

Draft

**European Neighborhood and Partnership Instrument East Countries  
Forest Law Enforcement and Governance II Program**

**Strategic Environmental and Social Assessment Framework  
(SESAP)**

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# 1. Summary

*Program scope and objectives.* The European Neighborhood and Partnership Instrument East Countries Forest Law Enforcement and Governance II Program (ENPI EAST COUNTRIES FLEG II PROGRAM) will support the participating countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russian Federation and Ukraine) in strengthening forest governance through improving implementation of relevant international processes, enhancing their forest policy, legislation and institutional capacity, and developing, testing and evaluating sustainable forest management models at the local level on a pilot basis for future replication. The *main development objectives* of the Program are aimed to make progress in implementing and reviewing policies documents, in testing and demonstrate the best practices for sustainable forest management. The Program consists of regional, national and sub-national components supporting the continuation of Phase I activities, organizing joint meetings during the Program implementation, promoting a good investment climate and a credible private sector operators, maintaining a high-quality Internet site in English and Russian and other Program's activities as described below in the special section.

*Program environmental category and its environmental assessment.* According with the Bank's Safeguard Operational Policies and taking into account the potential environmental and social issues and impacts (positive and negative) associated with forest management policies, legislation and practices, it was agreed that the Program will be rated as Category B. It was also decided as the Program would support designing forestry policy documents and not investment operations the appropriate EA instrument would a Strategic Environmental and Social Assessment Framework (SESAP). The SESAP should be prepared taking into account the following WB OPs that the Program triggers: Operational Policy (OP 4.01): Environmental Assessment; World Bank Policy on Disclosure of Information (combined with BP 17.50); Operational Policy (OP 4.04): Natural Habitats; Operational Policy (OP 4.09): Pest Management; Operational Policy (BP 4.11): Physical Cultural Resources; Operational Policy (OP 4.12): Involuntary Resettlement; Operational Policy (OP 4.10): Indigenous Peoples.

*Strategic Environment and Social Assessment Framework (SESAP) its scope and objectives.* The main scope of the document is to ensure all draft of Policy, Program and Plan (PPP) documents to be prepared under the Program will follow the SEA process. The PPPs will be assessed from environmental and social points of view and with the proposed necessary mitigation, monitoring and supervision activities in each of the seven participating countries in view of improving the sustainable management of the forests. This will assist the participating countries to prepare the policy documents that would be consistent with the WB safeguards policies. Furthermore, as specified in the SESAP, per WB requirements, the SEA Reports will be disclosed and consulted in the countries.

*Potential Environmental and social impacts.* The potential environmental and social impacts of different types of Forestry Sector Policy documents, such as: concepts, strategies, regulations/laws, programs, plans and projects, are mostly indirect and cumulative. They are described in a special table that might facilitate the analysis of the direct and indirect, positive and negative environmental and social impacts on each category of in country forestry policy documents.

*Strategic Environmental Assessment (SEA) phases and concrete steps.* The SESAP document presents in details all stages of the SEA process along with roles and responsibilities of involved stakeholders, including the procedures of the SEA disclosure and public consultation. During the screening phase it is decided if a PPP falls or not under the SEA regulatory frame, being followed by the scoping phase that defines the boundaries of investigation, assessment and assumptions required by a PPP. Within the phase of conducting impact assessment and preparing its report the SESAP specified main requirements for preparing Baseline Scenario; Identifying Social and Environmental Impacts, designing mitigation and monitoring activities along with implementing arrangements.

A special attention in the SESAF is given to disclosure, public participation and consultation in the SEA process, which should start at early stage of the screening process and is extended up to the moment when the decision on the PPP is taken. The last phase of the SEA process is related to proposed follow-up activities in terms of monitoring mechanisms, evaluation and reporting on the PPP implementation.

*Institutional arrangements and capacity building.* As in all participating countries at the moment there is no in place special legal procedures for a SEA process, the formal review of the prepared policy documents would be done by the IOs (WB, IUCN and WWF) Safeguards Specialists who will be also responsible for the following: performing the screening phase in order to identify the forestry policy documents which need to be considered under the SEA process; based on the WB' Operational Policies, making recommendations during the SEA process; performing control of the way of development for SEA process; organize and ensure the public participation in all SEA phases, which request this; revising of the documents; reporting to the WB. The SESAF specifies also the role and responsibilities of the WB FLEG II Safeguards Specialist which should: (a) oversee the implementation of the SESAF and ensure high quality of conducted SEA; (b) provide his conformation on the categorization of the proposed PPP activities within the Program; (c) provide, if needed advises on SEA for supported PPP; (d) ensure SESAF disclosure in the Infoshop; (e) provide training to interested parties as specified above. The IOs Safeguards Specialists should also inform about the SEA of supported PPP the National Program Advisory Committee (NPAC) which represents all key forestry stakeholders in the participating countries. In order to build capacities with regard to safeguards issues, at the initial stage of the FLEG II implementation a special training will be delivered to IUCN and WWF Safeguards Specialists as well as to NPAC members from all participating countries. The curricular for the training along with timing and needed financial resources are presented in the Annex IV.

*SESAF disclosure and public consultation.* Will follow the World Bank Policy on Disclosure of Information and it will summarize the results of document's disclosure and consultation done in all participating countries and how the comments and recommendations have been addressed.

## **2. ENPI FLEG II Program**

The ENPI FLEG II PROGRAM will support strengthening forest governance through improving implementation of relevant international processes, enhancing their forest policy, legislation and institutional arrangements, and developing, testing and evaluating sustainable forest management models. This is the second phase of the Program and is implemented in partnership between the EU and the World Bank to improve forest governance and law enforcement in the ENPI-East countries. Phase I was implemented from 2008-2012 in collaboration with IUCN and WWF. The same arrangement will be used to implement Phase II.

The main scope of ENPI-FLEG is to create processes to address the complex and politically sensitive issues associated with illegal logging, timber and forest resource degradation, smuggling, and trade of illegal timber and wood fuel products at the national and regional levels. Development of new Forest Sector Policies along with legal and institutional reforms will include a diverse collection of studies, researches, analyses, and proposed actions within and across the participating countries. Specific detailed work plans for Phase II will be prepared during a six-month Inception Phase of the Program. During this phase, country teams will review performance and achievements in individual activities carried out during Phase I. The overall approach will be to focus on fewer but larger high-impact activities that have proved their relevance and impact during Phase I.

The three specific Development Objectives of Program are to:

- make progress in implementing the 2005 St. Petersburg FLEG Ministerial Declaration in the participating countries and support the participating countries in committing to a time-bound action plan in order to ensure its implementation and follow-up activities (regional level);
- review or revise (or establish a time-bound action plan to review or revise) forest sector policies and legal and administrative structures; improve knowledge of and support for sustainable forest management and good forest governance (including the impact of related EU regulations) in the participating countries (national level); and,
- test and demonstrate best practices for sustainable forest management and the feasibility of improved forest governance practices at the field-level on a pilot basis in all participating countries (sub-national level).

The Program has several components:

*Component 1: Regional Program* will focus on:

- strengthening the policy dialogue between participating countries and institutions regarding the 2005 St. Petersburg Declaration by organizing thematic meetings on FLEG issues of shared interest,
- monitoring the implementation of the St. Petersburg Declaration in the participating countries through stakeholder reporting and preparation and regular up-dating of tracking tables on implementation of the declaration; identifying areas of the St. Petersburg declaration where implementation needs more focus and support,
- conducting regional studies and developing publications in the framework of the 2005 St. Petersburg Declaration, and
- providing regional support to the implementation of the FLEG country work plans based on partner government requests,
- developing a communications strategy prepared in accordance with the EC's Communication and Visibility Manual, and the World Bank's Access to Information Policy, to develop and maintain the ENPI FLEG corporate branding and to ensure that relevant participants and stakeholders are provided with consistent up to date Program information, contributing to communication activities in order to promote regional and national activities developed within the framework of 2005 St. Petersburg Declaration, maintaining a high-quality Internet site in English and Russian on state of the art forest sector governance and reform. Country work Programs (cf. paragraph ) may also have their own, national and local communication activities, and
- regional coordination of the program through annual meetings of the ENPI FLEG focal points, donors and implementing organizations.

*Component 2: National and Sub-National Program* will focus on:

a) National Level:

- supporting, continuation from Phase I, the formulation and implementation of forest policy, legal, administrative and institutional reforms on the national and sub-national levels,
- promoting a good investment climate for credible private sector operators,
- providing capacity building, training and advice on administrative/institutional reforms and on forest governance issues more directly,
- liaising and co-operating with forest sector experts from EU member states, and
- Formulating national work plans and ensuring compliance with safeguards.

b) Sub-national and Local Program:

- providing support on forest governance techniques (e.g. legal knowledge, technical knowledge of offences, how to document forest crimes, detection techniques etc.), to enable forest staff ensure law enforcement,
- documenting and communicating concrete local results on forest governance and forest law enforcement (e.g. local dedicated websites, hotlines etc.),
- supporting the use of modern technology (timber tracking, GPS, and other ICT) through pilot activities addressing FLEG issues,

- involving local communities in policy development and in sustainable forest management as well as providing the appropriate information which is accessible, easy to use and relevant for local decision makers, and
- increasing public awareness and participation.

*Component 3: Program Management* will consist of:

- overall management of the Program,
- ensuring compliance with World Bank and EU safeguard policies and directives,
- quality control of Program deliverables,
- Program reporting and monitoring of the results framework indicators, and
- organizing joint meetings for national focal points and other Program-level coordination events (such as Program Management Team tele-conferences, quarterly video conferences between the implementing partners and, as required, the relevant EU delegations), exchange of information between the participating countries and planning and coordination of national work plans.

### **3. Scope and objectives of the Strategic Environment and Social Assessment Framework**

Given the wide range of environmental and social issues and potential impacts (positive and negative) associated with forest management policies, legislation and practices, it was agreed that this Program will be rated as Category B. These impacts would not site-specific, mostly indirect and cumulative. As part of the due diligence activities for the program, it was agreed that the appropriate instrument for identifying environmental and social issues and potential impacts associated with forest management policies, legislation, programs and plans would be the Strategic Environment and Social Assessment Framework (SESAF). The overall objective of this document is for the outputs of all supported by the project draft laws and policies, programs and plans (PPP documents) to be consistent with the WB Safeguards Policies. The scope of the SESAF is to ensure all PPPs will be assessed from environmental and social aspects and necessary mitigation, monitoring and supervision activities are integrated in the proposed documents in view of improving the sustainable management of the forests.

The SESAF document will guide the PPP assessment and would identify the types of environmental and social issues which can be expected to be associated with the types of policy/legislative/institutional reforms which the project will support, providing guidance on how these aspects should be integrated into the analytical and decision-making processes as well as how to organize an effective stakeholder participation. This will assist the participating countries to prepare the forestry PPP documents that would be consistent with the WB safeguards policies.

The SEA process helps to integrate environmental and social considerations into decisions that relate to policies, laws, plans and programs. It brings an element of objectivity to the evaluation of different options and to encourage more open and transparent decision making by engaging all interested parties (stakeholders). Its aim is to identify opportunities for enhancing environmental and social outcomes and to minimize adverse effects of change, and to make recommendations for capacity building and governance reform. Its outputs would include a policy matrix identifying practical measures that will help to secure its recommendations, and in setting out time scales, milestones, and responsibilities for action. The SEA process would: (a) Enhance the systematic approach to policy, planning and programme processes, making them more rigorous and transparent; (b) Improve good governance; build public trust and confidence in decision making; and (c) Help to achieve the procedural component of decision making for environmentally sound and sustainable development.

Because of the nature of potential issues associated with forest management, the following of the WB Safeguards Operational Policies should be taken into consideration and reflected in the SESAF document: Environmental Assessment (OP-4.01); Consultation and Disclosure Procedure as set up in EA Policy OP-4.01 and see also BP-17.50; Forests (OP-4.36); Involuntary Resettlement (OP-4.12); Indigenous People (OP-4.10); Pest Management (OP-4.09); Physical Cultural Resources (OP-4.11); Natural Habitats (OP-4.04). These triggered WB' Safeguards Operational Policies are presented in Annex I of this document.

The SESAF document was prepared based on the analysis of many SEA Guiding documents and publication, as well as on the texts of mentioned WM Operational Policies and taking into account several studies done within the WB operations - all of used documents and publications are presented in the *Annex I*.

Further advice and information on the role and application of a SEA can be gained from the World Bank SEA Toolkit Web site.2: <http://www.worldbank.org>; select topics, environment and then type "SEA toolkit".

## **4. Forestry policy documents (policies/laws, programs and plans) and their potential environmental and social impact**

There are several types of Forestry Sector Policy documents, such as: concepts, strategies, regulations/laws, programs, and plans.

A *Concept* consists in establishing the frame vision and main principles for development in a certain sector, in this case the Forestry sector, on a long term. Generally, a concept has the following structure: (a) introduction (including the decisions determination the need for the concept, the interested parties); (b) objectives; (c) analysis of the current situation (the aspects under analysis and the causes); (d) description of the situation to be reached; (e) main approaches and basic principles to reach the proposed objectives.

A *Strategy* consists in establishing the main objectives and principles, the limits of the planned activities in view of reaching the objectives. Such document defines the Governmental policy and generally has the following structure: (a) introduction (including the need to promote such a strategy, including interested parties); (b) objectives; (c) analyses of the current situation (d) directions for action (description of the actions necessary to reach the objective (e) the expected results of the public consultation procedure; (f) indicators for reviewing process (elaborate indicators to quantify the level of accomplishment of the planned results); (g) budget; (h) juridical implications ( (j) implementing risks (assess risks and mitigate them); (i) monitoring procedures, assessment and reports.

A *Program* is referring to a system of interconnected tasks, with certain terms, aimed to implement the adopted strategies. Generally, a Program reflects the Governmental policy on a medium and long term, in a certain domain of public policies having as source the same strategy or an alternative to this strategy. A Program has a similar structure with the structure of a strategy.

An *Action Plan* is representing the total number of concrete measures, within their timeframe, necessary for the accomplishment of the implementation of the rest of the public policies, hierarchically above it. Generally, an Action Plan contains a few concrete projects, with similarities based on their geographical characteristics or other characteristics, aimed to ensure the achievement of a program. These documents could be on a medium or short term. The structure of the Action Plan is: (a) objectives (those objectives resulting from the public policies document under implementation); (b) actions (describe the concrete measures, institutions or needs for capacity building, and the implementing terms); (c) monitoring indicators (describe those specific monitoring indicators resulting from the public policy document under implementation); (d) estimate of the costs (categories of costs, finance source for each measure); (e) monitoring mechanism, assessment and reporting.

The basic level of the ecological planning documents is the level of projects (not covered by the current SESAF). This is the level where the particular and detailed decisions are taken and it is called the *level of concrete projects*. Based on the above mentioned, it can be concluded that the concepts, strategies, programs or plans are all the documents behind the level of concrete projects and activities. These documents are subject to SESAF and their totality can be included in a short abbreviation as PPP meaning “Policies” – concepts, strategies and laws; “Programs” and “Plans”. This abbreviation will be applied through the whole document.

The PPP documents are hierarchical presented in *Table 1* below.

*Table 1*

*Hierarchy of the ecological planning documents*

<i>Type of document</i>	<i>Objective and content of the document</i>
<i>Concept</i>	Establish the main approaches, major objectives, domains of priority of the activity in view of reaching the established objectives.
<i>Strategy</i>	Establish main principles, objectives, priorities, rules and mechanisms for reaching the objectives.
<i>Program</i>	Contains the priorities, options and measures to allocate the necessary resources to implement the global and sectorial policies.
<i>Action Plan</i>	Represents the agenda established based on strict defined scopes for implementing programs, specifying the activities and investments in the context of the respective policies and programs.

The main difference between these planning documents is the level of details and their implementing mechanism. In the field of environment, the concepts and strategies determinate the basic directions for environmental protection, the obstacles and limits for reaching the objectives, mainly connected on the insufficient financial resources, legal obstacles, or insufficient institutional or technological capacities. The environmental programs refer also to solutions, determination the operational structures, functions and roles of other sectors and of the public consultation. Action Plans represent documents specifying concrete measures to be undertaken, the responsibilities, terms, finance sources. All these documents have common characteristics in implementation and monitoring mechanisms, assessment and reporting.

The PPP documents for the forestry sector might be very diverse and cover various aspects of policy actions related to institutional issues, regulatory acts, designing and applying policy instruments etc. The Box presented below (see box 1) contains a series of different possible PPP documents in the sector as well as possible activities for what the assistance might be requested.

*Box 1 - Samples of Forestry PPP documents*

<p><i>Forestry laws/Codes:</i></p> <ul style="list-style-type: none"> <li>Drafting new laws;</li> <li>Fulfilling the gaps or addressing missed aspects of the forestry laws;</li> <li>Developing Forestry Development Strategies.</li> </ul> <p><i>Forestry related strategies, programs and plans at national or regional level:</i></p> <ul style="list-style-type: none"> <li>Development of large scale afforestation/reforestation Strategies or Programs;</li> <li>Development of Programs for large scale use of Biomass;</li> <li>Development of Strategies/Programs for development of forestry protected areas;</li> </ul>
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Development of forestry institutional reforms etc.

*Design of various policy papers on the following issues:*

- Taxation;
- Collection of Fees;
- Forest Management Research;
- Forest Industry Technology Research;
- Subsidies and Incentives;
- Forest law enforcement, governance.

*Design of the specific Forestry programs and action plans:*

- Improved forest royalty and stumpage fee calculation and/or collection leading to reduced deforestation;
- Revenue collection and sharing by local communities for utilization of timber and non-timber forest products;
- Innovative forest management techniques, low impact harvesting, selective extraction;
- Subsidizing alternative forest uses and forest conservation;
- Fuel substitution;
- Prevention and prosecution of illegal harvesting;
- Traceability and wood tracking system development and implementation;
- Improvements of incentive structure for forest service personnel.

*Preparing reports, conducting analytical studies in various areas*

The SESAF will ensure an appropriate and consistent implementation of the Strategic Environmental Assessment (SEA) Process to all Forestry Policy Documents: Policies, Laws, Programs and Plans to be supported under the FLEG II Program. While the PPP documents do not have any direct impacts, their implementation might generate a series of significant indirect and long term impacts that might have both positive and negative effects. The presented below *Table 2 - Forestry PPP documents and their potential environmental and social impacts* is a tool aimed to facilitate the analysis of the indirect and long term and cumulative positive and negative environmental and social impacts on each category of the forestry PPP documents.

Table 2

## Forestry PPP documents and their potential environmental and social impacts

Forestry PPP documents	Direct Impacts		Indirect Impacts	
	Positive	Negative	Positive	Negative
<i>Forest Policies/Laws /Code</i> (Stipulating individual or juridical ownership right on a forest zone)	Increased interest of the owner to follow the national designated rules and procedures.	Uncontrolled increase in harvesting the forest trees and products, including endangered species, caused by the poverty of local owners.	Changes in the subsequent implementing regulations for forest management (e.g.: stipulating as mandatory to obtain a special permit with a quota of trees and/or to become mandatory to plant a certain number of trees).	<ul style="list-style-type: none"> <li>- The planning for afforestation and reforestation programs cannot be implemented in a sound manner.</li> <li>- The protected natural habitats and species could be endangered if their living conditions and habitats are seriously damaged.</li> </ul>
<i>Forest Policies/Regulations</i> (Fire Management Strategies and Programs)	Assessment of problems options for actions to reduce impacts.	None	Improvement in subsequent implementing regulations and limiting the potential emergency situations.	None
<i>Forest Policies/Regulations</i> (Forest Management/Forest Management Research/ Forest Industry Technology Research)	<ul style="list-style-type: none"> <li>- Strengthening of existing forests and creation of new forest areas to maintain biodiversity</li> <li>- Innovative forest management techniques</li> <li>- Improved lumber milling and lumber utilization</li> </ul>	None	<ul style="list-style-type: none"> <li>- Guidelines for local and community forest management practices</li> <li>- Low impact harvesting</li> <li>- Selective extraction</li> <li>- Introduction or expansion, and better enforcement, of forest management plans for more rational use and conservation of forest resources</li> <li>- Product research for end markets</li> <li>- Alternative products</li> <li>- Value added market identification</li> </ul>	None

<i>Forest Policies/Regulations</i> (Subsidies and Incentives)	Subsidizing alternative forest uses and forest conservation	Increase in management costs provided by the owners	Fuel substitution - Renewable energy to displace biomass consumption Research sponsorship for innovative technologies, biomass combustion for heating, improved biomass cooking stoves;	
<i>Forest Policies/Regulations</i> (Payments for environmental services)	- Strategy for payments, benchmarks and possible fee structures	Increase in the payments for environmental costs	- Programs to reward private and public initiatives that reduce deforestation and degradation with cash payments	
<i>Forest Policies/Regulations</i> (Transboundary Cooperation)	Cross border agreements and mutual enforcement of forestry laws	None	- Better regional coordination of the PPP. - Prevention and prosecution of illegal harvesting Export - Prevention and prosecution of illegal harvesting large scale	None
<i>Forest Law enforcement and governance</i>	-Prevention and prosecution of illegal harvesting – National - Prevention and prosecution of illegal harvesting local a community - Improvements of incentive structure for forest service personnel	None	- Forest management plans directed at multiple forest resource use or targeted forest use - Traceability and wood tracking system development and implementation	None
<i>Forestry Program/Action Plan</i> to improve the management of the forest	An appropriate public consultation and early stage debates could identify the best management actions.	In the lack of an appropriate consultation process, the National Program would be promoted with delay and/or will miss the identification of the best options for	- Effective subsequent reforestation planning programs to protect the forest its self and the habitats of the different species; - Special planting campaigns, using trees from the respective	Owners in the neighborhoods could be identified with delay, in the absence of an early public consultation ;  Special habitats entering under the previsions of Bank'

		forest management.	zone, which will preserve the natural habitats of the autochthon species, etc.	Safeguards Operational Policies and needing special management measures could be identified with delay.
<i>Forestry Programs/Action Plans (Climate Change – Adaptation and Mitigation Considerations)</i>	<ul style="list-style-type: none"> <li>- Entry points for applying climate risk and vulnerability assessment</li> <li>- Evaluating CC and RR approaches and developing lessons learned</li> <li>the case models for climate change and risk reduction across FLEG countries</li> </ul>	None	<ul style="list-style-type: none"> <li>- Incorporating hazard and vulnerability assessment</li> <li>Simplified prediction approaches</li> <li>- Applying scenario planning in the Policy or Project design</li> <li>- Practical adaptation approaches of specific Program and Projects</li> </ul>	None
<i>Forestry Programs/Action Plans (Establishing Monitoring Benchmarks)</i>	Identify key safeguard monitoring and reporting requirements	None	<ul style="list-style-type: none"> <li>- Establish practical performance benchmarks for tracking safeguard progress and performance</li> <li>- Demonstrate mitigation of environmental and social risks and impacts have been incorporated</li> <li>- Verify effectiveness of the environmental protection measures or compliance with pertinent rules and regulations;</li> <li>- Show trends in relevant impacts and overall effectiveness of the PPP.</li> </ul>	None
<i>Forestry Programs/Action Plans (Reforestation)</i>	- Promotion of new plantations, from the local zones	None	-In particular improving the quality of the degraded lands, to meet timber and energy needs and remove pressure on natural forests	



## 5. The phases and steps of Strategic Environmental and Social Assessment of forestry policy documents

### 5.1 Overall procedure for conducting SEA

While the basic stages of a SEA process of a policy document are the same, the process itself can be organized slightly different. In the *Table 3* below are presented the proposed stages for conducting a SEA process of the forestry policy documents, which are consistent with relevant WB' Safeguards Operational Policies.

*Table 3*

*Phases in the SEA Process*

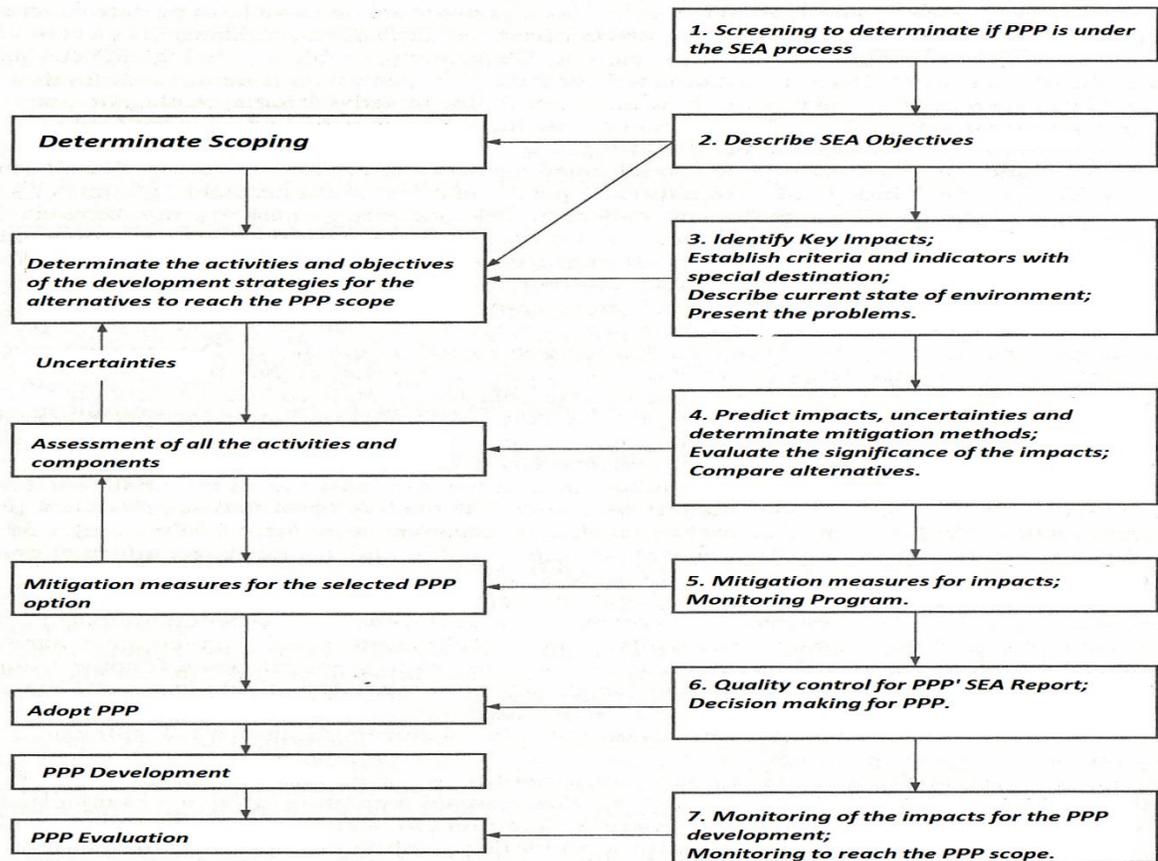
<i>SEA Phases</i>	<i>SEA steps</i>	<i>Method/Instrument s</i>
<i>Phase A: Screening</i> (investigation of whether the PPP falls or not under the SEA legislation)	A 1. The proposal for developing a PPP is included in the FLEG II country Program	Experts consultation, public consultation/ Indicators, checklists.
	A 2. The TORs for preparing a PPP document is reviewed by Implementing Organizations (WB, IUCN and/or WWF) Safeguards Specialists who based on criteria assessed using significant scoring to determinate the significant or potential impacts on environment, decide if that document is subject to SESAF and if yes, the relevant institution organizes the SEA process.	
	A 3. The WB, IUCN or WWF makes public the screening decision and the arguments supporting this decision by posting it at the website.	
	A 4. The public can comment on the screening decision and then the relevant IO take the final decision on the SEA for the proposed PPP document. The final decision of the screening is subject to confirmation from the WB FLEG II Safeguards Specialist.	
<i>Phase B: Scoping</i> (defining the boundaries of investigation, assessment and assumptions required by a PPP)	B 1. Defining the scope and objective of the SEA, spatial and temporary boundaries of the investigations as well as the main impacts to focus on.	Experts consultation, public consultation/ Indicators
	B 2. Posting the results of the scoping on the website and organize public consultation with interested parties and NGOs	
	B 3. Revising the scope and objectives of the SEA.	
<i>Phase C: Conducting SEA and preparing its report</i> (preparing Baseline Scenario and Identifying Social and Environmental Impacts, designing mitigation and monitoring activities along with implementing	C 1: Developing baseline scenario (including option zero, without a PPP).	Experts consultation, public consultation/ Indicators, checklists, matrices, surveys etc.
	C 2: Developing strategic alternatives.	
	C 3: Predicting and evaluating the social and environmental impacts of the PPP, including for proposed alternatives.	
	C 4 Formulating mitigating measures for the identified adverse impacts and proposing mitigation plan.	
	C 5: Proposing measures to monitor the environmental and social impacts of implementing the plan.	

arrangements)	C 6. Describing implementing arrangements	
	C 7. Preparing SEA Report	
	C2: Preparation of the SEA Report before the submission of the PPP to the approval.	
<i>Phase D: SEA Report quality review</i>	D 1: Quality analysis of the SEA Report	Experts consultation
<i>Phase E: Draft SEA Report disclosure and public participation</i>	E 1: SEA Report disclosure on the competent environmental authority and on ENPI FLEG Program website	Interested parties, general public/statistical data, reports.
	E 2: Organizing consultation (s) of the document with all interested parties and general public, including NGOs and professional organizations.	
	E 3. Reviewing and updating the SEA Report based on the received inputs during the public consultations.	
<i>Phase F: Follow-up (Implementing, monitoring, and periodical reporting, assessment of the performances of the PPP).</i>	F 1: Developing monitoring and survey programs on the SEA implementation.	Interested parties, general public/statistical data, reports.
	F 2: Reporting to the general public and key stakeholders on SEA implementation.	
	F 3. Assessing the environmental and social performances of the PPP.	

The stages of the SEA Process for PPP are presented below in a chart format (*see fig. 1*). This chart is pointing out also the interconnections with the decision making process of a certain PPP. The first step is the screening, based on which is determinate if the respective PPP is requesting or not a SEA Process to be undertaken. After this the SEA Objectives are described and on the left side of the chart is another important step, the determination of the scoping, interconnected with the identification of the key impacts and consideration of the current state of environment. The assessment of the activities could conduct at different levels of uncertainties. The mitigation measures and monitoring programs are considered in the selected PPP option and are determinate before the PPP is adopted. The evaluation of the results of the PPP development is a tool for further revisions of a certain PPP.

*Fig.1. The SEA process and its stages*

### Decisions making process for PPP



## 5.2 SEA steps and activities

### 5.2.1 Phase A – Screening.

As mentioned above screening is the first step in SEA and is focused on deciding whether the PPP falls or not under the SEA legislation and respectively if the proposed PPP should be subject to SESAF. Taking into account the nature of the Program the activities to be supported in most of the cases might have category C for which no further EA actions are needed rather than environmental screening, but also, in some cases – category B, once they will deal with the PPP that can generate indirect and/or cumulative impacts. In the case of such PPP it would be necessary to apply the SESAF document, identifying potential impacts, preparing a mitigation plan and monitoring activities. The screening is the responsibility of one of the IOs and subject to confirmation to be done by the WB FLEG II Safeguards Specialist. For that purpose, once a PPP is included in the FLEG II Country Program and the TORs for that activity is prepared the IO Safeguards Specialist reviews it and proposes a decision in this regard. This decision is submitted to the WB FLEG II Safeguards Specialist which provides his confirmation. In deciding if a SEA is needed the Specialist might use a combination of experts' judgment and analysis of the available information at the screening phase. The significance of the effects might be scored on a five point scale, as shown below. If there is a low level of confidence about the direction of an effect (i.e. positive or negative) or a probability of occurrence, then the effect will be scored as uncertain.

*Significant Scoring*

<i>Score</i>	<i>Symbol</i>
Significant positive impact	+++++
Minor positive impact	+++
Neutral	0
Minor negative impact	-
Significant negative impact	--

In judging about the potential impacts and screening category the IO Safeguards Specialist might use also the following criteria: (a) level of the policy document – national, regional or local. It is possible to assume the national level PPP as well as regional PPP in federal states (Russian Federation) might imply larger scale impacts and thus they can be qualified as Category B while in other cases – category C; (b) the comprehensiveness of the PPP document, - in the case when this would a comprehensive document that cover all range of aspects of development of forestry sector or its major issues (like institutional reforms and/or large scale afforestation activities, large scale use of Biomass; development of protected areas) such subprojects might be qualified as category B, while others – category C; (c) the status of the PPP document or of the TA product to be produced, - in the case if it is proposed a PPP that is subject to approval by national (regional in the case of Russian Federation) Government or Parliament – it might be qualified as Category B while in other cases – as category C; (d) the character of the document to be prepared – in the case if this would be a PPP that should be approved at some level by an official country’s institution (Government, Parliament), - it might be given category B while if this would be an output that might assist or guide development of an official PPP document it might be qualified as category C; and (e) main proposed tasks, - in particular in the case of designing forestry laws/codes, - in the case if it is proposed to draft a new laws entirely such activity might be qualified as category B. In the case it is proposed to draft its new structure or to address some gaps in the existing forestry code such activity might be qualified as category C. It should be noted in all cases for proposed analytical works, studies and reports the subprojects would be category C.

While the final judgment on the screening category is the responsibility of IO Safeguards Specialist, taking into account possible indirect and long term impacts as well as specified above criteria for each concrete PPP to be prepared, he/she might use also the table below with the proposed screening categorization.

*Table 4*

*Proposed screening categorization for Forestry PPP within FLEG II Program*

<i>Type of PPP</i>	<i>Proposed screening category</i>	<i>Remarks</i>
Designing Forestry Laws/Codes	B	At national or regional level in Russian Federation
Fulfilling the gaps or addressing missed aspects of the forestry laws	C	At national or regional level in Russian Federation
Preparing Forestry Development Strategies	B	
Designing Strategies of institutional reforms	B	
Developing large scale afforestation/reforestation Strategies or Programs	B	
Developing of Programs for large scale use of Biomass	B	At national or regional level
Developing of Strategies/Programs for development of forestry protected areas	B	

<i>Design of various policy papers on the following issues:</i> <ul style="list-style-type: none"> <li>• Taxation;</li> <li>• Collection of Fees;</li> <li>• Forest Management Research;</li> <li>• Forest Industry Technology Research;</li> <li>• Subsidies and Incentives;</li> <li>• Forest law enforcement, governance.</li> </ul>	C	
<i>Design of the specific Forestry Programs and Plans:</i> <ul style="list-style-type: none"> <li>• Improved forest royalty and stumpage fee calculation and/or collection leading to reduced deforestation;</li> <li>• Revenue collection and sharing by local communities for utilization of timber and non-timber forest products;</li> <li>• Innovative forest management techniques, low impact harvesting, selective extraction;</li> <li>• Subsidizing alternative forest uses and forest conservation;</li> <li>• Fuel substitution;</li> <li>• Prevention and prosecution of illegal harvesting;</li> <li>• Traceability and wood tracking system development and implementation;</li> <li>• Improvements of incentive structure for forest service personnel.</li> </ul>	C	
<i>Preparing reports, conducting analytical studies</i>	C	

After the screening decision is taken, the IO makes public this decision and its supporting arguments by posting it on its Internet page, as well as on the ENPI FLEG II website. The public can comment on the screening decision and can send the comments to the IO. If there are comments, then the IO organizes a meeting to decide if it is the case or not for a reconsideration of the screening decision. This is also matter of public communication. The final decision on the subproject category is communicated to the WB FLEG II Safeguards Specialist for his confirmation.

### 5.2.2 Phase B – Scoping.

The main goal of this SEA stage is defining the scope and objective of the SEA, spatial and temporary boundaries of the investigations as well as the main impacts to focus on.

During the scoping should be determined which issues, impacts and preliminary alternatives needs to be addressed at subsequent stages of the SEA process. Generally the scoping is a systematic exercise that establishes the boundaries and Terms of Reference for the SEA Report. It begins after the completion of the screening stage. However, there may also be some overlaps. Essentially, scoping takes forward the preliminary determination of significance made in screening to the next stage of resolution – determining what issues and impacts require further study. A quality scoping process reduces the risk of including inappropriate components or excluding components which should be addressed in an environmental assessment. There are, therefore, elements of both, identification and prioritization within scoping. Furthermore, within scoping, there is a need to engage in the debate as to how significance might be defined.

### 5.2.3 Phase C - Conducting SEA and preparing its report.

This stage would include the following: preparing baseline scenario; identifying social and environmental impacts; designing mitigation and monitoring activities along with implementing arrangements.

*The environmental baseline.* The collection of the information is important in developing SEA Report. The baseline represents the current status without PPP implementation, the zero option and it helps to:

- Identify existing environmental impacts and their interactions;
- Adopt those strategic actions necessary to avoid making a negative impact and/or try to improve the initial environmental and social conditions;
- Set a basis for impact predictions;
- Act as a 'business as usual' (*no action*) alternative to the proposed strategic action and alternatives;

Typically the *environmental baseline* would describe the status of the following environmental receptors:

- air
- water - quantity and quality
- soil and geology
- climatic factors
- flora and fauna (biodiversity) - sometimes split into marine, and/or terrestrial; sometimes split into separate habitats and species
- landscape (including light pollution and tranquil areas)
- noise - this is generally more applicable at the local than the regional/national level

With regard to *social baseline* aspects to be considered it is possible to mention the following issues: cultural resources, historic buildings, landscapes, architecture, population and human health, material assets - infrastructure, housing quality and quantity etc.

The baseline describes sectors, such as: transport, sewerage and/or waste management, land use, mineral deposits, materials use in construction and operation, etc. There are situations when the baseline will also cover issues such as: education, employment, poverty, deprivation, equity, economic growth. The level of detail with which the baseline environment can be described will vary with the type of strategic action and the availability of appropriate data.

A special section in the baseline analysis should be devoted to existing *policy, institutional and legal framework in the forestry sector*. This section should provide a detailed description of the current setup in that regard with the proposed new documents in this regard as well as describing the shortcomings and identified gaps.

*Data sources and availability.* Data about strategic-level baseline conditions are normally not compiled in a comprehensive and easily-accessible database, ready for use in SEA. Where data are needed for several administrative areas, they could be sometime incompatible with each other, based on different assumptions, and stored in different ways. Starting points for gathering information about the environmental baseline are:

- State of Forestry Sector reports, National Development policy and institutional development documents;
- “state of the environment” reports, such as: United Nations Environment Programme and OECD;
- the context-setting section of current sectorial or regional plans;
- monitoring programmes, GIS data, aerial photos;

- maps, both current and historical (which may show, for instance, likely past sources of contamination);
- the computers, desks, files, piles of paper, brains etc. of relevant officials; and
- less formally, from talking to other experts and/or the public.

*Possible topics for baseline analysis might include inter alia:*

*Forest management* - Strengthening of existing forests and creation of new forest areas to maintain biodiversity/Forest management plans directed at multiple forest resource use or targeted forest use/Guidelines for local and community forest management practices;

*Technical Alternatives to Biomass Fuel* - Research sponsorship for innovative technologies, biomass combustion for heating, improved biomass cooking stoves;

*Forest Trade* - Establish codes of conduct, points of sale and purchase documentation, responsible purchase policies and agreements

*Transboundary Cooperation* - Cross border agreements and mutual enforcement of forestry laws;

*Payments for environmental services* - Strategy for payments, benchmarks and possible fee structures/Programs to reward private and public initiatives that reduce deforestation and degradation with cash payments;

*Zoning* – Introduction or expansion, and better enforcement, of forest management plans for more rational use and conservation of forest resources;

*Certification* - Introduction or expansion of forest certification;

*Concession regimes* - Removal of illegal concessions;

*Fire Management Strategies and Programs* - Assessment of problems options for actions to reduce impacts.

*Identifying Social and environmental impacts.* Identifying potential direct and indirect or unintended effects/impacts of policy proposals and decision-making processes, as well as options for, and alternatives to programs or plans is naturally more difficult than in the case of specific projects. The range of options or variables under consideration is often harder to define with certainty because the transmission channels through which effects may be experienced might be very complex, involving many aspects which are difficult to predict and analyze. This makes the indirect effects of paramount importance in the assessment. Certain measures can help to frame this issue, for example, the use of best *versus* worse case scenarios. Cumulative effects present particular challenges and may require expert consideration.

There is no single best method for impact analysis. Approaches which are appropriate to the issues at stake should be selected. The identification and evaluation of suitable options may be assisted by future “scenario building”. Establishing the linkages with key economic and social policy goals requires a wide analytical framework, elements of which may already exist. For example, there might already have been a rigorous examination of the key environmental problems and risks within a country or region, including an assessment of the underlying causes of environmental stresses. If not, a partial analysis should be undertaken relevant to the scale or scope of the forestry policy document in question in order to assess the potential linkages between the environmental effects of the policy being assessed and key policy goals (*e.g.* in many poor regions, policies indirectly leading to forest environmental stress can impact negatively on poverty levels). The box 2 below presents an example of potential environmental and social impacts that might be considered while designing a Strategy for Forestry Policy Reforms.

## Box 2 - Checklist for Environmental and Social Impacts

*Strategy for Sustainable Forestry Sector Development Environmental and social impacts to be considered :*

- *Reform often involves enforcing existing forest protection measures that have not been invoked for a long period.* The consequences of such reform need to be well understood so that priority functions, including basic environmental protection, can be maintained while still balancing traditional forest resource use by needy households and not negatively impacting local livelihoods.

- *Reform in enforcement may require differential treatment of private vs. public forest reserves based on varied mechanisms to arrive at similar outcomes.* Private property rights on such lands might require additional administrative procedures. In such cases, pressure may be put on public forest lands that are used by poor households. It is requested to determinate if the proposed change in enforcement could cause effects of further marginalization of poorer households.

- *Reform that target wood fuel harvesting, extraction and selling of power sector institutions and tariff systems is designed to bring efficiency and increased reliability.* Fuel substitution at the bottom of the energy supply could have impacts on both health (more dirty fuels in domestic uses) and environment (increased fuel wood and charcoal use). It is to be determinate if there are significant environmental consequences for poor households resulting from proposed reforms and imposition of new tariffs.

- *Improvements in timber extraction techniques and modernization of mills require increased capital coupled with modern mechanization.* If this occurs in areas of employment dependence, the impacts of these shifts will be felt throughout the local labor force and consequently impact the buying power and well being of such communities. It is to be determinate if these incentives and reforms lead to increased hardship on already vulnerable communities and what options might be explored to offset these economic shocks.

- *Changes in tariff and subsidy regimes intended to increase productivity and outputs will also have implications for forest resource use and generation of waste by-products.* It is to be determinate if it will be expected an increased intensity of economic activity result in significant new demands for natural resources or in increased waste discharges. It is also to be determinate if the alternative waste utilization of such biomass has been explored and also promoted for local use.

- *Moving functions closer to the users is desirable.* Many important forest ecosystem functions are geographically broader than local administrative areas (e.g. catchments, large forest reserves) and need to be managed at the appropriate level. It is to be determinate if the proposed operation is likely to lead to fragmented management, to an ineffective control of key forest ecosystem services and/or a maintained biodiversity.

- *Local politics and leading structures might not enable equal access to forest resources if new controls are implemented.* Transparent and representative discussions and consultations with documented results must be ensured. Establishing proper oversight and creating grievance mechanisms are all needed. It is to be determinate how and how will be established such processes and how the legitimacy is provided.

Also at this phase the consultation of the authorities and the public, at the national level on potential transboundary impacts should be considered. For that purpose can be used scientific, mathematical modeling and any information from forestry sector for analyzing the possibility of transboundary impacts and if it is such a case informs the neighbor countries with regard to the PPP. It is also recommended to organize a

public debate including for the transboundary impacts and a minutes containing the comments and recommendations is agreed with this occasion.

Designing mitigation and monitoring activities along with implementing arrangements. The mitigation measures envisage preventing, reducing and as much as possible offset any significant adverse effects on the environment of implementing a PPP. A precautionary approach should be taken when information is incomplete but analysis indicates the risk or possibility of large scale, serious or irreversible environmental change. This may entail not going ahead with certain proposals or replacing them with no regrets alternatives. For low-threat situations, standard mitigation measures can be used to minimize an impact to "as low as reasonably practicable" (ALARP level), e.g. using best available technology not entailing excessive cost or contingency policies and plans to cope with low probability but highly damaging risks.

Monitoring the implementation of a proposed mitigation measures can be a simple check to see if environmental objectives are being met, or a systematic programme to measure its impact. Information tracking systems can be used to monitor issues and progress, and to focus and streamline any subsequent SEA process. Cumulative effects monitoring may be appropriate for plans and programmes that will initiate regional-scale change in environmental stock or critical natural assets. Methods and indicators for this purpose are not well developed.

Table 5

Sample of Mitigation and Monitoring Plan for a PPP

<i>Activity</i> (name of activity/briefly describe activity and potential adverse environmental impacts)	<i>Mitigation</i> (necessary actions to be taken to comply with the Condition)	<i>Monitoring</i> (tools for PPP verification/checking that mitigation is effectively implemented)	<i>Responsibilities/Parties/Timing</i> (responsibilities in terms of mitigation, monitoring and reporting; - timing/frequency)
<i>Activity 1</i>			
<i>Activity 2</i>			

Budget integration. In the case of a Mitigation and Monitoring Plan will contain cost information, a separate column can be added. Even Mitigation and Monitoring Plan requirements that do not result in concrete actions can have cost implications. The IO Safeguard Specialists will give support if needed to assure that the Mitigation and Monitoring Plan properly addresses SEA environmentally sound collection of information.

If the reporting requirements are not specified in the *Mitigation and Monitoring Plan*, could be followed guidance as presented in the table below:

Table 6

Mitigation and Monitoring Plan

<i>Situation</i>	<i>Environmental Compliance Reporting Content and Format</i>
<i>Mitigation and Monitoring Plan</i> is fairly simple and contains a monitoring log section	Update <i>Mitigation and Monitoring Plan</i> with most recent monitoring data and annex to semi-annual or annual progress report.
<i>Mitigation and Monitoring Plan</i> is fairly simple but does not contain a monitoring log section	Develop a simple table-based reporting format that lists activities, planned mitigation, and mitigation status/issues encountered.

<i>Mitigation and Monitoring Plan</i> is longer and more complex	Provide a text summary of <i>Mitigation and Monitoring Plan</i> implementation and issues encountered and resolved.
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Prepare SEA Report. Under this phase a Working Group is established for preparing SEA Report for the PPP. This WG contains representatives of the following interested parties: NPAC, IO Safeguards Specialist, Beneficiary of the PPP, other relevant interested parties. Each meeting is concluded with a Minute of the discussions. The experts' contribution is essential during this phase in view of assessing the current stage of social, environment and health status without the PPP (zero option) which represents an important criterion to assess the strategic impacts of the PPP implementation. The zero option is the starting point of discussing the modeling of the PPP and of establishing a content of the SEA to be followed. All the possible options are analyzed based on the defined zero option. All the assumptions and conclusions made until this moment are to be considered in drafting SEA Report.

*While preparing the SEA Report it is necessary to take into consideration it should:*

- Establish clear goals;
- Be integrated with other existing development policy and planning structures;
- Be flexible, iterative and customized to context;
- Analyze the potential effects and risks of the proposed PPP and its alternatives, against a framework of sustainability objectives, principles and criteria;
- Provide explicit justification for the selection of preferred options;
- Identify environmental and other opportunities and constraints;
- Address the linkages between environmental, social and economic considerations;
- Involve key interested public (stakeholders) and encourage public involvement;
- Include an effective, preferably independent, quality assurance system;
- Be transparent throughout the process, and communicate the results;
- Be cost-effective;
- Encourage formal reviews of the SEA process after completion, and monitor Policies, Plans or Programs outputs;
- Build capacity for undertaking SEA process.

A possible structure of the SEA is presented in the box 3 below.

*Box 3 - Frame content of a SEA Report – example*

1. Content and main objectives of the PPP and the relation with other plans and programs.
2. Relevant aspects of the current environmental and social status and possible trends in the case of non-action (baseline of the plan or program).
3. Environmental and social characteristics of the zone potentially significantly affected.
4. Policy, regulatory and institutional setup for the forestry sector with a description of the roles and responsibilities of involved institutions, goals and objectives of existing policies and major laws and regulations;
5. Any existing environmental issue, relevant for the respective PPP, particularly including those with a special importance for environment, as protected areas for fauna or flora, or sensitive habitats.
6. The environmental protection objectives established at the national or regional level and the way through

which these were considered during the preparation of the draft PPP.

7. Potential significant effects, including on aspects such as: biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, cultural heritage, landscape and the relations among them.
8. Possible significant effects on environment, including social and health, in tranboundary context.
9. Proposed measures to prevent, reduce, mitigate and compensate as much as possible any adverse effect on environment of the proposed PPP.
10. Presentation of the significant reasons for the proposed PPP.
11. A non-technical summary of the information provided in the document.
12. SEA public consultations
13. Annexes

#### **5.2.4. Phase D - SEA Report Review and decision making.**

The SEA Report examines key social and environmental considerations associated with the forest sector. The SEA also reviewed the policy, legal, and institutional contexts in which these issues are being addressed and made recommendations on how these issues may be more effectively mainstreamed through possible capacity and institutional adjustments. The SEA Report Review is an important phase of the SEA process and there are questions to be answered in this Report. From this point of view there are several aspects necessary to be covered and a checking list is an option for increase the quality of a SEA Report.

While reviewing the quality of the SEA report it is important to check if all most important related issues have been adequately addressed in the PPP. In this regard, the box 4 below presents a series of possible items in this regard.

##### *Box 4 - Summary items for a SEA Report Review – example*

###### *Items of economic aspects for a SEA Report:*

1. The need to improve employment in the forest sector;
2. The need for logging companies and activities to improve local livelihoods;
3. The wasteful use of forest timber products by logging companies;

###### *Items of social aspects for a SEA Report:*

1. *Corruption and lack of accountability associated with logging operations:* Logging operations are meant to provide social and economic benefits beyond just revenue for timber.
2. *Community forest ownership and entitlement:* One of the main issues raised by local communities is their marginalization from forest management.

###### *Items of environmental aspects for a SEA Report:*

*- Locals are generally concerned about forest loss and forest degradation. They acknowledge that shifting*

cultivation has negative impacts on the forest and also blame logging operations for forest loss and forest degradation.

- *The pollution of rivers and streams, dryer conditions, and visibly decreasing water bodies were perceived to be directly associated with forest loss.*

- *Water pollution also occurs because logs are covered with earth, and when it rains the mud.*

- *Local communities* (Land ownership; Appropriate forest land use; Logging and mining; Institutional arrangements for land and forest management; Involvement of the community in conservation and commercial forestry; Local communities have limited capacity to efficiently participate in the implementation of the PPP of the Forestry Sector due to widespread confusion and limited awareness about what community-based forest management might entail and how it might be encouraged).

- There could be a certain confusion regarding the “social obligations” of concessionaires (such as support to community clinics, primary schools, road building, or job provision) with the objective of community forestry);

- There could not be a clear understanding of “benefits” from protected areas to communities, some community members are employed by the park management, and some local and international NGOs are providing livelihood services to several local communities

- *Other items:*

- waste use of forest timber;

- cumulative impacts of logging and mining ;

- the pollution of streams that results from blocking sections during access road construction in the forest ;

- the migration of wildlife as a result of heavy machinery used by logging companies;

- the reduction of wildlife population as a result of increase in hunting activities by the local people

- limited reforestation/forest restoration programs and, where they do exist, the use of local species.

- different uses of forest lands and forests products.

The quality SEA Report analysis is part of the procedure and it is designated to avoid a poor quality or missing in the agreed content of the SEA Report. The missing could conduct to a delay in taking the decision with regard to the respective PPP. The scope of this quality analysis is to ensure a complete, reliable and accurate SEA Report in order to support the decision making process.

In the result of the SEA Report revision it is possible the SEA Report or the public comments to prove the existence of a possible significant impact of the PPP further implementation. In this situation, the competent authority for environment decides on the revision of the PPP, using the same Working Group already established.

Presentation of the draft and final SEA reports are important to influence key decisions. In this case a clear, understandable and concise *Note* can help to ensure that decision makers are fully aware of key environmental issues linked to the prepared policies, plans and programs. From the outset, through steering committees, other structures and public consultation mechanisms, decision makers and representatives of the public have opportunities to shape the outcome of the SEA process (*e.g.* identification of issues, choice of indicators, scope of work, and selection and evaluation of proposed development options and alternatives).

It is often a learning process for authorities and civil society to work together on a PPP. Decision makers need to know the options open to them, what the likely effects of choices are, and what the consequences would be if they failed to reach a decision. This information should be clearly set out in the advice given by the SEA team.

## 5.2.5 Phase E: Draft SEA Report disclosure and public participation.

Procedures for disclosure and public consultation are based on the relevant World Bank documents. SEA process should be an open planning process to broader groups of stakeholders, empower traditionally sidelined constituencies, enhance quality of outcomes, and strengthen monitoring.

Good practices for SEA public consultation include among other elements the following:

- Multi-stakeholder working groups could be established to steer and oversee implementation of the consultation and public participation activities (depending on the scope and complexity of the consultation process);
- The consultation and public participation plan might be adopted during an initial workshop to launch the SEA process (the consultation and public participation plan establishes rules for validating the level of representation of stakeholders, criteria for engaging new stakeholders during implementation to ensure legitimacy of the consultation and public participation process, and rules to be followed to reach agreements in the course of the SEA implementation).
- Stakeholders and communities are distinguished from the preferences of institutional stakeholders (government, NGOs, private sector, etc.) – mainly in the selection of SEA priority issues or preferred alternatives, the preferences of grassroots.
- Consultation and public participation activities should be designed and implemented in each cultural environment. Participatory rural appraisal is the main vehicle for identifying key environmental and social issues at the community level. While surveys and one-off meetings at the community level have been a step in the right direction, effective consultation and public participation in communities requires a longer “face-to face” time and less intimidating surroundings.

The methodology and main technics in organizing efficient public consultations are presented in the WB EA Sourcebook Update: Public Consultation in the EA Process: A Strategic Approach. 1999, No. 26<sup>1</sup>. This EA Sourcebook Update describes good practice in the planning, implementation, and monitoring of public consultation in the EA process. It focuses on thinking strategically about public consultation in order to more efficiently deliver improved project sustainability and to protect the interests of affected communities, especially the poor and vulnerable.

Table 7

*Consultation objectives during the EA process*

<i>Stage in EA Process</i>	<i>Consultation goals</i>	<i>Strategic considerations</i>
Validation of environmental procedures and standards	Review national law and practice relating to consultation Ensure compatibility with Bank requirements	Is there a need/Are there opportunities for capacity building?
Screening: assign an EA category	Identify stakeholder groups; secure proponent commitment to consultation program Agree on extent and mode of consultation	Is there a commitment to consultation from project proponents and the relevant authority?
Scoping: Agree on EA TOR and schedule	Identify stakeholders Disclose relevant project information Determine stakeholder concerns and	What resources are needed and available? Who is responsible for implementation, monitoring, and evaluation? Are there potential conflicts

<sup>1</sup> see: <http://siteresources.worldbank.org/INTSAFEPOL/1142947-1118039086869/20526299/Update26PublicConsultationInTheEAProcessAStrategicApproachMay1999.pdf>

Environmental analysis and production of draft EA reports (including social assessment and resettlement plan, as appropriate)	include them in the TOR  Disclose information on study methods and findings Agree on proposed mitigation measures with stakeholders Let stakeholders determine whether their concerns are adequately addressed	between the needs of the developer and those of the public? What methods are appropriate for reaching different stakeholder groups?
Production of final reports	Finalize mitigation plan and disclose to stakeholders	Are mechanisms in place to ensure ongoing consultation and compliance with agreements?
Implement the Environmental Management Plan (including environmental monitoring)	Inform the public about scheduling of potentially disruptive events Disclose results of environmental monitoring Maintain effective complaints procedure	What role can stakeholders play in monitoring?
Final evaluation	Assess effectiveness of consultation process Consult stakeholders for their assessment	Were any lessons learned that might be transferable to other projects?

Table 8

*Techniques for conveying information*

	<i>Key Points</i>	<i>Advantages</i>	<i>Disadvantages</i>
<i>Printed materials</i>	<ul style="list-style-type: none"> <li>· <i>Information bulletins, brochures, reports:</i> Text should be simple and non-technical, in the local language where possible, and relevant to the reader</li> <li>· Provide clear instructions on how to obtain more information</li> </ul>	<ul style="list-style-type: none"> <li>· Direct</li> <li>· Can impart detailed information</li> <li>· Cost-effective</li> <li>· Yields a permanent record of communication</li> </ul>	<ul style="list-style-type: none"> <li>· Demands specialized skills and resources</li> </ul>
<i>Displays and exhibits</i>	<ul style="list-style-type: none"> <li>· Can serve both to inform and to collect comments</li> <li>· Should be located where the</li> </ul>	<ul style="list-style-type: none"> <li>· May reach previously unknown parties</li> <li>· Minimal demands on the public</li> </ul>	<ul style="list-style-type: none"> <li>· Costs of preparation and staffing</li> <li>· Insufficient without supporting techniques</li> </ul>



	detailed written material or additional briefings or consultations.	communicated to staff · May help reach nonresident stakeholders	costly to operate · Only reach a small group of people
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Table 9

*Listening to the Public*

<i>Survey techniques</i>	<p><i>Key Points</i></p> <ul style="list-style-type: none"> <li>- Interviews, formal surveys, polls and questionnaires can rapidly show who is interested and why</li> <li>- May be structured (using a fixed questionnaire) or non-structured</li> <li>- Experienced interviewers or surveyors familiar with the project should be used</li> <li>- Pre-test the questions</li> <li>- Open-ended questions are best</li> </ul>	<p><i>Advantages</i></p> <ul style="list-style-type: none"> <li>- Shows how groups want to be involved</li> <li>- Allows direct communication with the public</li> <li>- Helps access the views of the majority</li> <li>- Less vulnerable to the influence of vocal groups</li> <li>- Identifies concerns linked to social grouping</li> <li>- Statistically representative results</li> <li>- Can reach people who are not in organized groups</li> </ul>	<p><i>Disadvantages</i></p> <ul style="list-style-type: none"> <li>- Poor interviewing is counter-productive</li> <li>- High cost</li> <li>- Requires specialists to deliver and analyze</li> <li>- Trade-off between openness and statistical validity</li> </ul>
<i>Small meetings</i>	<ul style="list-style-type: none"> <li>· Public seminars, or focus groups create formal information exchanges between the sponsor and the public; may consist of randomly selected individuals or target group members; experts may be invited to serve as a resource.</li> </ul>	<ul style="list-style-type: none"> <li>· Allows detailed and focused discussion</li> <li>- Can exchange information and debate</li> <li>- Rapid, low-cost monitor of public mood</li> <li>- A way to reach marginal groups</li> </ul>	<ul style="list-style-type: none"> <li>· Complex to organize and run</li> <li>· Can be diverted by special interest groups</li> <li>- Not objective or statistically valid</li> <li>- May be unduly influenced by moderators</li> </ul>
<i>Large meetings</i>	<ul style="list-style-type: none"> <li>- Public meetings allow the public to respond directly to formal presentations by project sponsors. Effective meetings need a strong chairman, a clear agenda, and good presenters or resource people.</li> </ul>	<ul style="list-style-type: none"> <li>- Useful for medium-sized audiences</li> <li>- Allow immediate response and feedback</li> <li>- Acquaint different interest groups</li> </ul>	<ul style="list-style-type: none"> <li>- Not suitable for detailed discussions</li> <li>- Not good for building consensus</li> <li>- Can be diverted by special interest groups</li> <li>- Attendance is difficult to predict</li> </ul>
<i>Conferences</i>	<ul style="list-style-type: none"> <li>- Technical experts and</li> </ul>	<ul style="list-style-type: none"> <li>- Impart specialized</li> </ul>	<ul style="list-style-type: none"> <li>- Time and effort</li> </ul>

<p><i>Community organizers/ advocates</i></p>	<p>representatives of interest groups may be brought together.</p> <p>- These work closely with a selected group to facilitate informal contacts, visit homes or work places, or simply be available to the public.</p>	<p>technical information</p> <ul style="list-style-type: none"> <li>- Promote data sharing and compromise</li> <li>- Resolve technical issues</li> <li>- Mobilize difficult-to-reach groups</li> </ul>	<p>needed to prepare</p> <ul style="list-style-type: none"> <li>- Cost if experts are hired</li> <li>- Potential conflicts between employers and clients</li> <li>- Time needed to get feedback</li> </ul>
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The nature, the domain, the content of the PPP is taken into consideration in the identification of the interested parties. The public must be informed in time to allow the express of comments and recommendation before the final decision on PPP is taken. In the case when PPP is susceptible to have impact on neighbor countries, the public is informed concerning the assessment in a transboundary context. The organization of a public debate should be announced in mass media in not less than 2 weeks, in order to allow public to comment on the PPP.

The following documents need to be submitted as minimum to the interested parties and general public: (a) the adopted version of the PPP; (b) a statement on: modality of compliance with the enforced environmental legislation and relevant procedures, modality of respecting the agreed content for SEA Report, the level of consideration of the comments expressed by the public during the SEA process, the basis for selecting the PPP option against the baseline, etc.

Public consultation should be included at all appropriate stages from a *very early* stage of SEA process. The PPPs under the FLEG II and based on this SESAF should be publicly available for a period of time agreed during the scoping stage. If meetings are held for public comment, smaller, focused meetings may be preferable to ensure adequate time for comment, rather than larger meetings where few people have the opportunity to speak.

There is a variety of modalities to consult at this stage the interested parties, including gathering opinion from the more vulnerable groups and ensuring that they can meaningfully participate and/or be represented. The documents are submitted in written in form of clear summaries (e.g.: brochures, flyers, etc.). There are also possible other instruments such as: surveys, interviews and meetings. Financial support for transport and food may need to be provided so the local communities can participate. An understanding of the political economy of the decision-making process, and the various responses from the interested parties analysis, should suggest how to ensure effective consultation and positively influence environmental sound decisions. Based on all these consultative tools, the interested parties can express points of view, making comments and recommendations, all in a written form. This process conducts to a final form of the PPP, which is submitted further to the national authorities.

**5.2.6 Phase F - Follow-up.**

The follow-up activities cover the implementing, monitoring, periodical reporting, and performance assessment with regard to the respective PPP. The post-decision follow-up stages such as monitoring, evaluation, and management are of an equal importance in the SEA process. The post-decision follow-up stages such as monitoring, evaluation, and management are of an equal importance in the SEA process.

These stages, referred to as *SEA follow-up*, are integral to making SEA effective and learning-oriented. This paper takes the necessary steps for conducting SEA follow-up, by analyzing the requirements for *ex post* activities. Further explorations into PPP evaluation and practical experiences in applying them, are needed to enhance the potential of SEA follow-up in supporting strategic decision making.

*Monitoring decisions taken on the PPP and the results of their implementation.* It is important to monitor the extent to which environmental objectives or recommendations made in the SEA Report or the objectives of the PPP are being met. Information tracking systems can be used to monitor and check progress. Monitoring of cumulative effects may be appropriate for initiatives that will initiate regional-scale change in critical natural assets. Methods and indicators for this purpose need to be developed on a case-by case basis. This process is undertaken by the national focal points in each of the seven countries. The results are periodically presented in the common training or round table as schedule under the FLEG Program.

*Evaluation of monitoring results and feed back in PPP renewal.* At some point a formal evaluation of the monitoring results should take place as part of the revision of a PPP. This process is undertaken by the national focal points in each of the seven countries. The results are periodically presented in the common training or round table as schedule under the FLEG Program.

The information from monitoring management is important for this purpose. Other components and tools of SEA follow-up include:

- auditing – to verify the accuracy of the SEA predictions and the effectiveness of mitigation and impact management;
- ex-post evaluation – to review the effectiveness and performance of the SEA process as applied to a specific project.

One measure of effectiveness is whether or not a SEA process has contributed to decision-making, as indicated by the quality of information contained in SEA report. Much more difficult to clearly determine is the extent to which PPP resulted in concrete environmental positive outcomes, for example as indicated by the record of impact mitigation.

## **6. World Bank' Operational Policies and their main requirements with a focus on their implications for the forestry sector**

The Bank's environmental and social "safeguard" policies are designed to avoid, mitigate, or minimize adverse environmental and social impacts of projects supported by the Bank. The Bank encourages its borrowing member countries to adopt and implement systems that meet these objectives while ensuring that development resources are used transparently and efficiently to achieve desired outcomes. To encourage the development and effective application of such systems and thereby focus on building borrower capacity beyond individual project settings, the Bank is also piloting the use of borrower systems in Bank-supported projects.

## Relevant WB' Safeguard Operational Policies

<i>Triggered WB Safeguard Operational Policies</i>	<i>Objective</i>	<i>Characteristics</i>
<i>Operational Policy (OP 4.01): Environmental Assessment</i>	The Bank requires environmental assessment (EA) of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable, and thus to improve decision making.	<ul style="list-style-type: none"> <li>- EA evaluates a project's potential environmental risks and impacts in its area of influence; examines project alternatives; identifies ways of improving project selection, planning, design, and implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts;</li> <li>- EA takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples, and physical cultural resources) and transboundary and global environmental aspects. EA considers natural and social aspects in an integrated way. It also takes into account the variations in project and country conditions; the findings of country environmental studies; national environmental action plans;</li> <li>- EA is initiated as early as possible in project processing and is integrated closely with the economic, financial, institutional, social, and technical analyses of a proposed project.</li> <li>- There are specific requirements for public consultation applying for any separate Category B project made available to project-affected groups.</li> </ul>
<i>World Bank Policy on Disclosure of Information (see also BP 17.50).</i>	The new effective World Bank Policy on Access to Information discloses any information in its possession that is not on a list of exceptions.	<p>The Bank endorses the fundamental importance of transparency and accountability to the development process. The Bank's policy to be open about its activities and to welcome and seek out opportunities to explain its work to the widest possible audience.</p> <ul style="list-style-type: none"> <li>- Timely dissemination of information to local groups affected by the projects and programs supported by the Bank, including nongovernmental organizations, is essential for the effective implementation and sustainability of projects. Experience has demonstrated that consultation and sharing of information with co-financiers, partners, and groups and individuals with relevant knowledge of development issues help to enhance the quality of Bank-financed operations.</li> <li>- The requirements under this Policy on Disclosure of Information apply to all the OPs:</li> <li>- Maximizing access to information;</li> <li>- Setting out a clear list of exceptions;</li> <li>- Safeguarding the deliberative process;</li> <li>- Providing clear procedures for making information available;</li> <li>- Recognizing requesters' right to an appeals process.</li> </ul>

<p><i>Operational Policy (OP 4.04): Natural Habitats</i></p>	<p>The Bank therefore supports the protection, maintenance, and rehabilitation of natural habitats and their functions in its economic and sector work, project financing.</p>	<ul style="list-style-type: none"> <li>- The conservation of natural habitats, like other measures that protect and enhance the environment, is essential for long-term sustainable development. The Bank supports the protection, maintenance, and rehabilitation of natural habitats and their functions in its economic and sector work, project financing, and policy dialogue. The Bank supports, and expects borrowers to apply, a precautionary approach to natural resource management to ensure opportunities for environmentally sustainable development.</li> <li>- The Bank promotes and supports natural habitat conservation and improved land use by financing projects designed to integrate into national and regional development the conservation of natural habitats and the maintenance of ecological functions. Furthermore, the Bank promotes the rehabilitation of degraded natural habitats.</li> <li>- The Bank does not support projects that, in the Bank's opinion, involve the significant conversion or degradation of critical natural habitats.</li> </ul>
<p><i>Operational Policy (OP 4.09): Pest Management</i></p>	<p>Rural development and health sector projects have to avoid using harmful pesticides.</p>	<ul style="list-style-type: none"> <li>- This Operational Policy is assisting in managing pests that affect either agriculture or public health, the Bank supports a strategy that promotes the use of biological or environmental control methods and reduces reliance on synthetic chemical pesticides. In Bank-financed projects, the borrower addresses pest management issues in the context of the project's environmental assessment.</li> <li>- The Bank assesses the capacity of the country's regulatory framework and institutions to promote and support safe, effective, and environmentally sound pest management. As necessary, the Bank and the borrower incorporate in the project components to strengthen such capacity.</li> <li>- There are not specific disclosure and public consultation requirements behind the common ones.</li> </ul>
<p><i>Operational Policy (BP 4.11): Physical Cultural Resources</i></p>	<p>The objective of OP/BP 4 is to avoid, or mitigate, adverse impacts on cultural resources from development projects that the World Bank finances.</p>	<ul style="list-style-type: none"> <li>- As part of the environmental screening process, there are to be determined if a PPP: (a) will involve significant excavations, demolition, movement of earth, flooding or other environmental changes; or (b) will be located in, or in the vicinity of, a physical cultural resources site recognized by competent authorities of the borrower; or (c) is designed to support management of physical cultural resources.</li> <li>- The Bank is informed of the relevant requirements of its legislation and of its procedures for identifying and mitigating potential impacts on physical cultural resources, including provisions for monitoring such impacts, and for managing chance finds.</li> <li>- The borrower identifies the likely major physical cultural resources issues, if any, to be taken into account in the EA. This identification of the possible presence of physical cultural resources is normally conducted on-site,</li> </ul>

		<p>in consultation with relevant experts and relevant project-affected groups.</p> <ul style="list-style-type: none"> <li>- Many physical cultural resources are not documented, or protected by law consultation is an important means of identifying such resources, documenting their presence and significance, assessing potential impacts, and exploring mitigation options. There are to be established mechanisms by the borrower for consultation on the physical cultural resources aspects of the EA, in order to ensure that the consultations include meetings with project-affected groups, concerned government authorities and relevant non-governmental organizations.</li> </ul>
<p><i>Operational Policy (OP 4.12): Involuntary Resettlement</i></p>	<p>Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out.</p>	<ul style="list-style-type: none"> <li>- Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following: <ul style="list-style-type: none"> <li>(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.</li> <li>(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons<sup>3</sup> should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.</li> <li>(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</li> </ul> </li> <li>- Resettlement Planning, Implementation, and Monitoring consists in: Resettlement Plan / Resettlement Policy Framework.</li> </ul>
<p><i>Operational Policy (OP 4.10): Indigenous Peoples</i></p>	<p>This policy contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples.</p>	<ul style="list-style-type: none"> <li>- For purposes of this policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social and cultural groups Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous People.</li> <li>- The Bank-financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to</li> </ul>

		<p>ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and intergenerational inclusive.</p> <p>- The Bank recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Gender and intergenerational issues among Indigenous Peoples also is complex.</p>
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More details on the Bank's Operational Policies are contained into the *Annex II*.

## 7. Main provisions of the relevant EU Directives

As the ENPI FLEG Program is financed by the EU, it is important within the SEA process to take into consideration main relevant EU Directives with regard to EA process as well as with regard to Forestry Sector. The Table 11 below presents the objective and main characteristics of the EU Directives relevant for the scope of the present document.

*Table 11*

### *EU relevant Directives*

<i>Relevant EU Directives</i>	<i>Objective</i>	<i>Characteristics</i>
<i>No. 2001/42/CE – with regard to SEA rules and procedures</i>	To provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of PPP with a view to promoting sustainable development.	<p>The characteristics of PPP with regard, in particular, to:</p> <ul style="list-style-type: none"> <li>- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,</li> <li>- the degree to which the plan or programme influences other plans and programs including those in a hierarchy,</li> <li>- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</li> <li>- environmental problems relevant to the plan or programme,</li> <li>- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programs linked to waste-management or water protection). Characteristics of the effects and of the area likely to be affected, having regard, in</li> </ul>

		<p>particular, to</p> <ul style="list-style-type: none"> <li>- the probability, duration, frequency and reversibility of the effects,</li> </ul> <p>the cumulative nature of the effects,  the transboundary nature of the effects,  the risks to human health or the environment (e.g. due to accidents),</p> <ul style="list-style-type: none"> <li>- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</li> </ul> <p>the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>special natural characteristics or cultural heritage,</li> <li>- exceeded environmental quality standards or limit values, intensive land-use,</li> <li>- the effects on areas or landscapes which have a recognized national, Community or international protection status.</li> </ul>
<i>2003/4/CE - concerning public consultations</i>	<p>To guarantee the right of access to environmental information held by or for public authorities and to set out the basic terms and conditions of, and practical arrangements for, its exercise; and</p> <p>To ensure that, as a matter of course, environmental information is progressively made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination to the public of environmental information. To this end the use, in particular, of computer telecommunication and/or electronic technology, where available, shall be promoted.</p>	<p>Ensure that any natural and legal person has a right of access to environmental information held by or for public authorities without his having to state an interest. It is also necessary that public authorities make available and disseminate environmental information to the general public to the widest extent possible.</p> <p>The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases.</p>
<i>1367/2006/EC - concerning implementation of Aarhus Convention</i>	<p>To contribute to the implementation of the obligations arising under the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, hereinafter referred to as 'the Aarhus Convention', by laying down rules to apply the provisions of the Convention to Community institutions and bodies.</p>	<p>Guaranteeing the right of public access to environmental information received or produced by Community institutions or bodies;</p> <p>Ensuring that environmental information is progressively made available and disseminated to the public in order to achieve its widest possible systematic availability and dissemination;</p> <p>Ensuring access to justice in environmental matters at Community level under the conditions lay down by this Regulation.</p>
<i>92/43/CEE concerning nature habitats</i>	<p>Contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory</p>	<p>Measures taken pursuant to this Directive shall be designed to maintain or restore, at favorable conservation status, natural habitats and species of wild fauna and flora of Community interest.</p>

	of the Member States to which the Treaty applies.	Measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics.
<i>2009/147/CE concerning birds protection</i>	Recognizes that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species especially through the establishment of a coherent network of Special Protection Areas (SPAs) comprising all the most suitable territories for these species.	The Birds Directive bans activities that directly threaten birds, such as the deliberate killing or capture of birds, the destruction of their nests and taking of their eggs, and associated activities such as trading in live or dead birds.

All presented in the above table EU Directives and regulations are consistent with the Bank' Operational Policies. Details on their main requirements and provisions are specified in *Annex III*.

## 8. Institutional arrangements and capacity building

As in all participating countries at the moment there are no in place special legal procedures for a Strategic Environmental Assessment (SEA process), the formal review of the prepared policy documents would be done by the IO (WB, IUCN and WWF) Safeguards Specialists will be also responsible for reporting to the Bank in the case of such documents will be prepared and what are the outcomes of the review process as well as by the National Program Advisory Committee (NPAC) which represent all key forestry stakeholders in the participating countries. In this regard, in order to build capacities with regard to safeguards issues, at the initial stage of the FLEG II implementation a special training will be delivered to IUC N and WWF Safeguards Specialists as well as to NPAC members in all participating countries. The curricular for the training along with timing and needed financial resources are presented in the *Annex IV*.

*The role and responsibilities of IOs Safeguards Specialists* in SESAF implementing will be the following:

- performing the screening phase in order to identify the forestry policy documents which need to be considered under the SEA process;
- based on the WB' Operational Policies, making recommendations during the SEA process;
- performing control of the way of development for SEA process;
- organize and ensure the public participation in all SEA phases, which request this;
- revising of the documents;
- reporting to the WB.

*The role of the WB FLEG II Safeguards Specialist* is to:

- oversight the implementation of the SESAF and ensure high quality of conducted SEA;
- provide his conformation on the categorization of the proposed PPP activities within the Program;
- provide, if needed advises on SEA for supported PPP;
- ensure SESAF disclosure in the Infoshop;
- provide training to interested parties as specified above.

## **9. SESAF disclosure and consultation**

SESAF disclosure and public consultation will be done based on the World Bank Policy on Disclosure of Information. These activities might include the following:

1. When the Draft SESAF is considered by the Bank as ready for disclosure, it is submitted to the seven participating countries;
2. Each country is following its own regulations for public consultation when this is in place and enforced, and also the World Bank policy; in parallel the draft SESAF is posted on Infoshop;
3. After the disclosure period in each country takes place at least one debate, where are invited the main representatives of the NGOs, civil society and general public;
4. The debate is concluded with a Minute containing recommendations and general comments; this Minute is sent to the Bank;
5. The consultant is receiving all the comments and recommendations from countries and prepares a point of view regarding those possible to be considered in the final SESAF; this is submitted to the Bank representative;
6. After the approval of this point of view, the consultant incorporates the recommendations and submits to the Bank the final SESAF.

# Annex I

## Basic documents and guiding materials for preparing the SESAF

### *World Bank documents:*

- World Bank Operational Policies: 4.01: "Environmental Assessment"; 4.12 "Involuntary Resettlement"; 4.36 "Forests"; 4.10 "Indigenous People"; OP 4.04 "Natural Habitats"; 4.11 Physical Cultural resources; 4.09 "Pest Management";
- World Bank Disclosure Handbook (December, 2002)  
<http://www1.worldbank.org/operations/disclosure/documents/DisclosureHandbook.pdf>;
- World Bank. 2012. Key Elements of SEA. <http://go.worldbank.org/4AIFB3W680>.
- SEA practices and lessons learned in the World Bank.  
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/ENVIRONMENT/0,,contentMDK:20885949~menuPK:549265~pagePK:148956~piPK:216618~theSitePK:244381,00.html>
- IFC Handbook on Stakeholder Engagement Handbook.  
[http://www1.ifc.org/wps/wcm/connect/topics\\_ext\\_content/ifc\\_external\\_corporate\\_site/ifc+sustainability/publications/publications\\_handbook\\_stakeholderengagement\\_\\_wci\\_\\_1319577185063](http://www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_handbook_stakeholderengagement__wci__1319577185063)
- World Bank Social Analysis Sourcebook.  
<http://siteresources.worldbank.org/INTTSR/Resources/SocialAnalysisSourcebookFINAL2003Dec.pdf>
- World Bank Stakeholder Consultations in Investment Operations Guidance Note. [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/02/26/000386194\\_20120226233951/Rendered/PDF/671210WP00PUBL0ultations0Note0web20.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/02/26/000386194_20120226233951/Rendered/PDF/671210WP00PUBL0ultations0Note0web20.pdf)
- The International Bank for Reconstruction and Development/THE WORLD BANK. Report No. 32783 Integrating Environmental Considerations in Policy Formulation: Lessons from Policy-Based SEA Experience. Environment Department. 2005.  
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/ENVIRONMENT/0,,contentMDK:20687943~menuPK:549265~pagePK:148956~piPK:216618~theSitePK:244381~isCURL:Y,00.html>
- Strategic Environmental Assessment in Policy and Sector Reform. Conceptual Model and Operational Guidance. [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/11/15/000333037\\_20101115234008/Rendered/PDF/578810PUB0Stra101public10BOX353783B.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/11/15/000333037_20101115234008/Rendered/PDF/578810PUB0Stra101public10BOX353783B.pdf)

### *EU documents:*

- [http://ec.europa.eu/environment/forests/home\\_en.htm](http://ec.europa.eu/environment/forests/home_en.htm)
- The 2020 Biodiversity strategy
- Forests and Climate Change
- Rural Development
- Forests within Life +
- 

### *Case studies:*

- Kenya Forests Act 2005 2007 Kenya Forestry I-SEA:  
[http://imagebank.worldbank.org/servlet/WDSContentServer/IW3P/IB/2012/08/03/000356161\\_20120803012901/Rendered/PDF/406590ESW0p1070stESW0FullReport0Web.pdf](http://imagebank.worldbank.org/servlet/WDSContentServer/IW3P/IB/2012/08/03/000356161_20120803012901/Rendered/PDF/406590ESW0p1070stESW0FullReport0Web.pdf)
- Strategic Environmental and Social Assessment of the Liberia Forest Sector. Mainstreaming social and environmental considerations into the Liberian National forestry Reform process. 2010.  
[http://imagebank.worldbank.org/servlet/WDSContentServer/IW3P/IB/2010/10/29/000334955\\_20101029042013/Rendered/PDF/E25710EA0P1042870BOX353771B01public1.pdf](http://imagebank.worldbank.org/servlet/WDSContentServer/IW3P/IB/2010/10/29/000334955_20101029042013/Rendered/PDF/E25710EA0P1042870BOX353771B01public1.pdf)
- Using Strategic Environmental Assessment to Inform the Forestry Master Plan 2010–2020 of Vietnam (2011). [http://siteresources.worldbank.org/INTFORESTS/Resources/Vietnam\\_SEA-English.pdf](http://siteresources.worldbank.org/INTFORESTS/Resources/Vietnam_SEA-English.pdf)

### *EU Directives:*

- EU Directives: (a) No. 2001/42/CE - with regard to SEA rules and procedures; (b) 2003/4/CE - concerning public consultations; (c) 1367/2006/EC - concerning implementation of Aarhus Convention; (d) 92/43/CEE concerning nature habitats; and (e) 2009/147/CE concerning birds protection.
- <http://ec.europa.eu/environment/eia/sea-guidelines/handbook.htm>

*OECD SEA Guidance*. <http://www.oecd.org/environment/environmentanddevelopment/37353858.pdf>

## Annex II

### Main Requirements of the triggered WB Safeguard Operational Policies

#### **Operational Policy (OP 4.01): Environmental Assessment**

The Bank undertakes environmental screening of each proposed project to determine the appropriate extent and type of SEA. The Bank classifies the proposed project into one of four categories, depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of its potential environmental impacts.

#### ***Public Consultation***

For all Category A and B projects the borrower consults project-affected groups and local nongovernmental organizations (NGOs) about the project's environmental aspects and takes their views into account. The borrower initiates such consultations as early as possible.

#### ***Disclosure***

For meaningful consultations between the borrower and project-affected groups and local NGOs on all Category B projects, the borrower consultants provide relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted.

Any separate Category B report for a project is made available to project-affected groups and local NGOs. Public availability in the borrowing country and official receipt by the Bank of any Category B EA report for projects, are prerequisites to Bank appraisal of these projects.

Once the borrower officially transmits any separate Category B EA report to the Bank, the Bank makes it available through its InfoShop.

The public consultation and disclosure as presented above is connected with the OP 4-01. It is also under the umbrella of *The World Bank Policy on Disclosure of Information* as presented here below.

#### **World Bank Policy on Disclosure of Information (see also BP 17.50)**

The new effective World Bank Policy on Access to Information discloses any information in its possession that is not on a *list of exceptions*. This policy positions the World Bank as a leader in transparency and accountability among international institutions.

Access to Information Staff Handbook (AI Staff Handbook) accompanies the World Bank Policy on Access to Information (the Policy) as effective. The principal purpose of the handbook is to provide guidance to staff for determining whether information is public or non-public; and workflow processes for making information publicly available.

More information can be found on the Access to Information website. Questions on access to information issues can be channeled through this website.

World Bank. 2010. The World Bank policy on access to information. Washington D.C. - The Worldbank. <http://documents.worldbank.org/curated/en/2010/07/12368161/world-bank-policy-access-information>

#### ***Guiding Principles of the Policy on Disclosure of Information***

- Maximizing access to information.
- Setting out a clear list of exceptions.
- Safeguarding the deliberative process.
- Providing clear procedures for making information available.
- Recognizing requesters' right to an appeals process.

This policy statement is divided into four parts. Following this introduction, Part II sets out the core policy, Part III sets out how the Bank handles information relating to member countries and other parties, and Part IV sets out the implementation aspects of the Policy.

### **Main Requirements of the Operational Policy (OP 4.04): Natural Habitats**

**Operational Policy 4.04: Natural Habitats** seeks to ensure that World Bank-supported infrastructure and other development projects take into account the conservation of biodiversity, as well as the numerous environmental services and products which natural habitats provide to human society. The policy strictly limits the circumstances under which any Bank-supported project can damage natural habitats (land and water areas where most of the native plant and animal species are still present). Specifically, the policy prohibits Bank support for projects which would lead to the significant loss or degradation of any Critical Natural Habitats, whose definition includes those natural habitats which are either:

- legally protected,
- officially proposed for protection, or
- unprotected but of known high conservation value.

In other (non-critical) natural habitats, Bank supported projects can cause significant loss or degradation only when (a) there are no feasible alternatives to achieve the project's substantial overall net benefits; and (b) acceptable mitigation measures, such as compensatory protected areas, are included within the project. In April 2013 revisions were made, such:

The conservation of natural habitats, like other measures that protect and enhance the environment, is essential for long-term sustainable development. The Bank therefore supports the protection, maintenance, and rehabilitation of natural habitats and their functions in its economic and sector work, project financing, and policy dialogue. The Bank supports, and expects borrowers to apply, a precautionary approach to natural resource management to ensure opportunities for environmentally sustainable development.

#### **Economic and Sector Work**

The Bank's economic and sector work includes identification of (a) natural habitat issues and special needs for natural habitat conservation, including the degree of threat to identified natural habitats (particularly critical natural habitats), and (b) measures for protecting such areas in the context of the country's development strategy. As appropriate, Country Assistance Strategies and projects incorporate findings from such economic and sector work.

#### **Project Design and Implementation**

The Bank promotes and supports natural habitat conservation and improved land use by financing projects designed to integrate into national and regional development the conservation of natural habitats and the maintenance of ecological functions. Furthermore, the Bank promotes the rehabilitation of degraded natural habitats.

The Bank does not support projects that, in the Bank's opinion, involve the significant conversion or degradation of critical natural habitats.

Wherever feasible, Bank-financed projects are sited on lands already converted (excluding any lands that in the Bank's opinion were converted in anticipation of the project). The Bank does not support projects involving the significant conversion of natural habitats unless there are no feasible alternatives for the project and its siting, and comprehensive analysis demonstrates that overall benefits from the project substantially outweigh the environmental costs. If the environmental assessment<sup>4</sup> indicates that a project would significantly convert or degrade natural habitats, the project includes mitigation measures acceptable to the Bank. Such mitigation measures include, as appropriate, minimizing habitat loss (e.g., strategic habitat retention and post-development restoration) and establishing and maintaining an ecologically similar protected area. The Bank accepts other forms of mitigation measures only when they are technically justified.

In deciding whether to support a project with potential adverse impacts on a natural habitat, the Bank takes into account the borrower's ability to implement the appropriate conservation and mitigation measures. If there are potential institutional capacity problems, the project includes components that develop the capacity of national and local institutions for effective environmental planning and management. The mitigation measures specified for the project may be used to enhance the practical field capacity of national and local institutions.

In projects with natural habitat components, project preparation, appraisal, and supervision arrangements include appropriate environmental expertise to ensure adequate design and implementation of mitigation measures.

This policy applies to subprojects under sectoral loans or loans to financial intermediaries. Regional environmental sector units oversee compliance with this requirement.

### ***Policy Dialogue***

The Bank encourages borrowers to incorporate into their development and environmental strategies analyses of any major natural habitat issues, including identification of important natural habitat sites, the ecological functions they perform, the degree of threat to the sites, priorities for conservation, and associated recurrent-funding and capacity-building needs.

The Bank expects the borrower to take into account the views, roles, and rights of groups, including local nongovernmental organizations and local communities, affected by Bank-financed projects involving natural habitats, and to involve such people in planning, designing, implementing, monitoring, and evaluating such projects. Involvement may include identifying appropriate conservation measures, managing protected areas and other natural habitats, and monitoring and evaluating specific projects. The Bank encourages governments to provide such people with appropriate information and incentives to protect natural habitats.

### **Main Requirements of the Operational Policy (OP 4.09): Pest Management**

Rural development and health sector projects have to avoid using harmful pesticides. A preferred solution is to use Integrated Pest Management (IPM) techniques and encourage their use in the whole of the sectors concerned. If pesticides have to be used in crop protection or in the fight against vector-borne disease, the Bank-funded project should include a Pest Management Plan (PMP), prepared by the borrower, either as a stand-alone document or as part of an Environmental Assessment.

In assisting borrowers to manage pests that affect either agriculture or public health, the Bank supports a strategy that promotes the use of biological or environmental control methods and reduces reliance on synthetic chemical pesticides. In Bank-financed projects, the borrower addresses pest management issues in the context of the project's environmental assessment.

*Agricultural and Public Health Pest Management are not relevant in this project.*

#### *Criteria for Pesticide Selection and Use*

The procurement of any pesticide in a Bank-financed project is contingent on an assessment of the nature and degree of associated risks, taking into account the proposed use and the intended users. With respect to the classification of pesticides and their specific formulations, the Bank refers to the World Health Organization's Recommended Classification of Pesticides by Hazard and Guidelines to Classification (Geneva: WHO 1994-95). The following criteria apply to the selection and use of pesticides in Bank-financed projects:

- (a) They must have negligible adverse human health effects
- (b) They must be shown to be effective against the target species.
- (c) They must have minimal effect on non target species and the natural environment. The methods, timing, and frequency of pesticide application are aimed to minimize damage to natural enemies. Pesticides used in public health programs must be demonstrated to be safe for inhabitants and domestic animals in the treated areas, as well as for personnel applying them.
- (d) Their use must take into account the need to prevent the development of resistance in pests.

### **Main Requirements of the Operational Policy (OP 4.11): Physical Cultural Resources**

Cultural resources are important as sources of valuable historical and scientific information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices. The loss of such resources is irreversible, but fortunately, it is often avoidable.

The objective of OP/BP 4.11 on Physical Cultural Resources is to avoid, or mitigate, adverse impacts on cultural resources from development projects that the World Bank finances. This policy addresses physical cultural resources,<sup>1</sup> which are defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above or below ground, or under water. Their cultural interest may be at the local, provincial or national level, or within the international community. Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices.

The Bank assists countries to avoid or mitigate adverse impacts on physical cultural resources from development projects that it finances. The impacts on physical cultural resources resulting from project activities, including mitigating measures, may not contravene either the borrower's national legislation, or its obligations under relevant international environmental treaties and agreements.

Physical Cultural Resources within Environmental Assessment the borrower addresses impacts on physical cultural resources in projects proposed for Bank financing, as an integral part of the environmental assessment (EA) process. The steps elaborated below follow the EA sequence of: screening; developing terms of reference (TORs); collecting baseline data; impact assessment; and formulating mitigating measures and a management plan. The following projects are classified during the environmental screening process as Category B and are subject to the provisions of this policy: (a) any project involving significant excavations, demolition, movement of earth, flooding, or other environmental changes; and (b) any project located in, or in the vicinity of, a physical cultural resources site recognized by the borrower. Projects specifically designed to support the management or conservation of physical cultural resources are individually reviewed, and are normally classified. The relevant experts and relevant project-affected groups, identifies the likely physical cultural resources issues, if any, to be taken into account. In the cases when the project is likely to have adverse impacts on physical cultural resources, the borrower identifies appropriate measures for avoiding or mitigating these impacts as part of the EA process. These measures may range from full site protection to selective mitigation, including salvage and documentation, in cases where a portion or all of the physical cultural resources may be lost. As an integral part of the EA process, the borrower develops a physical cultural resources management plan<sup>8</sup> that includes measures for avoiding or mitigating any adverse impacts on physical cultural resources, provisions for managing chance finds, any necessary measures for strengthening institutional capacity, and a monitoring system to track the progress of these activities. The physical cultural resources management plan is consistent with the country's overall policy framework and national legislation and takes into account institutional capabilities with regard to physical cultural resources.

The Bank reviews, and discusses with the borrower consultants the findings and recommendations related to the physical cultural resources aspects of the EA, and determines whether they provide an adequate basis for processing the project for Bank financing.

#### ***Consultation***

As part of the public consultations required in the EA process, the consultative process for the physical cultural resources component normally includes relevant project-affected groups, concerned government authorities, and relevant nongovernmental organizations in documenting the presence and significance of physical cultural resources, assessing potential impacts, and exploring avoidance and mitigation options.

#### ***Disclosure***

The findings of the physical cultural resources component of the EA are disclosed as part of, and in the same manner as, the EA report.<sup>11</sup> Exceptions to such disclosure would be considered when the borrower, in consultation with the Bank and persons with relevant expertise, determines that disclosure would compromise or jeopardize the safety or integrity of the physical cultural resources involved or would

endanger the source of information about the physical cultural resources. In such cases, sensitive information relating to these particular aspects may be omitted from the EA report.

**Main Requirements of the Operational Policy (OP 4.12): Involuntary Resettlement**

The Bank's **Operational Policy 4.12: Involuntary Resettlement** is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement.

The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects. The displaced persons participate during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which:

- (a) specific components of the project will be prepared and implemented;
- (b) the criteria for eligibility of displaced persons will be determined;
- (c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and
- (d) potential conflicts involving displaced persons will be resolved.

To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them.

The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettles are provided with land for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area, or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host

communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

### ***Eligibility for Benefits***

Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (para. 6(a) of the Annex A of this OP), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

***Criteria for Eligibility.*** Displaced persons may be classified in one of the following three groups:

- (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f)); and
- (c) those who have no recognizable legal right or claim to the land they are occupying.

### ***Resettlement Planning, Implementation, and Monitoring***

To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:

- (a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and Annex A);
- (b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified (see Annex A; and
- (c) a process framework is prepared for projects involving restriction of access.

The borrower consultants are responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs. The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.

The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also BP 4.12, para. 16).

### ***Resettlement Instruments***

#### ***Resettlement Plan***

A draft resettlement plan that conforms to this policy is a condition of appraisal for projects referred to in para. 17(a) above. However, where impacts on the entire displaced population are minor, or fewer than 200

people are displaced, an abbreviated resettlement plan may be agreed with the borrower. The information disclosure procedures set forth in para. 22 apply.

#### ***Resettlement Policy Framework***

For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see Annex A, paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

#### ***Process Framework***

31. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

#### ***Main Requirements of the Operational Policy (OP 4.10): Indigenous Peoples***

The World Bank policy on indigenous peoples requests to identify indigenous peoples, consult with them, ensure that they participate in, and benefit from Bank-funded operations in a culturally appropriate way - and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated.

The recent revision made in April 2013 refers to:

- the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples, the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples. Such Bank-financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and intergenerational inclusive.

- The Bank recognition of identities and cultures of Indigenous Peoples, as inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Gender and intergenerational issues among Indigenous Peoples also are complex. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limits their capacity to defend their interests in and rights to lands, territories, and other productive resources, and/or restricts their ability to participate in and benefit from development. At the same time, the Bank recognizes that Indigenous Peoples play a vital role in sustainable development and that their rights are increasingly being addressed under both domestic and international law.

#### ***Identification.***

For purposes of this policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

- (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories
- (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (d) an indigenous language, often different from the official language of the country or region.

A group that has lost "collective attachment to geographically distinct habitats or ancestral territories in the project area"; (paragraph 4 (b)) because of forced severance remains eligible for coverage under this policy. Ascertaining whether a particular group is considered as "Indigenous Peoples" for the purpose of this policy may require a technical judgment.

#### ***Use of Country Systems.***

The Bank may decide to use a country's systems to address environmental and social safeguard issues in a Bank-financed project that affects Indigenous Peoples. This decision is made in accordance with the requirements of the applicable Bank policy on country systems.

#### ***Consultation and Participation.***

Where the project affects Indigenous Peoples, the borrower engages in free, prior, and informed consultation with them. To ensure such consultation, the borrower:

- (a) establishes an appropriate gender and inter generational inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the borrower, the affected Indigenous Peoples' communities, the Indigenous Peoples Organizations (IPOs) if any, and other local civil society organizations (CSOs) identified by the affected Indigenous Peoples' communities;
- (b) uses consultation methods appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits; and
- (c) provides the affected Indigenous Peoples' communities with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected Indigenous Peoples' communities) in a culturally appropriate manner at each stage of project preparation and implementation.

#### ***Indigenous Peoples Plan/Planning Framework***

***Indigenous Peoples Plan (IPP).*** On the basis of the social assessment and in consultation with the affected Indigenous Peoples' communities, the borrower prepares an Indigenous Peoples Plan (IPP) that sets out the measures through which the borrower will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for. The IPP is prepared in a flexible and pragmatic manner, and its level of detail varies depending on the specific project and the nature of effects to be addressed. The borrower integrates the IPP into the project design. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the elements of an IPP should be included in the overall project design, and a separate IPP is not required. In such cases, the Project Appraisal Document (PAD) includes a brief summary of how the project complies with the policy, in particular the IPP requirements.

#### ***Disclosure***

The borrower consultants make the social assessment report and draft IPP available to the affected Indigenous Peoples' communities in an appropriate form, manner, and language. Before project appraisal, the borrower sends the social assessment and draft IPP to the Bank for review. Once the Bank accepts the documents as providing an adequate basis for project appraisal, the Bank makes them available to the public in accordance with ***The World Bank Policy on Access to Information***, and the borrower makes them available to the affected Indigenous Peoples' communities in the same manner as the earlier draft documents.

that the Indigenous Peoples attribute to such lands and resources.

#### ***Physical Relocation of Indigenous Peoples***

Because physical relocation of Indigenous Peoples is particularly complex and may have significant adverse impacts on their identity, culture, and customary livelihoods, the Bank requires the borrower to explore alternative project designs to avoid physical relocation of Indigenous Peoples. In exceptional circumstances, when it is not feasible to avoid relocation, the borrower will not carry out such relocation without obtaining broad support for it from the affected Indigenous Peoples' communities as part of the free, prior, and informed consultation process. In such cases, the borrower prepares a settlement plan in accordance with

the requirements of OP4.12 - *Involuntary Resettlement*, that is compatible with the Indigenous Peoples' cultural preferences, and includes a land-based resettlement strategy. As part of the resettlement plan, the borrower documents the results of the consultation process. Where possible, the resettlement plan should allow the affected Indigenous Peoples to return to the lands and territories they traditionally owned, or customarily used or occupied, if the reasons for the relocation cease to exist.

#### *Annex A - Social Assessment*

The social assessment includes the following elements, as needed:

- (a) A review, on a scale appropriate to the project, of the legal and institutional framework applicable to Indigenous Peoples.
- (b) Gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- (c) Taking the review and baseline information into account, the identification of key project stakeholders and the elaboration of a culturally appropriate process for consulting with the Indigenous Peoples at each stage of project preparation and implementation (see paragraph 9 of this policy).
- (d) An assessment, based on free, prior, and informed consultation, with the affected Indigenous Peoples' communities, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples' communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live.
- (e) The identification and evaluation, based on free, prior, and informed consultation with the affected Indigenous Peoples' communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

#### *Annex B - Indigenous Peoples Plan*

The Indigenous Peoples Plan (IPP) is prepared in a flexible and pragmatic manner, and its level of detail varies depending on the specific project and the nature of effects to be addressed.

The IPP includes the following elements, as needed:

- (a) A summary of the information referred to in Annex A, paragraph 2 (a) and (b).
- (b) A summary of the social assessment.
- (c) A summary of results of the free, prior, and informed consultation with the affected Indigenous Peoples' communities that was carried out during project preparation (Annex A) and that led to broad community support for the project.
- (d) A framework for ensuring free, prior, and informed consultation with the affected Indigenous Peoples' communities during project implementation (see paragraph 10 of this policy).
- (e) An action plan of measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies.
- (f) When potential adverse effects on Indigenous Peoples are identified, an appropriate action plan of measures to avoid, minimize, mitigate, or compensate for these adverse effects.
- (g) The cost estimates and financing plan for the IPP.
- (h) Accessible procedures appropriate to the project to address grievances by the affected Indigenous Peoples' communities arising from project implementation. When designing the grievance procedures, the borrower takes into account the availability of judicial recourse and customary dispute settlement mechanisms among the Indigenous Peoples.
- (i) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPP. The monitoring and evaluation mechanisms should include arrangements for the free, prior, and informed consultation with the affected Indigenous Peoples' communities.

#### *Annex C - Indigenous Peoples Planning Framework*

The Indigenous Peoples Planning Framework (IPPF) sets out:

- (a) The types of programs and subprojects likely to be proposed for financing under the project.
- (b) The potential positive and adverse effects of such programs or subprojects on Indigenous Peoples.
- (c) A plan for carrying out the social assessment (see Annex A) for such programs or subprojects.
- (d) A framework for ensuring free, prior, and informed consultation with the affected Indigenous Peoples' communities at each stage of project preparation and implementation (see paragraph 10 of this policy).
- (e) Institutional arrangements (including capacity building where necessary) for screening project-supported activities, evaluating their effects on Indigenous Peoples, preparing IPPs, and addressing any grievances.
- (f) Monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project.
- (g) Disclosure arrangements for IPPs.

## Annex III

### Main provisions of the relevant EU Directives

The main relevant EU Directives:

- (a) Directive No. 2001/42/CE - with regard to SEA rules and procedures;
- (b) Directive 2003/4/EC of The European Parliament and The Council on of 28 January 2003 on public access to environmental information;
- (c) Regulation (EC) No 1367/2006 of The European Parliament and of The Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies;
- (d) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and
- (e) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.

The main provisions of the relevant EU Directives:

- a) *Directive No. 2001/42/EC*

The main driver for SEA process in the region has been the European Union (EU) SEA EU Directive 2001/42/EC of The European Parliament and of The Council of 27 June 2001 on the assessment of the effects of certain plans and programs on the environment, which has been applied differently in various countries, resulting in a variety of client country demands for the Bank's support on SEA. In most newly independent states, the legal and regulatory framework for SEA and EIA is largely established.

SEA can be defined as “*a systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives in order to ensure that they are fully included and appropriately addressed at the earliest appropriate stage of decision making on par with economic and social considerations*” (Sadler and Verheem 1996:27).

The environmental impact of PPP is widely acknowledged and the European Commission and other organizations are actively pursuing research into the use of Strategic Environmental Assessment to meet this objective. Strategic Environmental Assessment (SEA) and can be defined as: “*a systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives in order to ensure they are fully included and appropriately addressed at the earliest stage of decision-making on par with economic and social considerations*”.

The whole SEA process is intended to act as a support to planners and decision-makers, providing them with *relevant* environmental information on the positive and negative implications of PPP.

#### *Consultations.*

- The draft plan or programme and the environmental report shall be made available to the authorities referred and to the public.
- The authorities referred and the public referred shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure.
- Member States shall designate the authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programs.

- Member States shall identify the public for the purposes of including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this Directive, including relevant non-governmental organizations, such as those promoting environmental protection and other organizations concerned.

- The detailed arrangements for the information and consultation of the authorities and the public shall be determined by the Member States.

*Monitoring.* 1. Member States shall monitor the significant environmental effects of the implementation of plans and programs in order, *inter alia*, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring. Directive 85/337/EEC and to any other Community law requirements.

For plans and programs for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation,

Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, *inter alia*, to avoid duplication of assessment.

For plans and programs co-financed by the European Community, the environmental assessment in accordance with this Directive shall be carried out in conformity with the specific provisions in relevant Community legislation.

The information to be provided are the following:

- (a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant PPP;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- (c) the environmental characteristics of areas likely to be significantly affected;
- (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
- (e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
- (f) the likely significant effects (1) on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;
- (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
- (h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;
- (i) a description of the measures envisaged concerning monitoring in accordance with Article 10;
- (j) a non-technical summary of the information provided under the above headings.

There are also contained into this context –

*Criteria for determining the likely significance of effects*

1. The characteristics of plans and programs, having regard, in particular, to

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
  - the degree to which the plan or programme influences other plans and programs including those in a hierarchy,
  - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
  - environmental problems relevant to the plan or programme,
  - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programs linked to waste-management or water protection).
- Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
- the probability, duration, frequency and reversibility of the effects,
  - the cumulative nature of the effects,
  - the transboundary nature of the effects,
  - the risks to human health or the environment (e.g. due to accidents),
  - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
  - the value and vulnerability of the area likely to be affected due to:
    - special natural characteristics or cultural heritage,
    - exceeded environmental quality standards or limit values,
    - intensive land-use,
  - the effects on areas or landscapes which have a recognized national, Community or international protection status.

The whole SEA process is intended to act as a support to planners and decision-makers, providing them with *relevant* environmental information on the positive and negative implications of PPP.

*(b) Directive 2003/4/EC on public access to environmental information*

Directive 2003/4/EC of The European Parliament and The Council on of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.

The objectives of this Directive are:

- (a) to guarantee the right of access to environmental information held by or for public authorities and to set out the basic terms and conditions of, and practical arrangements for, its exercise; and
- (b) to ensure that, as a matter of course, environmental information is progressively made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination to the public of environmental information. To this end the use, in particular, of computer telecommunication and/or electronic technology, where available, shall be promoted.

It is necessary to ensure that any natural and legal person has a right of access to environmental information held by or for public authorities without his having to state an interest. It is also necessary that public authorities make available and disseminate environmental information to the general public to the widest extent possible, in particular by using information and communication technologies.

The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way, whereby the public interest served by disclosure should be weighed against the interest served by the refusal. The reasons for a refusal should be provided to the applicant within the time limit laid down in this Directive.

*Access to environmental information upon request*

Member States shall ensure that public authorities are required, in accordance with the provisions of this Directive, to make available environmental information held by or for them to any applicant at his request and without his having to state an interest.

#### Access to justice

Member States shall ensure that any applicant who considers that his request for information has been ignored, wrongfully refused (whether in full or in part), inadequately answered or otherwise not dealt with in accordance with the provisions of Articles 3, 4 or 5, has access to a procedure in which the acts or omissions of the public authority concerned can be reconsidered by that or another public authority or reviewed administratively by an independent and impartial body established by law. Any such procedure shall be expeditious and either free of charge or inexpensive.

#### Dissemination of environmental information

Member States shall take the necessary measures to ensure that public authorities organize the environmental information which is relevant to their functions and which is held by or for them, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunication and/or electronic technology, where available.

*(c) Regulation (EC) No 1367/2006 of The European Parliament and of The Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies.*

The main objectives of this Regulation is to contribute to the implementation of the obligations arising under the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, hereinafter referred to as 'the Aarhus Convention', by laying down rules to apply the provisions of the Convention to Community institutions and bodies, in particular by:

- (a) guaranteeing the right of public access to environmental information received or produced by Community institutions or bodies and held by them, and by setting out the basic terms and conditions of, and practical arrangements for, the exercise of that right;
- (b) ensuring that environmental information is progressively made available and disseminated to the public in order to achieve its widest possible systematic availability and dissemination. To that end, the use, in particular, of computer telecommunication and/or electronic technology, where available, shall be promoted;
- (c) providing for public participation concerning plans and programmes relating to the environment;
- (d) granting access to justice in environmental matters at Community level under the conditions laid down by this Regulation.

#### Collection and dissemination of environmental information

Community institutions and bodies shall organize the environmental information which is relevant to their functions and which is held by them, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunication and/or electronic technology.

#### Quality of the environmental information

Community institutions and bodies shall, insofar as is within their power, ensure that any information that is compiled by them, or on their behalf, is up-to-date, accurate and comparable.

Community institutions and bodies shall, upon request, inform the applicant of the place where information on the measurement procedures, including methods of analysis, sampling and pre-treatment of samples, used in compiling the information can be found, if it is available. Alternatively, they may refer them to the standardized procedure that was used.

#### Cooperation

In the event of an imminent threat to human health, life or the environment, whether caused by human activities or due to natural causes, Community institutions and bodies shall, upon request of public authorities within the meaning of Directive 2003/4/EC, collaborate with and assist those public authorities in order to enable the latter to disseminate immediately and without delay to the public that might be affected all environmental information which could enable it to take measures to prevent or mitigate harm arising from the threat, to the extent that this information is held by or on behalf of Community institutions and bodies and/or those public authorities.

*Public Participation concerning PPP relating to the Environment*

Community institutions and bodies shall provide, through appropriate practical and/or other provisions, early and effective opportunities for the public to participate during the preparation, modification or review of plans or programs relating to the environment when all options are still open. In particular, where the Commission prepares a proposal for such a plan or programme which is submitted to other Community institutions or bodies for decision, it shall provide for public participation at that preparatory stage.

Community institutions and bodies shall identify the public affected or likely to be affected by, or having an interest in, plan or programme of the type referred to in paragraph 1, taking into account the objectives of this Regulation.

Community institutions and bodies shall ensure that the public referred to in paragraph 2 is informed, whether by public notices or other appropriate means, such as electronic media where available, of:

- (a) the draft proposal, where available;
- (b) the environmental information or assessment relevant to the plan or programme under preparation, where available; and
- (c) practical arrangements for participation, including:
  - (i) the administrative entity from which the relevant information may be obtained,
  - (ii) the administrative entity to which comments, opinions or questions may be submitted, and
  - (iii) reasonable time-frames allowing sufficient time for the public to be informed and to prepare and participate effectively in the environmental decision-making process.

A time limit of at least eight weeks shall be set for receiving comments. Where meetings or hearings are organized, prior notice of at least four weeks shall be given. Time limits may be shortened in urgent cases or where the public has already had the opportunity to comment on the plan or programme in question.

In taking a decision on a plan or programme relating to the environment, Community institutions and bodies shall take due account of the outcome of the public participation. Community institutions and bodies shall inform the public of that plan or programme, including its text, and of the reasons and considerations upon which the decision is based, including information on public participation.

*Criteria for entitlement at Community level*

A non-governmental organization shall be entitled to make a request for internal review in accordance with Article 10, provided that:

- (a) it is an independent non-profit-making legal person in accordance with a Member State's national law or practice;
- (b) it has the primary stated objective of promoting environmental protection in the context of environmental law;
- (c) it has existed for more than two years and is actively pursuing the objective referred to under (b);
- (d) the subject matter in respect of which the request for internal review is made is covered by its objective and activities.

*(d) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora*

Conservation means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favorable status as defined;

Natural habitats means terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural;

Natural habitat types of Community interest means those which, within the territory referred to in:

(i) are in danger of disappearance in their natural range;

or

(ii) have a small natural range following their regression or by reason of their intrinsically restricted area;

or

(iii) present outstanding examples of typical characteristics of one or more of the five following biogeographically regions: Alpine, Atlantic, Continental, Micronesian and Mediterranean.

Such habitat types are listed or may be listed in Annex I.

Priority natural habitat types means natural habitat types in danger of disappearance, which are present on the territory and for the conservation of which the Community has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2; these priority natural habitat types are indicated by an asterisk (\*) in Annex I;

Conservation status of a natural habitat means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred.

The aim of this Directive shall be to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies.

Measures taken pursuant to this Directive shall be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest.

Measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics.

On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction.

The list shall be transmitted to the Commission, within three years of the notification of this Directive, together with information on each site. That information shall include a map of the site, its name, location, extent and the data resulting from application of the criteria specified in Annex III (Stage 1) provided in a format established by the Commission in accordance with the procedure laid down.

#### *Protection of species*

Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:

- (a) all forms of deliberate capture or killing of specimens of these species in the wild;
- (b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;
- (c) deliberate destruction or taking of eggs from the wild;
- (d) deterioration or destruction of breeding sites or resting places.

For these species, Member States shall prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this Directive is implemented.

Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.

*(e) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds*

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (this is the codified version of Directive 79/409/EEC as amended) is the EU's oldest piece of nature legislation and one of the most important, creating a comprehensive scheme of protection for all wild bird species naturally occurring in the Union. It was adopted unanimously by the Member States in 1979 as a response to increasing concern about the declines in Europe's wild bird populations resulting from pollution, loss of habitats as well as unsustainable use. It was also in recognition that wild birds, many of which are migratory, are a shared heritage of the Member States and that their effective conservation required international co-operation.

The directive recognizes that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species (listed in Annex I), especially through the establishment of a coherent network of Special Protection Areas (SPAs) comprising all the most suitable territories for these species. Since 1994 all SPAs form an integral part of the NATURA 2000 ecological network.

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The Birds Directive bans activities that directly threaten birds, such as the deliberate killing or capture of birds, the destruction of their nests and taking of their eggs, and associated activities such as trading in live or dead birds, with a few exceptions (listed in Annex III - III/1 allows taking in all Member States; III/2 allows taking in Member States in agreement with European Commission). The Directive recognizes hunting as a legitimate activity and provides a comprehensive system for the management of hunting (limited to species listed in Annex II - II/1 allows hunting in all Member States; II/2 allows hunting in listed Member States ) to ensure that this practice is sustainable. This includes a requirement to ensure that birds are not hunted during the periods of their greatest vulnerability, such as the return migration to the nesting areas, reproduction and the raising of chicks. It requires Member States to outlaw all forms of non-selective and large scale killing of birds, (especially the methods listed in Annex IV). It promotes research to underpin the protection, management and use of all species of birds covered by the Directive (Annex V).

The Annexes to the Birds Directive have been adapted on a number of occasions in response to scientific and technical progress and to the successive enlargements of the European Union. The most recent adaptation is in response to the Accession of Bulgaria and Romania to the European Union on 1 January 2007.

## Annex IV

### Training curricular and Agenda for capacity building to implement SESAF

<p><i>Objectives:</i></p>	<ul style="list-style-type: none"> <li>- Familiarize the participants with the Strategic Environment and Social Assessment Framework (SESAF) as an appropriate instrument for identifying environmental and social issues and potential impacts (positive and negative) associated with forest management policies, legislation, programs and plans.</li> <li>- SESAF roles and functions.</li> <li>- Presentation of the WB'OPs and EU Directives applicable regulations as relevant for SEA Procedure regarding the implementation of PPP.</li> <li>- Presentation of the public consultation and disclosure procedure in the seven targeted countries: Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Belarus and Russia, using the country regulations and the best practice of WB and EU.</li> <li>- Presentation of a timetable for the in-country information, communication and debate process for each SESAF participating countries.</li> <li>- Presentation of the consultancy activities under the SESAF implementation program, in view of promote the development of improved forest law enforcement and governance arrangements in the seven targeted countries;</li> <li>- Case study</li> </ul>
<p><i>Training Description:</i></p>	<p>09:00 – 09:30 Registration of the participants            09.30 – 09.45 Opening Session – Presentation of the objectives and content of the training.</p> <p><i>The training is covering two days, with 4 sessions:</i>            Session 1: (9:30 a.m. – 11:15 a.m.)            Session 2: (11:00 a.m. – 13:00 p.m)            Session 3: (14:00 p.m.– 15:45 p.m)            Session 4: (16:00 p.m. – 17:45 p.m.)</p> <p>Opening training – The participants will fill in a fiche what are their expectations.            Closing training – The participants fill in an evaluation fiche how the training met their expectations.</p> <p><i>Training Methods</i> are the following:</p> <ul style="list-style-type: none"> <li>▶ - Presentation on slides;</li> <li>▶ - Comments, debates based on the presentations;</li> <li>▶ - Case studies with international experience.</li> </ul> <p>- Case studies to practically support the information received during this capacity building training.</p> <p>This training is also the first information and communication of SESAF to Stakeholders.</p> <p>At this stage there are considered three categories of interested parties, which could be further extended based on the expressed interest of other parties.</p> <p>The three broad categories of stakeholder groups are: government (line departments, parliamentarians, local authorities and the judiciary); civil society (NGOs, community organizations and forest-dependent communities); and the private sector (particularly timber companies).</p>
<p><i>Participants:</i></p>	<p>A total of 25 participants are considered at this initial stage, as following:</p> <ul style="list-style-type: none"> <li>- 2 from each of seven targeted countries: Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Belarus and Russia; one from National Program Advisory Committee and another one from the in-country office/technical secretariat in charge with the current</li> </ul>

	<p>operations for SESAF implementation;</p> <ul style="list-style-type: none"> <li>- At least one per organization from WB, IUCN and WWF;</li> <li>- At least one from The European Commission in charge with financing the European Neighborhood and Partnership Instrument Forest Law Enforcement and Governance Program (ENPI-FLEG - II) ;</li> <li>- At least one representative per country from a NGO active in this field.</li> </ul>
<i>Location, days, hrs. :</i>	Location and the two days to be determinate; starting hour (9:30 a.m.) closing hour (18:00)
<i>Period:</i>	Two days training: the first day general presentation of the relevant Safeguards Operational Policies and the second day more focused on the special Safeguard Operational Policies and case studies.
<i>How is organizing:</i>	World Bank in cooperation with the designated WB FLEG II Safeguard Specialist.
<i>Documents for the participants:</i>	Copies on the SESAF draft, presentations, handouts.

### Agenda for the training

Training for capacity building to implement SESAF		
	Session	Description of the session
<b>First Day</b>		
09:00 – 09:30 09.30 – 09.45	Registration of the participants Opening Session – Presentation of the objectives and content of the training.	Presentation of the day program, training objectives and content; Briefly discussion concerning the participants’ expectations on what they would like to learn during the capacity building training;
09.45 – 11.15	Session 1 – Presentation of the Strategic Environment and Social Assessment Framework (SESAF).	Familiarize the participants with the Strategic Environment and Social Assessment Framework (SESAF) as an appropriate instrument for identifying environmental and social issues and potential impacts (positive and negative) associated with forest management policies, legislation, programs and plans. SESAF roles and functions.
11.15-11.30	<i>Coffee Break</i>	
11.30-13.00	Session 2 – General presentation of the WB’OPs and EU Directives applicable to a SEA process.	Presentation of the WB’OPs and EU Directives applicable regulations as relevant for SEA Process regarding the implementation of policy, plans and/or programs.
13.00-14.00	Lunch	
14:00 – 15:45	Session 3 - Presentation of the public	- Presentation of the public consultation and

	consultation and disclosure procedure using the country regulations and the best practice of WB and EU;	disclosure procedure in the seven targeted countries: Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Belarus and Russia, using the country regulations and the best practice of WB and EU;  - Presentation of a timetable for the in-country information, communication and debate process for each SESAF participating countries.
<i>15.45-16.00</i>	<i>Coffee Break</i>	
16:00 – 17:45	Session 4 - Consultancy activities under the SESAF and the introduction of the Case study for the second training day. (the case could be a simulation of an ideal Forest Management Plan to be analyse under the SEA process, going through all the phases described in Section 5 of the SESAF Draft.)	- Presentation of the consultancy activities under the SESAF implementation program, in view of promote the development of improved forest law enforcement and governance arrangements in the seven targeted countries; - Case study
17:45 – 18:00	Closing session	Evaluate the results of the first training day, comments and clarifications (assessing the knowledge got by the participants in the first training day).
	Session	Description of the session
Second Day		
09:00 – 09:30 09.30 – 09.45	First Session – Presentation of the results and knowledge got in the first training day; input from the participants: Answering to a question: “What was the most interesting aspects you learned about last day”?	- Presentation of the firstent and results; - Presentation of the structure of the second training day; - Briefly discussion concerning the participants’ answers to the question and based on this what ill be necessary to underlined during the second day.
09.45 – 11.15	Session 2 – Presentation of the Case Study with two groups, or two case studies for each of the groups, which will allow the participants to interact.	Familiarize the participants with the Case Study to ensure they understood the situation of a PPP to be promoted through a theoretic SEA process; - The participants will chouse a team leader to present the results of the applicative work.
<i>11.15-11.30</i>	<i>Coffee Break</i>	
11.30-13.00	Session 3 – Session 2 will continue and the participants will ask for enevtually clarifications concerning the asumptions of the study.	- Preliminary results of the case study will be discuss. - The participants will make references to the WB SafeguarPresentation of the applicable WB’OPs and will discuss also the relevant EU Directives.
13.00-14.00	Lunch	

14:00 – 15:45	Session 4 – Simulation of a debate for a SEA Report in vieww of promoting the sample PPP selected for the case study.	<ul style="list-style-type: none"> <li>- Presentation of the public consultation and disclosure procedure anthe specific elements in each of the targeted countries: Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Belarus and Russia, using the country regulations and the best practice of WB and EU;</li> <li>- A Minute/Note of the debate will be prepared by each participants group.</li> </ul>
<i>15.45-16.00</i>	<i>Coffee Break</i>	
16:00 – 17:45	Session 5 – The participants will design a content for a SEA Report;	<ul style="list-style-type: none"> <li>- Participants will propose and discuss the necessary data and information for a sound baseline scenario;</li> <li>- Each group of participants will present the main aspects to be contained into their SEA Report.</li> </ul>
17:45 – 18:00	Closing session	<ul style="list-style-type: none"> <li>- Opened discussion for clarifications, comments and recommandations;</li> <li>- Evaluate the training final results through an appreciation fiche to be filled by the participants (assessing the knowladge got by the participants).</li> </ul>