the use of health services in underserved areas.

**Table 1 List of Disbursement Related Indicators (DRI)**

|  |  |
| --- | --- |
| **Domain** | **LTD List** |
| ***PFM & HRM for Education & Health Services*** | Increase the number of public elementary school in rural areas with adequate and timely teaching materials and books |
| Increase in the number of health centers in rural areas with tracer drugs and basic equipment |
| Increase in the number of nurses per capita in rural areas |
| Improved ratios in rural areas of qualified teachers per student |

**Areas of intervention**

1. ***The field of intervention of the PPR is articulated around the following two aspects****:*
2. *Scaling up performance-based budgeting and improving* spending *efficiency*. Specific activities covered focus on the following: Adoption of simplified processes, among others, for multi-year program budgeting for elementary school, health centers, and the Ministries of *Public Health* (MSP) and National Education (MEN) at the local level; and Implementation of large-scale training and certification programs for civil servants with fiduciary responsibilities in health centers, schools, MSP, MEN, and MF related to public finance management implemented by *the Ecole Nationale d'Administration* (ENA) and MF;
3. *Introducing performance and needs-based HRM:* Specific activities covered focus on Adoption of streamlined processes in accordance with the revised Civil Service Law; Implementation of large-scale training and certification programs for civil servants with human resource responsibilities in health centers, schools, MSP, MEN, and MF implemented by ENA and MF; Funding of an incentive package for rural retention of teachers and health personnel in rural and remote areas; Recruitment of qualified health personnel and teachers for remote and rural areas

### **II. 2 PREVIOUS EXPERIENCES OF THE INSTITUTIONS INVOLVED IN THE PROGRAM**

1. The Ministry of Finance does not have previous experience in the environmental and social management of an RPP (in fact, this program is the first RPP in Niger). However, in general, the Ministry has considerable experience in implementing the PFM reform plan, with relative success given the transition to program budgeting in 2018. Public sector M&E capacity has been enhanced since program budgeting, with a network of Department of Studies and Programming (DEP) in each ministry heavily involved in budgeting and monitoring the implementation of ministry programs. In addition, the rollout of the integrated M&E system in 2021 will increase the government's M&E capacity.
2. The *National Environmental Assessment Office* (BNEE), which is under the supervision of the Ministry of the Environment and the Fight against Desertification (ME/LCD), has proven experience in the environmental and social management of many WB investment projects in Niger and in conducting environmental and social impact assessments, including in education (through the Learning for Results Project (P168779), health and nutrition (Improving Access to Health and Nutrition Services for Women and Girls Project, P171767), and agriculture (Integrated Climate Smart Agriculture Project (P153420) and the Agriculture and Livestock Transformation Project (P164509).
3. At the local level, the capacities and experiences of *local authorities* in project management, particularly in the area of environmental and social management, vary greatly in the context of projects supported by different technical and financial partners.



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## **CHAPTER III. ANALYSIS OF ENVIRONMENTAL AND SOCIAL EFFECTS**

### **III. 1 CHARACTERISTICS OF THE INVESTMENTS OF THE GOVERNMENT PROGRAM**

1. The RPP focuses on the key priority activities led by the MF and aims to expand the interventions already tested. These activities are strongly focused on the challenges of Public Financial Management and Human Resource Management. The investments will focus on activities to *increase agricultural productivity for selected crops (*increased yields at the farmer level), *increase the number of health centers* in rural areas, with the provision of drugs and basic equipment, and support teachers in rural schools. The technical risk of these investments is moderate as these activities build on successful past experiences and ownership of the investment procedures by the various stakeholders is strong.

1. Overall, the environmental risks and negative impacts of the RRP's activities are ***low***. Indeed, Niger is vulnerable to multiple risks of fragility and conflict, health/pandemic risks, and climate shocks (e.g., droughts, floods, extreme weather) that could shift government priorities to emergency and security interventions.
2. The environmental and social diagnosis of the different investment projects of eligible promoters will allow to identify, through a ***simple and efficient*** *screening* ***system***, their potential negative environmental and social impacts and to propose possible adjustment or risk mitigation measures, the required planning tools and simple and efficient control and monitoring systems.

* Under the RPP, the risk selection methodology will involve the systematic use of *four major criteria* to initially assess the range of associated E&S effects, namely: (i) likely E&S effects; (ii) E&S context, including any sustainability risks; (iii) institutional complexity and implementation capacity and track record of borrowers; and (iv) reputational and political risk. For each of these criteria, a risk rating will be assigned - *high, substantial, moderate, or low* - based on the likelihood and severity of these risks.

### **III. 2 OVERALL POSITIVE IMPACTS OF THE PROGRAM**

1. The PPR will have ***clear overall positive impacts***. Indeed, the introduction of performance and needs-based Human Resource Management (HRM) to improve the presence of health personnel and teachers in rural areas will improve access to and quality of primary education and the use of health services in underserved areas. Integrated and streamlined procedures for early warning and emergency response will improve government responsiveness and accountability in a crisis.
2. The activities of the Program will also ***have beneficial environmental, social and economic impacts*** in both a direct and indirect, temporary and permanent way. Indeed, they will contribute to fighting poverty and improving food security in rural areas, reducing the impact of any type of climate crisis on the human environment and the environment, and improving the living conditions of populations, with particular attention to vulnerable groups (women, children, youth, people with low incomes, people without family support, victims of Covid 19, migrant workers, etc.). The RPP activities will stimulate shared prosperity and encourage promising investments in health and education, while improving human resource capacity in high priority sectors. In addition, the Program will contribute, in a more or less direct way, to raising awareness among all national stakeholders about the environmental and social issues of its activities through the associated safeguards.
3. Specifically, the proposed program will have significant positive environmental and social impacts in relation to various sectors:

***Health***

* Increase the number of health centers in rural areas with basic equipment and medicines;
* Increase the number of nurses per capita in rural areas;
* Decrease nurse absenteeism in rural areas;
* To improve the provision of health services and the equipment of health centers (with a potential positive impact on the health of children and vulnerable groups in generally underserved areas);
* To improve, through the adoption of an appropriate management system, the availability of medicines, basic medical equipment and minimum teaching materials in public schools and health centers in rural areas;
* Improving the framework, conditions and means of work in hospitals;
* Strengthen the human capital and institutional capacity of actors involved in the provision of health services.

***Education***

* Increase the number of public elementary school in rural areas with adequate and timely teaching materials and textbooks;
* Improve the ratio of students to qualified teachers in rural elementary school;
* Decrease teacher absenteeism in rural areas;
* Improving educational infrastructure (with capacity building for teachers and provision of equipment and teaching materials (books, tables, benches, etc.) to elementary school);
* To improve the environment, conditions and means of work in the education centers;
* Strengthen the human capital and institutional capacity of actors involved in the provision of education services.

***Status of women***

* Improve the status of women (particularly in rural areas) through improved health and education services and reduce gender-based inequalities.

***Employment***

* Create jobs in rural areas with high unemployment.

***Climate change***

* Support the integration of climate change adaptation into budgeting and the early warning system, as well as the further digitization of public sector management procedures.
* Implement integrated and streamlined procedures for early warning and emergency response to improve government responsiveness and accountability in a crisis.

1. Furthermore, the implementation of the activities is expected to have a structural impact ***on service delivery,*** particularly in rural areas:

* Needs- and performance-based human resource management (HRM): the implementation of individual performance assessment of teachers and health personnel will be an essential prerequisite for career management, incentives, performance-based mobility and deployment.
* The integration of the *Human Resources Information Management System* (HRMIS*)* and the HRM system will allow for the automation of administrative processes following allocation, mobility, promotion, sanctions and recruitment decisions, and the associated actions on the payroll. It will also allow for better forecasting of health staff and teacher needs as well as on-the-job monitoring and initial training.
* Digital payment will allow mobile money to pay civil servants' salaries and will alleviate absenteeism among teachers and health personnel in rural and remote areas.
* The adoption and implementation of both HR planning tools and HRM deployment plans will improve the territorial footprint of health staff, teachers and MSPs and MEPs at the local level. This will also allow the Ministry of Public Health (MSP) and the Ministry of National Education (MEN) to better plan recruitment based on needs. Funding for retention incentives in rural areas, combined with HRMIS and performance-based HRM, will support the rural deployment plan.

### **III. 3 RISKS AND NEGATIVE ENVIRONMENTAL AND SOCIAL IMPACTS**

**Limited negative impacts**

1. In general, the low level of major negative environmental impacts of the Program is due to the following aspects:

* The very nature of the RPP ***precludes any investment with major environmental and social risks*** (i.e., projects rated as *high* risk by the WB).

**Box 1 Excluded investments**

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| According to the World Bank's RPP financing policy, all investments that may involve:   * Significant conversion or degradation of critical natural habitats or critical cultural heritage sites. * Contamination of air, water, or soil resulting in significant adverse effects on the health or safety of individuals, communities, or ecosystems. * Working conditions that expose workers to significant risks to personal health and safety. * Land acquisition and/or resettlement of a scale or nature that will have significant adverse effects on affected people, or the use of forced evictions. * Large-scale changes in land use or access to land and/or natural resources. * Negative E&S impacts covering large geographic areas, including transboundary impacts, or global impacts such as greenhouse gas (GHG) emissions. * Significant cumulative, induced or indirect impacts. * Activities that involve the use of forced or child labor. * Marginalization, discrimination against or conflict within or between social groups (including ethnic and racial). |

* The fact that the PPR does not provide for ***any investment in the construction, redevelopment or rehabilitation of educational (elementary school) or health infrastructure***.
* The existence of ***specialized institutions*** at the national and regional levels, with the capacity to manage most of the environmental and social aspects of the Program.
* The existence of an ***appropriate legal arsenal*** to effectively manage all aspects of the environmental and social management of the Program.

1. ***In terms of health:*** The main risks are related to the following aspects:

* The program will ensure that biomedical products will be managed in an optimal way to avoid any consequences on the health of people: particular risks posed by infectious waste are accidental needlestick injuries, which can cause hepatitis B and hepatitis C and HIV infection

1. ***During the preparation phase***, the main risk is the neglect of environmental and social aspects in the preparation of tender documents and/or their weak consideration in the preparation of technical studies and/or studies. This risk can be aggravated in cases where technical alternatives for project design have not been considered in a rigorous manner and aspects relating to information and public participation are not taken into account in a culturally appropriate and socially acceptable way.
2. The main mitigation measures recommended in this phase are to *screen* all program sub-projects according to agreed parameters, to introduce an E&S impact assessment form for activities before they are carried out, and to include a section in the tender specifications explicitly addressing compliance with environmental and social clauses (including hygiene, health and safety in the workplace).S impacts of the activities before they are carried out and inserting in the tender *specifications* a section explicitly concerning the respect of environmental and social clauses (in particular hygiene, health and safety in the workplace), strict monitoring of the implementation of the mitigation measures prescribed in the *Environmental and Social Management Plans* (ESMP) that may be required.
3. ***During the operation phase***, the negative environmental and social effects could be related to a lack of awareness and information of the personnel, users and schoolchildren, a lack of maintenance of the infrastructures and facilities, an inadequate use and degradation of the infrastructures and equipment, as well as an insufficient application of health and safety measures with in particular
4. The operation of health facilities will produce hospital waste of all kinds which, if not properly managed, could be a source of health risks and environmental pollution.
5. With respect to the main risks and negative social impacts of the proposed RPP, it should be noted that the RPP investments will not require ***any form of land displacement or acquisition or*** significant ***restrictions on access to*** economic resources.

### **III. 4 OVERVIEW AND CONCLUSION**

1. In conclusion, given the result of the analyses and the previous observations, we can note that:

* Niger has ***institutions capable of*** managing the environmental and social aspects of the program with good environmental and social management and risk assessment procedures, standards, and techniques, as well as a clear and comprehensive legal arsenal.
* The nature of the proposed activities does not suggest that specific *vulnerable groups* may be adversely affected by the Program.
* The various measures recommended for the mitigation and monitoring of impacts are ***known, controllable and effective***, both during the construction phase and during the operation of the structures.



## **CHAPTER IV. DESCRIPTION OF NATIONAL SYSTEMS**

1. In Niger, environmental protection is ***a priority*** of the sustainable development policy.

### **IV.1 INTERNATIONAL ENVIRONMENTAL CONVENTIONS**

1. Niger has ratified most of the international environmental conventions and agreements that serve as a reference framework for international development assistance programs, in particular the following: the *United Nations Framework Convention on Climate Change*, the *Convention to Combat Desertification* and the *Convention on Biological Diversity* (see list of conventions applicable to the RPP in Annex 1).

### **IV.2 POLICY FRAMEWORK** **AND RELEVANT NATIONAL STRATEGIES**

**The Policies**

1. In Niger, environmental protection is a priority expressed in several laws, policies and strategies, among which the most relevant to the Program are the following

* ***The Constitution of November 25, 2010,*** stipulates, among other things, that "The State shall ensure the assessment and control of the impacts of any development project and program on the environment. In its Article 35, the Constitution states that: "*The State has the obligation to protect the environment in the interest of present and future generations. Everyone is obliged to contribute to the safeguarding and improvement of the environment in which he or she lives [...] The State shall ensure the assessment and control of the impact of any development project and program on the environment*".
* The ***National Environment Plan for Sustainable Development (PNEDD) (1998),*** which serves as the National Agenda 21, develops Niger's policy on the environment and sustainable development. Environmental and social concerns must be taken into account in all decisions concerning the country's development. Its aim is to implement the three post-Rio Conventions by putting in place conditions favorable to the long-term improvement of the population's living conditions and economic development
* The ***National Policy on Environment and Sustainable Development,*** adopted by Decree No. 2016-522/PRN/ME/DD of September 28, 2016, covers all the key dimensions of development relating to technical, institutional and organizational aspects, capacity building and resource mobilization, particularly domestic. It is structured around four strategic areas of intervention, namely: sector governance; sustainable land and water management; sustainable environmental management; and biodiversity management.
* The ***National Strategy for Sustainable Development and Inclusive Growth*** (SDDCI Niger 2035) sets out "*the basic principles for harmonious sustainable development for present and future generations of Niger*. Its development objective is "to *build a well-governed and peaceful country and an emerging economy based on a balanced sharing of the fruits of progress*. All plans, programs, projects and public or private development activities must take into account the requirements of environmental protection and conservation.
* The ***Economic and Social Development Plan (PDES) 2017-2021*** sets out and consolidates the government's policy guidelines for socio-economic, cultural and environmental development. In this sense, according to its axis 3 "*The main orientation concerns the strengthening of the economic potential of our country in order to achieve an accelerated growth rate, able to meet the dual objective of improving income and job creation, as well as the consolidation of the foundations of sustainable development*. To do this, "*Particular emphasis will be placed on structural investments in strategic areas of the economy to initiate the break*. This is in line with "*Investments in infrastructure and services to reduce the cost and time of transport, particularly along the main corridors, to increase inter and intra-regional trade flows and to contribute to strengthening regional economic integration and cooperation*. It is structured around five strategic areas that aim to address the economic and social development challenges and issues identified: cultural renaissance, social development and demographic transition, improved economic growth, improved governance, peace and security, and sustainable environmental management.

**The strategies**

1. In addition, there are other important texts that are applicable to the program, including the following:

* ***The 2016-2020 Action Plan of the "3N initiative",*** whose main objective is "zero hunger in Niger", a tool for fighting poverty (to help reduce the proportion of poor people from 45% (rural: 52.4%) in 2015 to 31% (rural: 36%) of the population in 2020.
* ***The*** overall objective of ***the Food Security, Nutritional and Sustainable Agricultural Development Strategy, called the "3N Initiative"*** (*Nigeriens Feed Nigeriens)* and its ***Action Plan, is to*** "*protect the Nigerien population from hunger and malnutrition in the long term and guarantee them the conditions for full participation in national production and the improvement of their income" by* 2035. Specifically, the strategy aims to *"strengthen national capacities for food production, supply and resilience to food crises and disasters*.
* Finally, ***Law No. 98-12 of June 1, 1998 (Orientation of the Education System in Niger,*** LOSEN), on the orientation of the Nigerien education system, sets as objectives, among others, to train women and men capable of leading their civic and professional lives with dignity; to guarantee all young people, without discrimination, equitable access to education; and to eradicate socio-economic and cultural obstacles, pedagogical handicaps, and other obstacles hindering the full blossoming of girls and women in the learning process.

### **IV. 3 LEGISLATIVE AND REGULATORY FRAMEWORK FOR ENVIRONMENTAL MANAGEMENT**

1. Niger has an important legal arsenal concerning the regulatory framework for environmental management. The most relevant texts to the program are the following:

* ***Law 2001-032 of December 31, 2001,*** on the orientation of the Land Use Policy aims to establish the legal framework for all interventions by the State and other actors that have the effect of structuring, occupying and using the national territory and its resources (among other things, the law establishes the EIA as a planning tool). Among other things, the law states:
* **Article 4:** "*The regional planning policy ensures the definition of sectoral and spatial orientations capable of creating synergy between the various regions, on the one hand, and the sectors of activity on the other. It aims to reduce intra- and inter-regional disparities through better coverage of the population's essential needs, particularly in terms of food, health, education, drinking water and housing. It contributes to the development and rational exploitation of the territory and its resources*.
* **Article 34:** "*The State shall ensure that the environmental dimension is taken into account in the formulation of programs and projects, in particular by including environmental impact studies that integrate ecological, socio-economic and cultural aspects. It shall also ensure that all development actors comply with international conventions on the subject*.

**Box 2 The founding principles of sound environmental management**

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| **Chapter II: Basic principles**  **Article 3**: The rational management of the environment and natural resources is based on the following principles:  a) *The principle of prevention*, according to which it is important to anticipate and prevent environmental damage at the source.  b) *The precautionary principle*, according to which the absence of scientific and technical certainty must not prevent the adoption of effective and appropriate measures to prevent serious harm to the environment.  c) *The polluter pays principle*, according to which the costs of pollution prevention and control measures, including the restoration of polluted sites, are borne by the polluter.  d) *The principle of responsibility*, according to which any person who, by his action, creates conditions likely to harm human health and the environment, is obliged to take the appropriate measures to stop the damage caused.  (e) *The principle of participation*, according to which every citizen has a duty to protect the environment and to contribute to its improvement. To this end, the public authorities are obliged to facilitate access to environmental information and to act in consultation with the groups and populations concerned.  f) *The principle of subsidiarity*, according to which in the absence of a written rule of law for the protection of the environment, the customary norms and traditional practices of the land concerned shall apply. |

* ***Law 2018-28 of May 14, 2018,*** determines the fundamental principles of environmental assessment in Niger. Among other things, the law states:
* **Article 3** stipulates that: "*Policies, strategies, plans, programs, projects or any other activities, which, due to the importance of their dimensions or their repercussions on the biophysical and human environments, may affect the latter, are subject to prior authorization by the Minister in charge of the environment*.
* **Article 9** defines the ESMF as "*a document containing guidelines for mitigating and/or enhancing the environmental and social effects that the implementation of a policy, strategy, plan, program or project with several sub-projects could generate on the receiving environment*.

Environmental **assessment**

1. In Niger, environmental and social assessment and the tools that make it up are the subject of specific legislative texts, namely :

* The implementing decrees are ***Decree No. 2000-397/PRN/ME/LCD of October 20, 2000,*** determines the administrative procedure for environmental impact assessment and review (EIA), the content of the impact study, and the publicity mechanism provided for in Article 36 of the framework law on environmental management. The stages of this procedure include project notification, screening, terms of reference for the impact study, recommendations and conditions for monitoring and follow-up. According to this decree, a *project is* defined as "any operation, activity, program or plan that modifies the environment, the implementation of which is envisaged by a natural or legal person, under public or private law".
* ***Decree No. 2000-398/PRN/ME/LCD of October 20, 2000,*** determining the activities, works and planning documents subject to environmental impact studies. These decrees specify the administrative approach to be followed for the integration of environmental concerns in the planning of programs, projects, and socio-economic development activities.

1. Other legal texts govern the conduct of strategic or regional environmental assessments (SEA or ERA) and SEAs (of sectoral policies, plans and programs). The legal basis for their validation is Order No. 0099/ME/SU/DD/ SG/BEEEI/DL of August 5, 2015 on the organization and operation of the BEEEI and determining the powers of its Director. This order takes into account the different tools of environmental assessment in accordance with the principle of subsidiarity retained in Article 3 of the framework law on environmental management. It should be noted that Niger's regulations do not distinguish between simplified and in-depth EIAs.
2. The stages of the ESIA procedure are specified in Order 099 of June 28, 2019 determining the principles of environmental assessment. Among the main steps, the following should be recalled:

* Preliminary sorting--categorizing the project
* Framing, development of terms of reference
* Conducting the study
* Review of the report
* Decision-making
* Implementation
* Monitoring and control

1. Each project is classified into one of four categories: *Category A projects* are subject to a detailed ESIA; *Category B* projects are subject to an Environmental and Social Impact Statement (NIES); *Category C projects* are subject to environmental and social requirements; and Category D projects are not subject to any specific measures.

### **IV. 4 INSTITUTIONAL FRAMEWORK FOR ENVIRONMENTAL MANAGEMENT**

1. The main national institutions directly involved in the environmental and social management of the program activities are:

* The ***National Environment Council for Sustainable Development*** (CNEDD), which reports to the Prime Minister's Office, is responsible for developing, coordinating the implementation, monitoring and evaluating the PNEDD, the reference framework for environmental policy in Niger. It is especially responsible for ensuring that the environmental dimension is taken into account in Niger's socio-economic development policies and programs.
* The ***Ministry of the Environment and the Fight against Desertification (ME/LCD)*** is in charge of the conception, elaboration, implementation and follow-up of the national policy in the field of the Environment and Sustainable Development, in accordance with the orientations defined by the Government.[[3]](#footnote-4) As such, the Ministry defines, designs and implements policies, strategies, projects and development programs in the field of the Environment. In this respect, its main responsibilities are as follows the definition and implementation of policies and strategies in the fields of restoration and preservation of the environment, the fight against desertification, climate change, biodiversity, sustainable management of natural resources and wetlands; the definition and implementation of policies and strategies in the field of sustainable development; the taking into account of national policies and sectoral strategy in the field of environment and sustainable development in the other national policies and strategies; the validation of the reports of the environmental evaluations of the development programs and projects, the delivery of the certificates of environmental conformity, the realization of the environmental and ecological follow-up, the audits and environmental assessments. ***The Directorate of Environment and Living Environment***, created under the supervision of the ME/LCD, has as its mission, among others, the application of the environmental policy in the field of preventive and active fight against pollution and nuisances and the improvement of the living environment; the preparation of legislative and regulatory texts on the fight against pollution and nuisances; the monitoring of the management of solid and liquid wastes and public dumpsites; the periodic realization of tests and studies to determine pollution and nuisances; etc.
  + Within the ME/LCD, the ***National Environmental Assessment Office (BNEE)*** has a particularly important role. Attached to the Ministry with the rank of National Directorate, the NBEA is the structure responsible for the administrative procedure of evaluation and review of the impacts of a project on the environment.[[4]](#footnote-5) BNEE is a decision-making body whose mission is to promote and implement EA in Niger. At the national level, it has jurisdiction over all policies, strategies, plans, programs, projects and all activities for which an EA is mandatory or necessary (in accordance with Law No. 2018-28 of May 14, 2018.[[5]](#footnote-6)
  + The BNEE was born from the will of the Nigerien authorities to integrate the environmental dimension into development projects and programs in order to achieve the objectives of sustainable development in accordance with the commitments that Niger has contracted through international conventions and agreements. Attached to the Ministry with the rank of National Directorate bringing together various specialists necessary for the accomplishment of its mission. It is responsible for, among other things validating environmental and social assessment reports; organizing and conducting training, information and awareness seminars on environmental and social assessment; preparing *the Environmental and Social Compliance Certificate for the* signature of the Minister in charge of the Environment, for the implementation of any project, activity or program***;*** monitoring the compliance of planned works with environmental and social protection standards; supervising, monitoring and evaluating the various plans resulting from the environmental and social assessment of activities, projects, programs and development plans subject to it; enforcing the administrative procedure for assessing and examining environmental impacts and settling all related legal issues; etc. [[6]](#footnote-7) BNEE is represented in the regions by *Environmental Assessment and Ecological Monitoring Divisions* (DEESE), housed within the Regional Directorates for the Environment and the Fight against Desertification.

1. Other national and local institutions involved in a more or less direct way in the implementation of the program are

* ***The Ministry of Planning*** is responsible, in conjunction with the other ministries concerned, for the design, development, implementation, monitoring and evaluation of national policies in accordance with the Sustainable Development and Inclusive Growth Strategy and its action plan, particularly the Economic and Social Development Plan (PDES 2017-2021). The Ministry coordinates in particular the elaboration of general orientations and medium and long-term development strategies, the follow-up of their implementation, the realization of studies and prospective analyses on the economic and social development of the country, the coherence of sectoral strategies with the global framework of development, the processes of formulation and reforms of economic policies. It is responsible for promoting foreign direct investment and mobilizing external resources, etc.
* ***The*** mission of the ***High Commission for the 3N Initiative*** is to implement the strategic axes of the 3N Initiative and to contribute to making Niger's populations safe from hunger and guaranteeing them the conditions for full participation in national production and for improving their income. Its specific objective is to strengthen national capacities for food production, supply and resilience to food crises and disasters
* ***The Ministry of Public Health,*** which is responsible, according to Article 26 of Decree No. 2016-624/PM of November 14, 2016, "*for the design, development, implementation, monitoring and evaluation of national public health policy, in accordance with the guidelines defined by the Government.*" In this capacity, it has the following responsibilities, among others: (i) the definition of policy and the development of national strategies in public health; and (ii) the definition of norms and standards in public health and hygiene, as well as the control and inspection of health services throughout the national territory; the development, implementation and control of the application of legislation and regulations governing the public health sector.
* ***The Ministry of National Education*** is responsible, among other things, for secondary and higher education and scientific research.
* ***The Ministry of Employment, Labor and Social Protection:*** according to Article 18 of Decree No. 2016-624/PM of November 14, 2016, specifies the responsibilities for the design, development, implementation, monitoring and evaluation of national employment, labor and social protection policies and strategies, in accordance with the guidelines defined by the Government. It ensures compliance with the legal and regulatory provisions in this area.
* ***The Ministry of the Interior, Public Security, Decentralization and Customary and Religious Affairs*** According to Article 2 of Decree No. 2016-624/PM of November 14, 2016, this Ministry is responsible for the design, development, implementation, monitoring and evaluation of national policies on territorial administration, public security, decentralization, deconcentration and customary and religious affairs, in accordance with the guidelines defined by the Government. This Ministry is responsible for overseeing local authorities.
* ***The National Agency for the Information Society (ANSI),*** created by Decree No. 2017-621/PRN of July 20, 2017, is a public establishment of an administrative nature. Its main mission is the operational implementation of strategies, programs and projects for the promotion and development of information and communication technologies (ICT), in accordance with the guidelines defined by the Government, in relation with the Ministry in charge of the sector and other relevant structures.

**At the local level**

* ***Territorial authorities (Communes)***: Created by Ordinance 2010-53 of September 17, 2010, amending and supplementing Law 2008-42 of July 31, 2008, on the organization and administration of the territory of the Republic of Niger, the communes have important competencies and responsibilities, including economic development, land management, and hydraulic equipment and structures (art. 163). The areas that can be transferred to the local authorities are listed in Article 163 of Ordinance No. 2010-54 of September 17, 2010, on the General Code of Local Authorities of the Republic of Niger. Under the terms of this ordinance, the communes: ensure the preservation and protection of the environment and the sustainable management of natural resources with the effective participation of all the actors concerned; draw up, in compliance with development options, local action plans and schemes for the environment and the management of natural resources; give their opinion on any project for the construction of infrastructure or the installation of dangerous, unhealthy or inconvenient establishments (e.g., living quarters) in the commune.
* ***Traditional chieftaincy***: According to Ordinance No. 93-028 of March 30, 1993 on the status of traditional chieftaincy in Niger, amended and completed by Law No. 2008-22 of June 23, 2008, customary chiefs have important powers in the context of conciliation of parties in customary, civil and commercial matters. They regulate, according to custom, the use by families or individuals of crop lands and pastoral areas, over which the customary community for which they are responsible has recognized customary rights. The customary chief is also responsible for maintaining public order within the communitý of which he is in charge and for reporting facts likely to undermine it and any infringement of the criminal law, to the administrative authoritý of his jurisdiction.

1. Several civil society organizations have an important role in environmental management, including:
   * ***The Niger Association of Environmental Impact Assessment Professionals*** (ANPÉIE) is a non-political, non-profit organization whose main objective is to promote the consideration of environmental concerns in policies, orientations, strategies, programs and projects of socio-economic development within the framework of planning processes. This association, through its activities, provides assistance for the training and sensitization of the staff of engineering offices and projects, companies and local populations in the management of environmental impacts, monitoring and follow-up of the implementation of environmental impact limitation plans.

### **II. 5 LEGISLATIVE AND REGULATORY FRAMEWORK OF SOCIAL MANAGEMENT**

1. In terms of managing social issues, particularly social assessments for loss of land and property, several legal provisions in Niger manage these issues with respect to agricultural land development.
2. Article 2 of Law 98-056 of December 29, 1998 (already cited) defines *the environment* as "*all the physical, chemical and biological elements, social factors and the dynamic relations maintained between these different components”*. Through this definition, it is clear that the environment is conceived as explicitly including the social dimension.

**Labour Code**

1. ***Law 2012-45 on the Labor Code in the Republic of Niger*:** Chapter 2 of this text is devoted to hygiene, safety and health at work. It stipulates in its article 136 that in order to protect the life and health of employees, the employer is required to take all useful measures that are adapted to the operating conditions of the company. In particular, he must arrange the installations and organize the work in such a way as to protect the employees as much as possible from accidents and illnesses. Where sufficient protection against the risk of accident or injury to health cannot be provided by other means, the employer must provide and maintain such personal protective equipment and protective clothing as may reasonably be required to enable employees to perform their work safely.

**Other policies relevant to the RPP**

1. Other national policies and schemes are also relevant to RPPs, in particular the following.

* ***Water Code*.** Ordinance n°2010-09 on the water code in Niger, whose **article 6** recognizes that water is an ecological, social and economic asset whose preservation is of general interest and whose use, in any form, requires that everyone contributes to the effort of the community and/or the State to ensure its conservation and protection.
* ***Promotion of equality between women and men.*** All Program activities will be in line with the National Gender Policy (August 2017), in particular to combat any negative impact on the social and economic status of women and to prevent any form of sexual and gender-based violence and sexual harassment (SGBV) and undermining women's safety and security. [[7]](#footnote-8)
* ***Gender Policy***. Adopted in 2008, Niger's gender policy focuses on achieving the Sustainable Development Goals. It requires the effective and equal participation of men and women at all levels of the wealth creation and redistribution process. The Policy, which is built on the findings of inequalities related to the status and poverty of vulnerable people, aims not only to operationalize the constitutional principles of equality and respect for human rights, but also to translate into action the State's national and international commitments to the promotion of equity and gender. To this end, it constitutes a federating, guiding and coordinating framework for the various interventions.
* ***Protection of public and worker safety.*** The Labor Code and other national regulations provide for all measures to protect public safety, including worker safety, from potential hazards associated with (i) the construction and/or operation of facilities or other operational practices; (ii) exposure to toxic chemicals, hazardous wastes and other dangerous products; and (iii) the reconstruction or rehabilitation of infrastructure located in areas exposed to natural hazards.
* ***Child labor*.** Section 3 of Niger's *Labor* Code states that "children may not be employed in a business, even as apprentices, before the age of fourteen (14)" and that "children over the age of fourteen (14) may perform light work" but the employer is required to make a prior declaration to the labor inspector.
* **Medical waste management.** In addition to having ratified the main international conventions, Niger has a legal framework that governs the management of hazardous waste and chemicals. These regulatory texts are the responsibility of several ministerial departments. These include, among others, the ministries in charge of public health, the environment, mines and industry, urban sanitation, agriculture and livestock. In particular, Ordinance No. 93-13 of March 2, 1993 instituting a public hygiene code contains provisions relating to the hygiene of industrial and commercial installations, as well as to the hygiene of the natural environment.
* ***Public hygiene*.** *Ordinance No. 93-13 of March 2, 1993 establishing a public hygiene code* contains provisions relating to the hygiene of industrial and commercial facilities, as well as the hygiene of the natural environment. Among other things, it provides for measures to combat noise and the establishment of sanitary controls at borders. It creates a sanitary police force and provides for the modalities of the preliminary investigation as well as the actions, prosecutions and fines to be paid by the person responsible for hygiene. Several application decrees support the implementation of the legal provisions thus presented.
* ***Cultural heritage*.** Law No. 97-022 on the protection, conservation and development of the national cultural heritage. **Article 57:** "*The Ministry in charge of cultural heritage has the prerogative to assume, among others, the following functions [...] To organize the control of archaeological excavations, to ensure the conservation "in situ" of certain cultural property and to protect certain areas reserved for future archaeological research [...]*"
* ***People with reduced mobility*.** The national legislation concerning people with reduced mobility recognizes the formal rights of people with disabilities or those with simple mobility difficulties to have access to public buildings and constructions open to the public.

**Constitutional appeal bodies**

1. **The law n°2011-18 *of August 8, 2011,*** instituted a ***Mediator of the Republic***, an independent authority that receives, under the conditions set by this law, complaints concerning the functioning of State administrations, local authorities, public establishments, and any other body invested with a public service mission, in their relations with the citizens. From the internal activity reports, however, it appears that the law has serious shortcomings compared to international standards, which justifies the new amending law bearing No. 2013-30 adopted on June 17, 2013, to incorporate the criteria of independence and autonomy and expand the powers of the Ombudsman. Notoriously, the Ombudsman does not have the human and financial resources to function adequately.

### **IV. 6 LEGAL AND INSTITUTIONAL CONTEXT OF RESETTLEMENT**

1. The legal and institutional context for resettlement relates to land legislation, land acquisition mechanisms, resettlement, and economic restructuring. The state is the guarantor of laws and regulations and ensures their application within the decentralized entities. It defines the mode of access to land ownership as well as the modes of exploitation of natural resources: land, forests, water, public or private domain, natural or artificial.

**Land rights in Niger**

1. The main texts relating to land rights are the following:

* The ***Constitution of the 7th Republic of Niger of November 25, 2010*** stipulates in its article 28: that every person has the right to property. No one can be deprived of his property except for reasons of public utility, subject to fair and prior compensation.
* ***Ordinance 93-015 of March 2, 1993***, establishing the guiding principles of the rural code and defining the legal framework for agricultural, forestry and pastoral activities with a view to land use planning, environmental protection, and human development. This text ensures the security of rural operators through the recognition of their rights and promotes development through a rational organization of the rural world.

1. Land and natural resources belong to the state, local communities, and individuals; the different forms of ownership are the result of the cohabitation of modern written law and customary law. The Rural Code stipulates those rural natural resources are part of the nation's common heritage and, as such, all Nigeriens have equal access to them without discrimination based on gender or social origin (Article 4). The rights to natural resources are equally protected, whether they result from custom or written law (Article 5). Therefore, ownership of land is acquired by custom or by means of written law. Customary ownership confers full and effective ownership of the land on its holder.
2. Customary ownership comes from the acquisition of rural land ownership by inheritance and confirmed by collective memory; from the definitive attribution of land to a person by the competent customary authority; or from any other mode of acquisition provided for by the customs of the land.
3. Ownership of modern written law is derived from the private acquisition of land by one of the following acts: registration in the land register; authenticated deed; certificate of registration in the Rural File; or private deed.
4. The State domain is subdivided into public and private domains. The domain of local authorities is the result of concessions from the State domain (public or private) by virtue of the principle of decentralization; local authorities benefit from the transfer of competences in the following areas: the land domain of the authorities, the economic domain, planning, land use and urbanism, the environment and the management of natural resources, livestock, agriculture, fishing, etc. (Article 12 of Law 2002-13 of 11 June 2002). (Article 12 of Law 2002-13 of 11 June 2002).
5. The domain of private property (legal entities and individuals) results from modern law (land titles from the Direction des Affaires Domaniales et du Cadastre or the Rural Code, land transaction acts from the Land Commissions (COFO), private deeds, and custom (customary accession).
6. The land commissions are responsible for: (i) raising the awareness of the population on the provisions applicable to the management of natural resources; (ii) the materialization of community spaces; (iii) the in-depth diagnosis of natural resources; (iv) the assessment of land development; (v) the issuing of land titles, etc.
7. The institutional mechanism is reinforced by the *Permanent Regional Secretariats* (SPR) whose mission is to develop land management plans as a tool for managing natural resources and securing rural operators and community spaces.
8. Within the framework of decentralization, prerogatives are shared between local authorities:

* The region has public and private land and private property acquired for valuable consideration or free of charge. It may also transfer all or part of the movable or immovable property in its private domain or enter into agreements on the use of the property.
* The department is responsible for the implementation and coordination of development programs whose orientations and strategies are defined by the region.
* The municipality that will ensure the elaboration of local development plans and schemes in accordance with the department's options.



## **CHAPTER V. ASSESSING INSTITUTIONAL CAPACITY AND PERFORMANCE S**

### **V.1 ADEQUACY OF APPLICABLE SYSTEMS**

1. Niger's environmental and social management legislation ***is relatively elaborate*** and includes several texts and documents covering a wide range of aspects.
2. The national EIA system sets the basic rules for environmental protection. It has been the subject of several actions of reinforcement during the last years. It is now ***well established*** and provides some guarantee that the environmental impacts of new projects subject to EIA will be addressed.
3. Moreover, in terms of expertise, there are ***several consulting firms and consultants*** with references in the field and good capacities in the area of environmental management.

### **V.2 COMPARISONS BETWEEN NATIONAL PROCEDURES AND WORLD BANK POLICIES**

1. There is a ***high degree of convergence*** and similarity between Niger's environmental and social management system and that of the World Bank. All laws, regulations and instruments governing investments and activities in the natural resources sector are generally in line with the Bank's procedures. Law n°2018-028 of May 14, 2018, determines the fundamental principles of environmental assessment in Niger and takes into account SEA, ESIA and SEA and provides for the completion of assessments.
2. However, the analysis of the system also shows ***some discrepancies, shortcomings and dysfunctions***, particularly in relation to the following aspects:

* ***The inadequacy of national legislation*** insofar as it does not include strategic environmental and social assessments, environmental and social audits, environmental and social impact notices (or simplified environmental impact studies), and environmental and social audits.
* **The absence of a *standard outline for the preparation of an ESMF*,** an environmental and social audit report, an impact statement report, or an environmental and social report.
* ***Compensation alternatives***: the land transfer values determined by Ordinance No. 99-50 are out of step with market values. Therefore, these scales should be updated on a regular basis. In particular, for buildings, the replacement value (current market cost) and the necessary labor should be taken into account, and for land, compensation should be based on the real market value, taking into account transaction costs.
* ***The eligibility deadline***: According to Niger's arrangements, people who do not have a formal right at the time of the census but are likely to have one because of a process already underway, are not eligible under national law. However, according to WB policies, the following are eligible for resettlement assistance: (i) holders of formal land rights (including customary rights); (ii) persons who do not have formal land rights at the time the census begins, but who have land or other titles (provided they are recognized under Nigerien law); and (iii) persons who have neither formal rights nor titles that can be recognized to the land they occupy.
* ***Complaint management***: Rural populations generally avoid recourse to the courts because of the slowness and indirect costs (back and forth) of the procedure. According to WB procedures, it is necessary to promote alternative complaint management mechanisms defined and implemented in consultation with the affected population (conciliation, mediation, recourse to customary authority, etc.).
* ***Consultations*:** In practice, consultation with affected populations does not provide them with the means to actively participate in the resettlement process. The WB emphasizes that displaced populations should be consulted in a constructive manner and can participate in the entire resettlement process

### **V.3 OVERVIEW OF THE NIGERIAN SYSTEM ACCORDING TO THE BM'S FUNDAMENTAL PRINCIPLES**

1. Using the elements mentioned in the previous section, Table 2 systematically compares Niger's system against the WB's core principles, identifying strengths, weaknesses or gaps, actions and opportunities, and risks.

**Table 2 Fundamental principles**

|  |  |  |  |
| --- | --- | --- | --- |
| ***Key Principle 1: General Principle of Environmental and Social Assessment and Management*** | | | |
| Bank policy for financing RPPs: Environmental and social management procedures and processes are designed to (a) promote E&S sustainability in program design; (b) avoid, minimize or mitigate undesirable impacts; and (c) promote decision-making on the environmental and social effects of the program | In relation to the WB guidelines for RPP financing, the program procedures should:   * Operate within an appropriate legal and regulatory framework to guide environmental and social assessment at the program level * Incorporate elements of good practice in environmental and social assessment including (i) preliminary screening of potential effects; (ii) consideration of policy and technical induced, as well as, potential cumulative and transboundary impacts(iii) identification of measures to mitigate undesirable environmental and social impacts that cannot be avoided or minimized; (iv) clear articulation of institutional responsibilities and resources to support implementation of plans; and (v) responsiveness and accountability through stakeholder consultation and periodic reporting on the program, * The establishment of a conflict management mechanism oriented towards: (i) conflict resolution, (ii) systematic recording of grievances through appropriate channels; (iii) periodic reporting on the status of grievance management - specifying the nature of resolved grievances and the status of unresolved grievances and the reasons for non-resolution. | | |
| ***Applicable:*** The Program will not provide funding for civil works. | | | |
| ***STRENGTHS***   * Niger has adequate regulatory and legal frameworks to adequately manage the environmental and social impacts of the program. * The national environmental impact assessment system is based on a well-tested process of diagnosis and evaluation of the nature of the impacts. * The responsibilities of the various institutions are well defined.   ***WEAKNESSES AND GAPS***   * Despite the existence of a regulatory framework, the institutions in charge of environmental and social management do not have the human resources and financial means to enforce the laws. * In general, awareness of environmental management issues among state and non-state actors is low.   ***ACTIONS AND OPPORTUNITIES***   * Organization of awareness-raising initiatives for all actors and stakeholders about the environmental and social management issues and the environmental and social risks and impacts of the RPP. * Initiate measures to more appropriately build the capacity of central and local officials to update them on national arrangements, in line with the WB's PPR arrangements. * Raising awareness about the system and the procedures of the Mediator of the Republic to enable affected persons to benefit from his services. * Information for individuals and communities who believe they have been harmed because of the RPP to ensure that their complaints are promptly investigated to address relevant concerns.   ***RISKS***   * Poor implementation of environmental and social management rules and procedures. * The inability to enforce current regulations in a timely manner. | | | |
| ***Key Principle 2: Natural Habitats and Physical Cultural Resources*** | | | |
| The Bank's RPP Financing Policy: Environmental and social management procedures and processes are designed to avoid, minimize or reduce undesirable impacts on Natural Habitats and Cultural Resources resulting from the Program. | Bank Directive for RPP Financing:   * Include appropriate measures for the identification and screening of potentially important biodiversity resources and cultural sites. * Support and promote the conservation, maintenance, and rehabilitation of natural habitats. * Avoid significant conversion or degradation of critical natural sites and if not technically feasible, include measures to mitigate the impacts of program activities. * Consider potential adverse effects on physical cultural property and, if warranted, take appropriate measures to avoid, minimize or mitigate such effects. | | |
| ***Not applicable***: No program activities will be carried out within biodiversity areas. No investment will be eligible if it threatens fragile ecosystems. No investment will be eligible if it directly threatens the cultural and religious heritage of a region. | | | |
| ***Key Principle 3: Public and Worker Safety*** | | | |
| Bank policy for RPP financing: Environmental and social management procedures and processes are designed to ensure public and worker safety from potential hazards associated with: (a)  exposure to chemical materials or hazardous waste; and  ( | | | Bank guidelines for RPP financing:   * Promote the use of good practices in the production, management, storage, transportation, and disposal of hazardous materials from construction or program operations. * Promote the adoption of integrated pesticide management practices to manage or reduce disease vectors; provide training to workers involved in the production, supply, storage, transportation, use and disposal of hazardous chemicals in accordance with international guidelines and conventions. * Incorporate measures to avoid, minimize, or reduce community, individual, or worker risks when program activities are in natural hazard areas due to flooding, hurricanes, earthquakes, and other severe weather or climate events. |
| ***Applicable.*** the Program could impact the safety of the public and site workers. | | | |
| ***STRENGTHS***   * Niger's legal/regulatory system includes provisions for safety on construction sites. * The Labor Code stipulates that an employer must "arrange the facilities and organize the work in such a way as to protect employees as much as possible from accidents and illnesses". * Children cannot be employed in a company, even as apprentices, before the age of fourteen. * National policies and guidelines for public and worker safety and health cover a range of key aspects, including environmental pollution control; labor laws; occupational health and safety regulations; and standards for emissions and discharges into the work environment.   ***WEAKNESSES AND GAPS***   * The Labor Code does not deal much with safety aspects (although Title VI is entitled "Health, Safety and Medical Service"). * The national EIA system does not include all aspects of public and worker safety. * There is a general lack of awareness of public health and safety issues, particularly as they relate to exposure to hazardous materials or safety aspects of the workplace.   ***RISKS***   * The inability to enforce current environmental regulations in a timely manner. * Failure to implement an effective monitoring system. | | | |
| ***Key Principle 4: Land Acquisition*** | | | |
| The Bank's policy for financing RPPs: Acquisition of land and loss of access to natural resources are managed to avoid or minimize displacement, and to ensure that affected people are assisted in improving or limiting, restoring their livelihoods and living conditions | | Bank guidelines for RPP financing:   * Avoid or minimize land acquisition and associated undesirable impacts. * Identify and address the economic and social impacts caused by the acquisition of land or loss of access to natural resources, including affected populations who may not have legal rights to the assets or resources they use or occupy. * Provide sufficient compensation to purchase replacement assets of equivalent value to those lost and to support any transition expenses paid prior to land acquisition or access restriction. * Take additional measures to improve or restore livelihoods if the acquisition of the land has caused the loss of income-generating opportunities (e.g., loss of crop production, or employment); and * Restore or replace public infrastructure or community services that would be affected. | |
| ***Not applicable.*** RPP investments do not include any form of land acquisition | | | |
| ***Key Principle 5: Social Consideration: Indigenous Peoples and Vulnerable Groups*** | | | |
| The Bank's policy for financing the RPP: Adequate attention to cultural relevance, and equitable access to program benefits, with special attention to the rights and interests of indigenous peoples and the needs and concerns of vulnerable groups. | Bank Directive for PPR Financing:   * Engage in free, prior and informed consultation with stakeholders, including vulnerable groups. * Ensure that indigenous peoples can participate in defining the opportunities they can benefit from the exploitation of customary resources or endogenous knowledge * Give attention to vulnerable, troubled, or disadvantaged groups, including where relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups.   If necessary, special measures will be taken to promote equitable access to program benefits. | | |
| Applicable The program does not fund any civil works. The Program will ensure the inclusion of stakeholders and vulnerable groups. | | | |
| ***Key Principle 6: Social Considerations - Social Conflict*** | | | |
| The Bank's policy for financing the For Results Program: Avoiding the exacerbation of social conflict, especially in fragile states, post-conflict areas or areas subject to territorial disputes | | | Bank Directive for the financing of PPR):   * Pay particular attention to conflict risks including distributional equity and cultural sensitivities. |
| ***Applicable:*** Security risks exist in the context of several regions of the country and may prevent the deployment of personnel | | | |
| ***STRENGTHS***   * There are opportunities to find synergies with projects in the same regions   ***WEAKNESSES AND GAPS*** :   * Fluid and unpredictable nature of the security situation * Special risks for women, such as EAS/HS   ***ACTIONS AND OPPORTUNITIES*** :   * Integrate security context considerations into personnel deployment planning and the overall program on a regular basis. * Government implementation of security management plans related to several Bank-financed projects in regions with security challenges (the program will benefit especially in terms of information sharing). * Benefit from the LIRE project (P168779) and its EAS/HS program for lessons learned in addressing these aspects in program planning.   ***RISK*S**   * A significant and/or sudden deterioration of the security context * Failure to implement the health center staffing plan***.*** | | | |

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## **CHAPTER VI. ENVIRONMENTAL AND SOCIAL MANAGEMENT PROCEDURES**

### **VI.1 ENVIRONMENTAL AND SOCIAL MANAGEMENT INSTRUMENTS**

1. Under the Program, all sub-projects submitted for RPP funding will be screened using ***appropriate screening tools***. Environmental and social diagnostics will be conducted for each project to determine the type of planning tool required based on the scale and significance of environmental and social impacts.

### **VI.2 SCREENING OF SUB-PROJECTS AND ENVIRONMENTAL AND SOCIAL MANAGEMENT INSTRUMENTS**

1. All sub-projects submitted under the RPP will be imperatively analyzed according to Nigerien procedures and environmental and social assessment steps, if necessary, will be completed by procedures in line with WB policies. In this regard:

* The ***National Environmental Assessment Office (NEAO)*** will, under the authority of the MOE/LCD), be responsible for checking any application from a sub-project proponent: this will allow ***a preliminary screening and classification of the sub-project according to the existing categories.[[8]](#footnote-9)*** This will be complemented, to comply with WB requirements, by the completion of a *Simplified Diagnostic Sheet* (*SDS).* This will determine the scope and nature of the environmental study to be conducted in accordance with Decree 2000-398. The ToR of any study deemed necessary will be prepared by the sub-project proponent and approved by the Minister in charge of the Environment.
* The study carried out will be validated in accordance with the national regulations in force.
* Any project classified as *Category A* by NESO and considered ***high*** risk by the World Bank is excluded from funding under the RPP (see also §34).
* ***For a sub-project with low environmental and social impact***, classified as *Category C* by NESO and considered ***low*** risk by the WB, the preparation of a simple ***Environmental and Social Information Sheet (ESIS)*** will be sufficient.
* ***For a sub-project with a moderate environmental and social impact*** (*Category B* according to NESO and whose risks are considered ***substantial*** by the World Bank), an ***Environmental and Social Impact Assessment* (ESIA)** will be prepared by each promoter, in accordance with national procedures. The ESIA will be complemented by an ***Environmental and Social Management Plan (ESMP)*** to ensure that the study complies with WB requirements, particularly with respect to measures for prevention, control, and elimination of environmental and social risks, mechanisms for managing complaints, particularly in the context of sexual and gender-based violence (SGBV), possible compensation, modalities for implementing measures, public participation, and monitoring and evaluation. [[9]](#footnote-10)
* ***For an investment subproject with moderate and substantial risks due to the*** use and generation of various solid wastes of varying degrees of hazard - glassware, rubble, paper and plastic packaging, chemicals, as well as biomedical products (including expired products) and construction materials and remaining cements - a ***Liquid and Solid Waste Management Plan*** will be developed to allow for the effective management and safe disposal of wastes in and around the program sites.
* NESO will be responsible for coordinating and monitoring the implementation of ***all communication activities*** (indeed, the implementation of all communication activities is the responsibility of the project owners, with NESO providing monitoring and oversight). In terms of communication, NESO's responsibility includes publishing reports, holding consultations with project stakeholders and the general public, and making all documentation accessible to all stakeholders. According to the WB's requirements, these will be ***genuine public consultations*** on the potential risks and adverse effects of the investment sub-projects, which should be conducted in an accessible location and in a form and language that is understandable to the sub-projects' affected parties and other interested parties: the objective of these consultations is to provide valuable input into the design and mitigation measures envisaged for the project (they should not be limited to presenting documentation and informing stakeholders about decisions already taken in advance). Finally, NESO also conducts the field verification and public hearing missions.
* Local beneficiaries will need to be informed of the commitments contained in the ESMPs and RAPs and have the authority to access ***a complaint management mechanism in*** case of non-compliance. [[10]](#footnote-11)
* At the end of all these procedures, it is BNEE that prepares the ***Certificate of Environmental and Social Conformity for the*** signature of the Minister in charge of the Environment, for the realization of the project, activity or program.
* All safeguard tools prepared as part of subproject preparation will require appropriate ***public disclosure as part of*** an effective engagement plan for all stakeholders.
* In particular, at the local level, local stakeholders will need to ***be informed*** of the commitments contained in these instruments and have access to a ***mechanism for handling complaints in the*** event of non-compliance. Each beneficiary commune, supported by civil society organizations, will ensure that this mechanism is implemented as part of a more comprehensive monitoring, evaluation and control system.



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## **CHAPTER VII. ACTION PLAN FOR ENVIRONMENTAL AND SOCIAL MANAGEMENT**

1. In order to implement the necessary environmental and social safeguards, as well as to address the gaps identified in the ESES, specific measures will be taken to strengthen the performance of the environmental and social management system of the investments that will be made under the RPP. These measures will be part of the overall Action Plan of the RPP.
2. The ***E&S Management Action Plan*** identifies three streams of recommendations, each with distinct and complementary activities. All of these actions will be integrated into **the *overall Program Action Plan*** and specific budget lines will detail the costs of each of these components and their respective activities.

### **Component A: STRENGTHENING THE ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEM**

**A.1 : Technical manual**.

* Preparation of a *Technical Manual for the Environmental and Social Management (MTGES) of PPR investments* for the use of monitoring and evaluation officers of the concerned ministerial departments (health and education) as well as any other stakeholder involved at the local and national level in the program activities.
* The MTGES is a living document, whose various elements will be improved as the program's activities progress.
* The ESMT, which will be an integral part of the *RPP Procedures Manual*, will be consistent with both national environmental and social assessment procedures and the provisions of the WB's policy on RPP financing: it will take into account all the elements described and analyzed in this ESES, particularly regarding potential environmental and social risks and the mitigation measures envisaged
* Among other things, the MTGES:
  + will address aspects of gender-based violence (GBV).
  + Optimal management of medical waste;
  + Ensures the integration of the key principles of inclusion and non-discrimination in the implementation of Program activities, including vulnerable groups such as women or persons with disabilities,
  + will detail the complaint management mechanisms in the implementation of the Program, both at the national, regional and local levels (see also Annex 5).
  + will present the procedures and tools for the eventual preparation of the following tools: (i) ***Environmental and Social Management Plan (ESMP)*** for structural sub-projects with moderate environmental risks; and (ii) ***Liquid and Solid Waste Management Plan*** to enable effective management and safe disposal of waste in and around program sites.

**A. 2: Focal point**.

* One person will be designated ***in each of the ministerial departments involved*** in the PPR, namely health and education, to act as focal point for environmental and social management. In close collaboration with all stakeholders, these focal points will be responsible for the collection and centralization of all information related to the consideration of social and environmental risks of the planned investments; the monitoring and evaluation of the implementation of mitigation measures; the holding of public consultations to inform those directly and indirectly affected by the project's investments and to collect their views; the maintenance of a register regarding the handling of complaints from individuals or groups of individuals; the integration of data into the internal information system; and the preparation of comprehensive semi-annual and annual reports.

### **Component B: CAPACITY BUILDING**

**B.1 Awareness**

* Organize awareness-raising initiatives for ***all stakeholders about*** the potential negative environmental and social impacts of program investments (including any forms of sexual and gender-based violence and actions that may affect women's safety).
* Organizing initiatives to provide all necessary information about the program's ***complaint management system*** to all individuals and communities negatively affected in some way by the program's investments, as well as the existing national recourse mechanism or the *WB's Grievance Redress Service* (GRS) - so that their complaints can be promptly investigated to address relevant concerns

**B.2 Training**

* Initiate measures to adequately build ***the capacity of focal points and representatives of other institutions involved*** in program implementation to bring them up to date on national arrangements and WB modalities (including good practices and procedures) for environmental and social management of investments.
* Organizing initiatives to adequately build ***the capacity of program executing agencies' managers*** to manage, process and resolve complaints submitted by both local populations and the workforce (including complaints of gender-based violence and sexual harassment).

### **COMPONENT C: MONITORING & EVALUATION AND REPORTING SYSTEM**

**C.1 Monitoring and Evaluation**

* Definition and implementation of the participatory monitoring system for the prevention, mitigation and correction of ES risks related to the Program's activities.

**C.2 : Reporting**

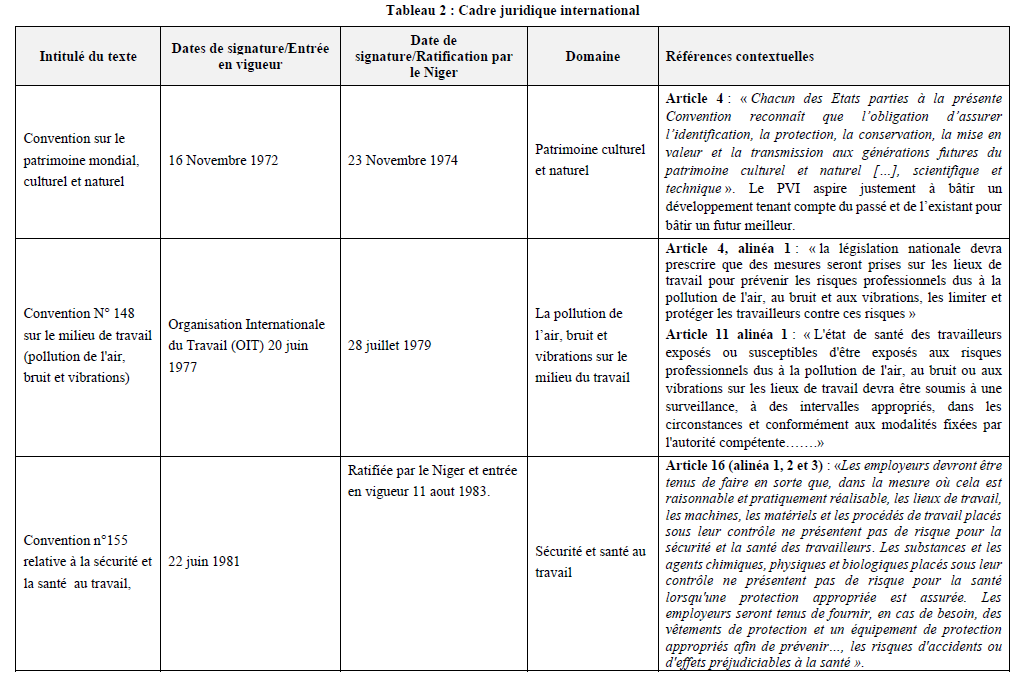
* Definition and implementation of a reporting system for all ES risk prevention, mitigation and correction measures.

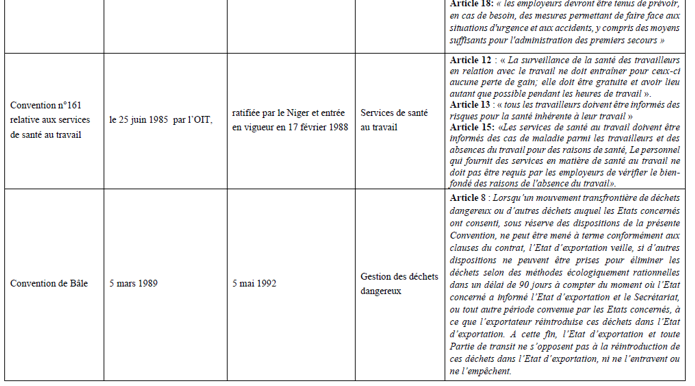
**Table 3 Environmental and Social Management Action Plan Activities [[11]](#footnote-12)**

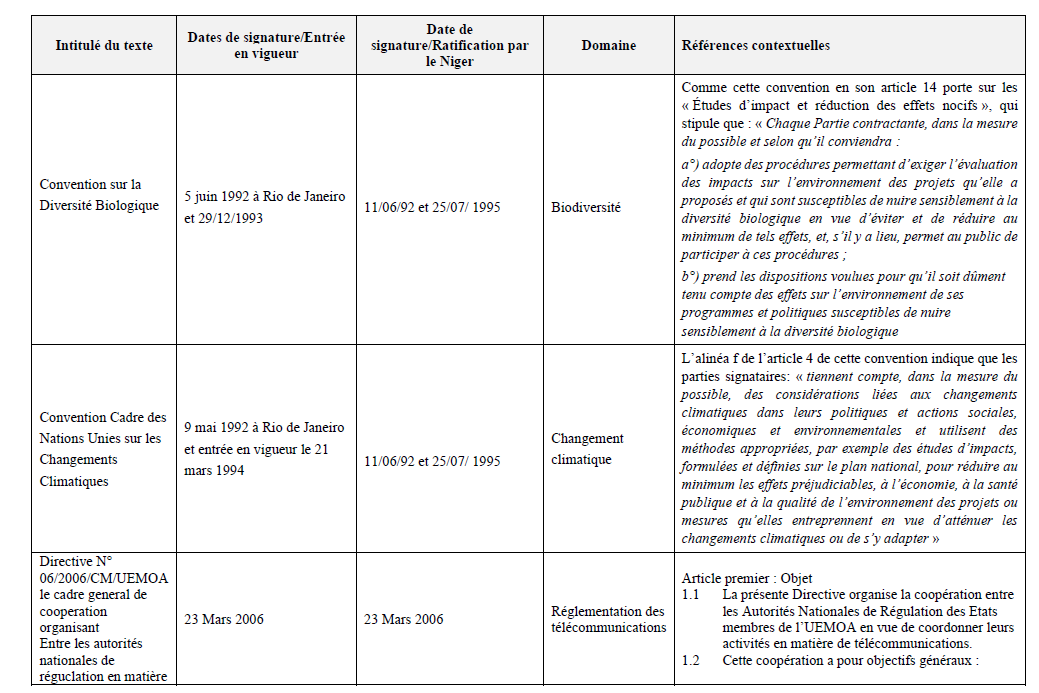
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| --- | --- | --- | --- | --- |
| **MEASURES** | **ACTIVITIES** | **RESPONSIBLE PERSONS** | **CALENDAR** | **COSTS (US$)** |
| 1. **Environmental and Social Management Component** | | | | |
| A.1 Procedures | Preparation of an Environmental and Social Management Technical Manual (ESMTM) | MF | Draft version available before negotiations | 10.000 |
| A. 2 GHG Focal Points | Appointment of a focal point within each of the ministerial departments of health and education. | Relevant Ministries | During the first three months of program implementation | P.M.  (Costs associated with agency staff) |
| 1. **Communication and Capacity Building** | | | | |
| B.1 Awareness | Awareness/information initiatives for all stakeholders (in relation to risks, complaint management, EHS/HS, Covid-19, etc.) | MF and relevant ministerial departments | Regular activities throughout the program | Included in TA costs |
| B.2 Training | Training of those more directly involved in the implementation of the RPP about ES risks/impacts (including good practices and procedures and various risk mitigation/prevention measures, complaint management, EAS/HS, Covid-19, etc.) | MF and relevant ministerial departments | The first training sessions will be held in the first year.  Thereafter, regular activities will be held throughout the duration of the program | 50.000 |
| 1. **Monitoring and Reporting System** | | | | |
| C.1 Monitoring System | Definition and implementation of the participatory monitoring system for the prevention, mitigation and correction of ES risks related to the Program's activities | MF and ministerial departments | Recurring activity | 50.000 |
| C.2 Reporting | Definition and implementation of a reporting system for all ES risk prevention, mitigation and correction measures | MF and relevant ministerial departments | Recurring activity | 50.000 |
| **TOTAL** | | | | **160.000** |

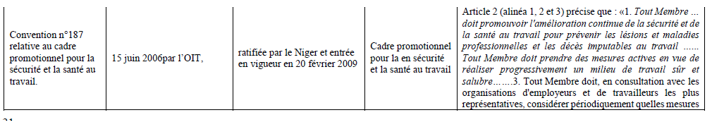
## **APPENDICES**

## **APPENDIX 1: International conventions applicable to the program ratified by Niger**

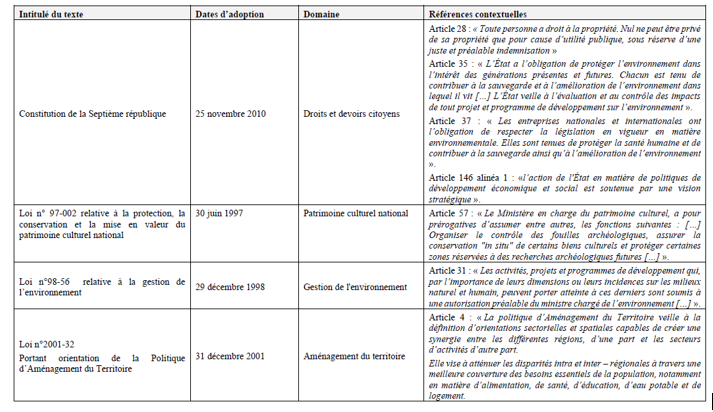


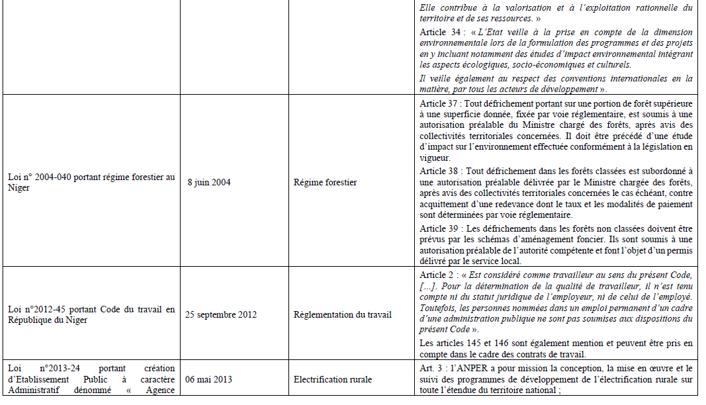


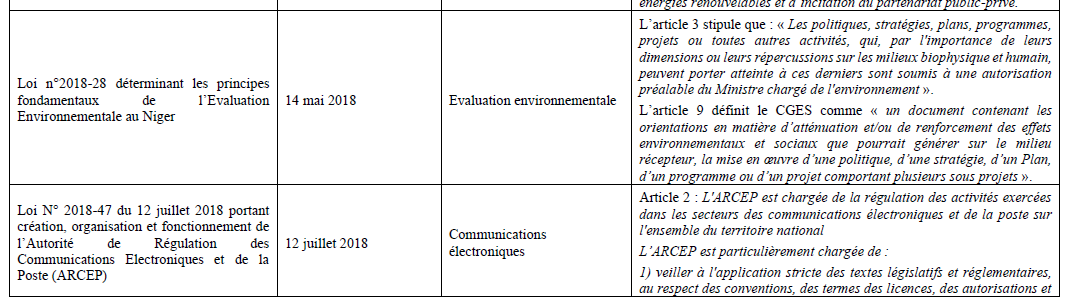


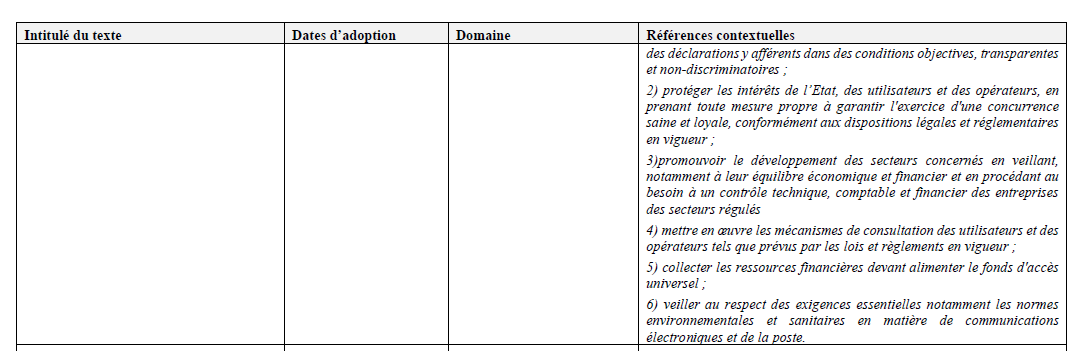


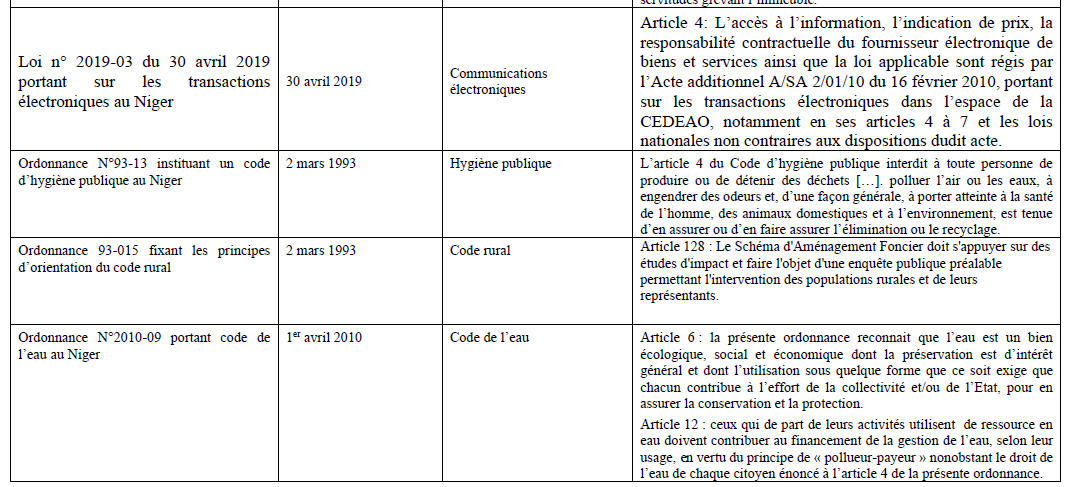
## **APPENDIX 2: Set of legislative texts concerning environmental and social management**





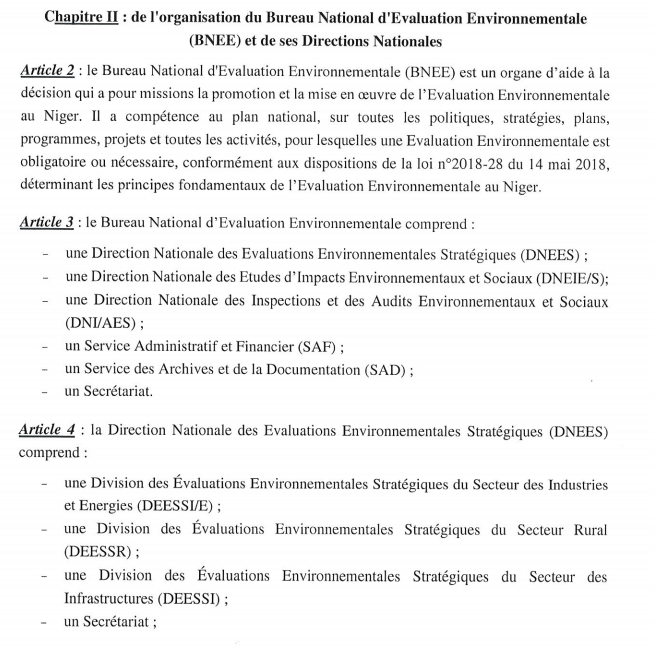






## **APPENDIX 3: THE BNEE (excerpts from Ruling 99 of June 28, 2019)**





## **APPENDIX 4: ESMP, ESIA and RAP**

1. **Environmental and Social Management Plan (ESMP)**

An *Environmental and Social Management Plan* (ESMP) is a document that allows for the integration of environmental and social dimensions into the design, planning, management and implementation process of any project activities that, based on the results of a screening system on environmental and social parameters. An ESMP will be conducted under the Program that would have significant environmental and/or social effects. In some cases, an ESMP will simply complement *the Environmental and Social Impact Assessment (ESIA)* required by Nigerien regulations.

This document must establish the procedures and measures relevant to the mitigation of their environmental and social impacts based on the procedures and mechanisms defined in the *Technical Manual*.

**Content of the ESIA report**

According to Decree No. 2000-397/PRN/ME/LCD on the administrative procedure for environmental assessment and environmental impact review, the minimum content of a detailed ESIA report is

* An appreciative / non-technical summary.
* An introduction that outlines the report.
* A complete description of the project, including the activities, facilities and works planned, as well as a description of the discharges, an estimate of the project costs and the implementation schedule.
* An analysis of the initial state of the site and its environment.
* An outline of the political, legal and institutional framework of the project.
* A presentation of the different possible variants for the realization of the project (geographical location, technological availability, operational techniques), as well as a comparison of these variants and the selection of the preferred variant.
* Climate change adaptation, resiliency, and mitigation planning, and impacts on threatened or declining migratory species and their habitats.
* Gender and Vulnerable Persons Effects.
* An assessment of the environmental risks and impacts (positive or negative; direct, indirect or cumulative in the short, medium and long term) associated with the implementation of the project.
* An identification and description of measures to prevent, control, eliminate, mitigate and compensate for adverse impacts.
* An Environmental and Social Management Plan that includes an impact mitigation and/or improvement program, an environmental monitoring program and a capacity building program for stakeholders, and a cost estimate for the various programs.
* A general conclusion that focuses on the main measures to be taken to limit and/or eliminate the most significant negative impacts.
* Appendices.

To be consistent with the WB's core principles, the document will also need to include:

* Documentation on public consultations conducted
* The presentation of a simple and effective complaint management system.
* Definition of the environmental and social reporting system.
* Elements concerning the public disclosure of the ESMP/ESIS of each of the selected sub-projects.

**B) Resettlement Action Plan (RAP)**

To be consistent with the WB's core principles, for some sub-projects with moderate social impacts, a *Resettlement Action Plan* (RAP) will also need to be prepared. This is a document required for each sub-project requiring the physical displacement of people, acquisition of land, and/or loss of access to natural resources or economic assets to assess the social impacts associated with the temporary or permanent resettlement of people and to propose a specific plan to compensate for the losses and support the restoration of livelihoods, based on the procedures and mechanisms defined in the *Technical Manual*, in particular with respect to the following aspects:

* The structure of a CR will be as follows:
* Description of the sub-project
* Reminder of the legal framework governing relocation
* Public stakeholder consultations
* Potential impacts of the project on people and property
* People affected by the project
* Complaint Management
* Monitoring and evaluation methods
* RC Action Plan

Annexes

Establishment of a monitoring system for possible land acquisition procedures

Establishment and monitoring of the implementation and evaluation of all planned compensation and livelihood restoration measures.

## **APPENDIX 5: Complaint Management Mechanisms**

The Technical Manual for Environmental and Social Management (TMESM), which will be prepared (see Action Plan) and will be the subject of capacity building initiatives for all stakeholders, will detail the ***complaints management mechanisms in the implementation of*** the Program, both at the national, regional and local levels.

In this regard, the Manual will help to:

* Define clear procedures to adequately inform populations directly or indirectly affected by the Program's activities about the complaint management mechanism.
* Develop clear procedures to allow people directly or indirectly affected by the program's activities to voice their complaints.
* Define specific procedures regarding complaints about any form of gender-based violence (GBV).
* Assess the capacity of national and local institutions that already have responsibilities for registering, processing, and resolving complaints submitted by complainants and identify, if necessary, targeted capacity-building initiatives.
* Appoint focal points within the program to oversee the complaints management mechanisms in collaboration with existing national and regional bodies.
* Define a feedback mechanism to ensure a transparent system for monitoring and evaluating complaints (number, causes, corrective measures, preventive measures, etc.).

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The Complaint Management Mechanism (CMM) will be based on six steps, shown in the following figure:

**1. The access**

The beneficiaries of the project's actions as well as the public must be informed about the complaints management system, the approach, the rules, the complaints management procedures and the channels of appeal. They must be able to use them if necessary. To this end, the project will ensure that all processes are inclusive and participatory: all people affected by the project regardless of gender and age will be encouraged to use the Complaints Management System.

All project team members at the regional and national level will be trained on the PGM. It will be integrated into the communication campaign and will be visible on the project website.

Complaints can be oral or written on the spot, or they can be sent by mail in a sealed envelope, by telephone messages or by e-mail.

Service providers and strategic partners will also be widely informed. In particular, women will be informed about the PGM to ensure an anonymous and confidential response.

**2. Sorting and processing of complaints**

Anyone can submit their complaint and get answers in a timely manner. Not all complaints are eligible but a response will be given whenever a complaint is submitted. All complaints are considered. Any person submitting complaints that are not related to the project is also met with to give them a full explanation of why their complaint is not eligible.

Complaints are filed at the level of a National and Regional Committee. However, if the local committee refuses to receive the complaint, the complainant can contact directly a member of the project team in charge of complaint management.

However, in order to make the mechanism accessible and to promote the confidentiality of complainants, anonymous complaints are unconditionally admissible. They can be filed directly or indirectly by complainants.

**3. Verification and action**

The conditions must be in place for a prompt, transparent and fair resolution of the complaint, and time limits for response (not exceeding one week) must be set. During this period, complaints shall be objectively evaluated on the basis of the facts and appropriate actions for the resolution of the complaint shall be initiated.

Resolution can be achieved through various complaint handling mechanisms. However, amicable settlement will be preferred in the case of non-sensitive complaints with possible recourse to the project's National Complaints Committee.

A quarterly and annual summary report will provide complaint statistics, proposed resolutions and outcomes. An analysis of the processes, outcomes and effects on complainants and beneficiaries is strongly encouraged.

**4. Monitoring and evaluation**

The complaints M&E system is based on a system for recording and categorizing complaints, establishing and/or using existing frameworks for complaints management, feedback.

Complaints officers will contact complainants to explain how their complaints were handled and what solutions were proposed.

**5. Feedback**

No complaint will go unanswered.

The appropriate solutions selected will be communicated to the complainants by a reply signed by the Coordinator in the case of a letter or by the channel used by the complainant (telephone, email, social networks, project website, etc.). Any trade union organizations will be involved in relaying the selected provisions to the complainants.

The coordinating committees (at the national and regional levels) provide reports of meetings following their supervision missions, capitalize on lessons learned, and make decisions regarding further action.

**Archiving**

All registered and processed complaints will be electronically archived in a highly sophisticated server that forms a database at the archiving service.

This system will provide access to information on: (i) complaints received; (ii) solutions found; and (iii) unresolved complaints requiring further action.

At the end of the project, the Project will share all relevant information with project stakeholders to ensure the sustainability of the manual.

**Complaints about GBV/ ECV/ASR/HS**

When a case of violence is recorded, the following will be done:

* Medical care: Depending on the type of violence, and specifically for cases of physical or sexual violence, medical assistance must be requested from the victims in an emergency.
* Psychosocial care: This involves providing support to help the victim recover his or her psychological state and overcome the trauma caused by the violence through specialized social assistance services. It must go as far as support for the social reintegration of the victim.
* Judicial management: It must guarantee the safety and security of the survivor through:
* Assessment of the victim's safety situation (environment/life setting)
* Defining the protection strategy
* Implementing the security strategy as needed
* Immediate access to a secure setting in the community
* Access to legal and judicial support
* Legal compensation for the harm suffered
* Follow-up on the execution of the court decision

In parallel with the treatment, an investigation must be carried out by the project team (in collaboration with the structures indicated) as soon as the complaint is received in order to gather more information on the circumstances of the violence. This inquisitorial process must respect the requirements of anonymity and discretion. The identity of the survivor must not be revealed under any circumstances. In addition, the survivor's voluntary consent must be obtained for any action taken in the implementation of this mechanism.

**Main actors in the processing of complaints GBV/VCE/EAS/HS**

* **Service provider:** The service provider is a local institution or organization that has the necessary experience and capacity to provide support to GBV/ ECV/ASR survivors. They will be part of the local compliance teams and will be contracted by the project in order to guarantee the necessary care for survivors.
* **Compliance Team**: To ensure effective implementation of the PMM, one of whose principles is timeliness of complaints, the Project will establish a two-tiered Compliance Team.

## **APPENDIX 6: List of main documents consulted**

* Texts of the main Nigerien laws relevant to the program
* National policies and strategies
* Program Concept Note
* WB Policies on RPP
  + *PforR Interim Guidance Notes*
  + *PforR Financing Environmental and Social Systems Assessment*

## **APPENDIX 7: National Public Consultation Report**

The national public consultation took place in Niamey on Tuesday, March 15, 2022, in the conference room of the Ministry of Finance, with the participation of 37 people (most in person and others virtually), representing the main national institutions concerned (see list in the appendix).

The following World Bank specialists in environmental and social safeguards also participated remotely in this consultation: Mr. Taoufiq Bennouna, Ms. Païvi Koskinen-Lewis, Mr. Ibrah Hachimou and Mr. Angelo Bonfiglioli.

The consultation, which was officially opened by H.E. the Minister of Finance, was jointly organized by Dr. Moussa Tambari Abdoul-Karim, Director of Financial Reforms, Ministry of Finance, and Ms. Murielle Babatoundé and Mr. Ousmane Maurice Megnan Kolié of the World Bank.

Prior to the ESES consultation itself, two national consultants presented the environmental and social safeguard instruments that were prepared as part of the associated investment project, namely the Workforce Management Plan (WMP) and the Stakeholder Engagement Plan (SEP).

Subsequently, a PowerPoint presentation was made to provide a synthetic view of the results of the ESES prepared by the World Bank, in particular regarding the positive impacts and potential environmental and social risks of the Program and the policy, institutional and regulatory framework for environmental and social management in Niger. The risks and negative impacts of the PPR are considered low, as the program does not foresee any investments in the construction, redevelopment or rehabilitation of educational (elementary school) or health infrastructure, and PPR investments will not require any form of land displacement or acquisition or significant restrictions on access to economic resources. In addition, Niger's environmental and social management legislation is relatively well developed and includes several texts and documents covering a wide range of issues. The national SEA system, which sets the basic rules for environmental protection, is well established and ensures that environmental and social impacts are addressed. This system has been strengthened in recent years in several ways

Three sets of recommendations were then presented in relation to (i) improving the E&S management system, (ii) building the capacity of stakeholders, and (iii) strengthening the E&S management monitoring and reporting system.

During the discussion that followed the presentation, participants had the opportunity to ask comments and questions on various topics:

* ***About the results of Results-Based Programs in other countries around the world***. This RPP is the first in Niger, but the World Bank has already financed RPPs covering several sectors in many countries. In general, these operations have significantly strengthened national institutions, especially in relation to service delivery. Internal Bank reports indicate that it is still too early to assess the full impact of such operations in sub-Saharan Africa, but the results are already very positive, provided that institutional capacity building measures are taken in parallel.
* ***Regarding the recommendation to develop a G&S Technical Manual.*** One participant suggested that the Manual be developed in conjunction with other initiatives currently underway (e.g., the revision of the Facility Risk Management Plan). To another participant who recalled the importance of involving NESO in this initiative, it was recalled that it is the very characteristic of an RPP to give the relevant national institutions key responsibilities in the implementation of the different activities.
* ***On the ESES document:*** One participant suggested making some corrections to the text (but it appears that she had an old version of the document), or even changing some aspects of the structure of the document: on this subject, however, it was recalled that the WB has formulated precise guidelines on how to write this kind of document.
* ***Questions specifically about the components of the RPP:*** A few participants asked specific questions about aspects related not to the ESES per se, but to the design and nature of the RPP activities themselves. The questions concerned, among others, the following aspects: the characteristics of a PPR compared to a conventional investment project; the problems related to the implementation of a digital system of payment for the personnel of the country's health and educational structures; the current constraints of the mobile payment system in a context of insecurity; the need for appropriate treatment of sanitary waste in certain localities of the country with consideration of the associated risks; etc. Program managers provided some details on all these topics.

The consultation, which started around 10:00 am, ended around 1:30 pm.

***Appendix*** (List of national institutions represented at the public consultation)

* National Agency for the Promotion of Employment (ANPE)
* Public Procurement Regulatory Agency (ARMP)
* Niger Association of Impact Assessment Professionals (ANPEE)
* National Environmental Assessment Office (NEAO)
* Public Policy Analysis and Government Action Evaluation Unit (CAPEG)
* Directorate General of Budget (DGB)
* Directorate of Studies and Programming (DEP)
* General Directorate of the Treasury and Public Accounting (DGT/CP)
* Directorate of Financial Information Technology (DIF)
* Directorate General of Public Procurement and Budgetary Operations (DGCMP/OB)
* General Secretariat of the Ministry of Employment, Labor and Social Security (METSS)
* General Secretariat of the Ministry of National Education (MEN)
* General Secretariat of the Ministry of Planning (MP)
* General Secretariat of the Ministry of Public Health, Population and Social Affairs (MS/PP/AS)
* General Management of the National Pharmaceutical and Chemical Office (CNPPC)
* Network of Organizations for Transparency and Budget Analysis (ROTAB)

1. See Appendix 6 for a list of literature reviewed. [↑](#footnote-ref-2)
2. The TA component will be financed from the investment project, whose implementation will follow the World Bank's fiduciary procedures. To this end, two environmental and social safeguard tools were prepared and discussed during the same public consultation in March 2022, namely the *Workforce Management Plan* (WMP) and the *Stakeholder Engagement Plan (SEP)*, to make the investments compliant with the UES1 and UES 10 respectively. An Environmental and Social Commitment Plan (ESCP) has also been developed jointly by the Niger side and the World Bank. [↑](#footnote-ref-3)
3. According to Article 34 (new) of Decree No. 2018-475/PRN of July 9, 2018 amending and supplementing Decree No. 2016-624/PM of November 14, 2016. [↑](#footnote-ref-4)
4. Decree No. 0099 of June 28, 2019, on the organization and operation of the National Environmental Assessment Office, its National Directorates, and determining the powers of their officials. See Annex 4 of the ESES. [↑](#footnote-ref-5)
5. *www.bnee.ne/* [↑](#footnote-ref-6)
6. NITE is composed of a National Directorate of Strategic Environmental Assessments (DNEES), a National Directorate of Environmental and Social Impact Studies (DNEIE/S); a National Directorate of Environmental and Social Inspections and Audits (DNI/AES); the Administrative and Financial Service (SAF); and the Archives and Documentation Service (SAD). At the regional, departmental and communal levels, BNEE is represented by regional, departmental and communal Environmental Assessment and Impact Studies Offices. For a more detailed presentation of BNEE see Annex 3. [↑](#footnote-ref-7)
7. This policy is in line with the World Bank Group's Strategy ("*Gender Equality, Poverty Reduction and Inclusive Growth*"). [↑](#footnote-ref-8)
8. See these categories in §57. [↑](#footnote-ref-9)
9. For the ESMP, see Appendix 4. [↑](#footnote-ref-10)
10. See Appendix 5. [↑](#footnote-ref-11)
11. It should be noted that the costs related to the preparation and implementation of *Environmental and Social Management Plans (ESMP)* or *Environmental and Social Impact Studies (ESIA)* of the various eligible projects are not included in this budget and will be borne directly by the promoters of these projects (in accordance with national provisions). [↑](#footnote-ref-12)