Republic of Yemen

Ministry of Public Works and Highways

Rural Access Program Central Management Office (RAP-CMO)

RURAL ACCESS PROGRAM

SECTORAL ENVIRONMENTAL ASSESSMENT
VOLUME 2
SAFEGUARD POLICY FRAMEWORKS

RESSETLEMENT POLICY FRAMEWORK
NATURAL HABITATS POLICY FRAMEWORK
CULTURAL PROPERTY POLICY FRAMEWORK

11 November 2009
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<tr>
<td>CMO</td>
<td>Central Management Office</td>
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<td>EA</td>
<td>Environmental Assessment</td>
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<td>Environmental Management Plan</td>
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<td>Environmental &amp; Social Unit of RAP CMO</td>
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| RESETTLEMENT POLICY FRAMEWORK |
I. RESETTLEMENT POLICY FRAMEWORK

1. Program Description

1. The Yemen Rural Access Program (RAP) pursues the long-term goal of improving the livelihood and reducing the isolation of the rural population. The means to achieve this goal is the year-round access to markets, social services and administrative centers, especially in the rural areas where the large majority of the poor live. The RAP contributes to this goal by ensuring that rural people have reliable access through local, regional and national road networks over three phases:

   • **Phase I** (2001 - 2006) Involved pilot application of appropriate technical, environmental and social standards, establishment of appropriate institutional framework and the establishment of a rational methodology for planning, prioritizing and budgeting of rural road investment, formulated as the National Highway and Governorate Rural Accessibility Master Plan.

   • **Phase II** (2006 - 2010) Expanding rural access improvement, capacity building, institutional strengthening and pilot application of PMMR contracts.

   • **Phase III** (2010 - 2014) Will expand rural access coverage and lessons learned under phase I and II.

2. Under the program around 4,000 - 4,500 km of intermediate rural and village access roads are improved. While all Phase I project investments were screened so as to avoid any resettlement or land taking issues, it is possible that the screening process in Phases II and III identify an unavoidable need for land taking on certain roads, which would trigger the application of the Involuntary Resettlement Safeguard Policy, Operational Policy (OP) 4.12.

3. This RPF has been developed in conformance with OP 4.12 and includes the following:

   • Principles and Objectives Governing Resettlement Preparation and Implementation
   • Process for Preparing and Approving Resettlement Plans
   • Categories of Displaced Persons
   • Eligibility Criteria for Defining Categories of Displaced Persons
   • Methods of Valuation of Assets
   • Legal Framework
   • Organizational Procedures for Delivery of Entitlements
   • Implementation Processes
   • Grievance Redress Mechanisms
   • Funding Arrangements
   • Consultation Mechanisms
   • Monitoring Arrangements
2. **Principles and Objectives Governing Resettlement Preparation and Implementation**

4. The failure to take into account potential involuntary resettlement in the improvement of rural roads can increase the risk of hardship, poverty increase and environmental damage. In this context, the overall policy objectives to be pursued in implementing the RAP are:

   (a) Resettlement must be avoided or minimized, exploring alternative project designs;
   (b) Where it is unavoidable, resettlement must be handled as a sustainable development program, whereby the displaced persons are given the opportunity to join the planning and implementation process, while sharing the benefits of the main project; and
   (c) Displaced persons must be assisted to improve their livelihood or, at least, restore it to pre-project levels.

5. For the purposes of this framework, “affected persons” are defined as:

   (a) All persons who, as a result of works carried out or to be carried out under the Program, would incur: (i) relocation or loss of shelter, such as houses; (ii) loss of assets or access to assets, such as land; or (iii) loss of income sources or means of livelihood whether or not the affected persons must move to another location, such as shops or productive activities on the land; or
   (b) The Involuntary restriction of access to legally designated parks or protected areas resulting in adverse impacts on the livelihoods of displaced persons.

6. This RPF applies to all components of the RAP that result in involuntary resettlement, regardless of the source of funding.

3. **Process for Preparing and Approving Resettlement Plans**

7. The Environmental Management Plan (EMP) for the RAP includes an Environmental and Social Management Process, in which candidate rural road projects are screened to identify potential environmental and social issues and determine whether Safeguard Policies should be triggered. This process is summarized below.
8. The scoping and screening process is carried out by the RAP CMO staff, during which time the applicability of the Resettlement Policy Framework is determined. This determination is based on visual assessment of the existing alignment and any proposed deviation that would entail “minor impacts,” or “major impacts,” which are defined as:

   (a) Minor Impacts: Fewer than 200 affected persons, as defined in paragraph 5.

   (b) Major Impacts: More than 200 affected persons, as defined in paragraph 5.

9. If such impacts in paragraph 8 are identified, scoping and screening includes an initial assessment to determine whether such impacts can be avoided or minimized through design measures. These may include such measures as reducing the design standard at the contentious location (“pinch points”) or leaving the contentious section as is, in agreement with affected people. If these impacts cannot be avoided through such measures, this Policy Framework is triggered.

10. If the project is included in the Program, a stand-alone Resettlement Plan is prepared prior to commencement of project implementation. This Plan is established in coordination with the Beneficiary Committee formed during the elaboration of the Environmental...
Assessment (EA) and Environmental Management Plan (EMP) and referred to in the Social Framework Agreement (SFA). Its processes ensures that the affected persons are:

(a) Informed about their options and rights pertaining to resettlement;
(b) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
(c) Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the projects.

11. One of two (2) types of Resettlement Plans is elaborated:

(a) An Abbreviated Resettlement Plan, where minor impacts are determined; or
(b) A Full Resettlement Plan, where major impacts are determined.

12. The Abbreviated Resettlement Plan includes the following minimum elements:

(a) Summary of the census of displaced persons or assets;
(b) Description of compensation and other resettlement assistance to be provided;
(c) Consultations with displaced people about acceptable alternatives;
(d) Institutional responsibility for implementation and procedures for grievance redress;
(e) Arrangements for monitoring and implementation; and
(f) Timetable and budget.

13. Preparation of the Full Resettlement Plan includes the following two stages:

(a) Socio-Economic Study to assess the impacts; and
(b) Preparation of Full Resettlement Plan Document

14. The Socio-Economic Study is conducted by a qualified social scientist, in collaboration with the Project Committee, who examines the nature of the impacts in the affected areas; the socio-economic and cultural setting, local organizations, and social risks, as well as the indicators that would ensure that the project affected people at minimum regain their former quality of life or are enabled to improve it. The Socio-Economic Study covers the following:

(a) The results of the census including current occupants of the affected areas to establish the baseline for eligibility criteria and to prevent subsequent inflows of people and claims;
(b) Description of the affected households, including information about livelihoods and production and labour systems, standards of living and an analysis of their legal rights and informal entitlements and any issues of potential conflict;
(c) Statement of the magnitude of the expected loss (total or partial) of assets and the extent of physical or economic displacement;
(d) Information about especially poor or vulnerable groups for whom special provisions should be designed; and
(e) Provisions to update information about displacement, livelihoods and standards of living before, during and after displacement.

15. Supplements to the Socio-Economic Study may also be carried out on an as-needed basis, to be defined by RAP CMO, such as:

(a) A description of the land tenure system and inventory of common property and other resources from which people derive their livelihood and sustenance, non-title usufruct systems (including grazing or other uses of lands and assets), land
allocation mechanisms, and any other issues raised by different tenure systems in the affected area, as well as customary or tribal law relating to loss of assets and compensation;

(b) Documented and updated findings of the legal framework including the scope and power of eminent domain and the nature of compensation associated with it, including valuation methodology and timing of payments;

(c) Relevant laws (including customary) governing land tenure and that relate to the resolution of conflicts and dispute arbitration;

(d) Legal steps to ensure the effective implementation of resettlement and compensation activities under the project including, as appropriate, a process for recognizing claims to rights of land including tribal, customary, and traditional usage.

16. The Full Resettlement Plan Document includes the following minimum elements:

(a) Project Description
(b) Potential Impacts
(c) Objectives of the Resettlement Plan
(d) Results of the Socio-Economic Studies
(e) Legal Framework
(f) Institutional Framework
(g) Eligibility
(h) Valuation of and Compensation for Losses
(i) Resettlement Measures
(j) Site Selection, Site Preparation and Relocation
(k) Housing Infrastructure and Social Services
(l) Environmental Protection and Management
(m) Community Participation
(n) Integration with Host Populations
(o) Grievance Procedures
(p) Organizational Responsibilities
(q) Implementation Schedule
(r) Costs and Budget
(s) Monitoring and Evaluation

17. The preparation of resettlement plans include the following two steps:

(a) **Participation:** The affected landowner is informed about the necessary land donation through consultations which should be carried out by a) involving the concerned landowners directly either through village-level consultations prior to the Beneficiary Committee discussion or b) by including the landowner as a participant in the relevant BC meetings.

(b) **Documentation:** Based on the above, the landowner then signs a mutually agreed Community Based Agreement where he or she formally agrees to donate the land required. This agreement should specify the exact land area being donated and whenever possible the percentage of total holdings being donated. The signed document should be appended to the SFA/ARAP.

18. The Terms of Reference for the Abbreviated and Full Resettlement Plans is elaborated by the RAP CMO, based on the Screening Report. For projects funded by the World Bank, the TOR is subject to prior review and no-objection by the World Bank Task Manager.

19. The draft Resettlement Plan (Abbreviated or Full) is submitted to the Beneficiary Project Committee and the RAP CMO for review and comment. The final Resettlement
Plan, which takes account of comments received, is subject to approval by the Beneficiary Project Committee, the RAP CMO and the Governor’s Office.

20. For projects funded by the World Bank, the RAP CMO transmits the draft report to the World Bank Task Manager for review and comment; in such cases, the final Resettlement Plan is subject to no-objection by the World Bank Task Manager.

4. Estimated Displacement and Categories of Displaced Persons

21. At this time it is not possible to estimate the probable extent of displacement or the number of displaced persons, since the location of all the rural roads to be improved is not yet known. However, in the project context, displaced persons may be categorized as:

   (a) **Individual persons affected:** an individual is affected when he/she is subject to loss of goods, property and or access to natural resources resulting from the project. For example, an individual who is cultivating land or owns a commercial or housing structure which is removed as a result of the project.

   (b) **Household affected:** a household is affected when one or several of its members are subject to loss of property, land or access to land or other income-generating activity as a result of the project.

   (c) **Vulnerable households affected:** a vulnerable household may have needs affected by the project which are different from most other households. They may concern such segments of the population as self-supporting women and elderly people.

5. Eligibility

22. According to OP 4.12 displaced persons may be classified into one of the three following groups:

   (a) Those who have formal legal rights to land and physical assets (including customary and traditional rights) recognized under the laws of the country;

   (b) Those who do not have formal legal rights to land or physical assets at the time the census begins, but have a claim to such assets, provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;

   (c) Those who have no recognizable legal right or claim to the land they or building are occupying.

23. Persons covered under (a), (b) and (c) above are provided assistance under this Policy Framework if they occupy land or buildings prior to the cut-off date (which is the date the detailed census to identify affected persons begins). Persons who encroach on the area after the cut-off date are not entitled to consideration or any form of resettlement assistance under this Policy.

6. Legal Framework

24. The Yemeni Constitution (Articles 7.c and 20) protects citizens from the general expropriation of their assets. The Public Utility Ownership Law (1/1995) (PUOL), gives government bodies (including governors) the right to acquire private property for projects in the public interest. Yemeni law stresses that land expropriation is to take place only in the event that no suitable land alternatives exist that are already in the public domain. In such instances the legal provisions for expropriation and compensation applies. The law describes
(i) situations of legal expropriation; (ii) procedures for expropriation; and (iii) the agency responsible for valuation of the compensation and its procedures.

25. Three main types of expropriation procedures are described in the PUOL: (i) **Judicial Expropriation** where the state declares the need for the law based on public interest; (ii) **Amicable Expropriation** is based on the consent of the owners and compensation is to be valued by a Committee; (iii) **Temporary Appropriation** is when governmental authorities require access to lands for construction of public works. In such cases the law requires that it be returned to the appropriate owner in the same condition that it was received, and the implementing government agency is required to compensate the owner for any damages. The Committee estimates the value of the damages.

26. Formal regulations exist for land taken in urban areas, under Executive Regulations (260/1997) to the Urban Planning Law (No. 20/1995). In these cases, compensation for land taken for urban streets and services when the percentage of area taken for public interest exceeds 25% of the property affected. When such conditions apply, the procedures and documentation requirements are quite extensive and time consuming and, as a result, the Law is effectively applied in 10% of the cases.

27. No such formal regulations exist or are currently applied for land taken in rural areas. In the particular case of rural roads, public land-taking practice is rooted in long-standing traditional community-level agreements geared to avoid the expensive, time consuming litigations set up for the urban areas, which also trigger legal proceedings warranted by civil law and the judicial process. In this context, the current practice consists in negotiating land donation by affected landowners, and/or in-kind property replacement for buildings and structures, under the tutelage of local authorities, generally the Governor.

28. The Customary Law of the Yemeni tribes (‘Urf) is recognized by the Government and the judicial authorities as the legal source that defines the land rights of individuals and collectivities. The customary ownership of rural estates can be formalized into a judicial land title deed upon request of the right holder, however this costly and lengthy process is rarely activated. Along the rural roads targeted by the RAP, land rights, both individual and collective, are prevalingly of the de facto possession type.

29. Assets developed by private individuals on Government land are not compensated in case of demolition for public interest. Religious trust land (waqf) is considered public property. However, the assets developed by, and the benefits accruing to, the private renters of waqf estates are liable to compensation, including houses, farms and shops. The facilities built on trust land for social or religious purposes – like community buildings, mosques and graveyards – must be relocated and reconstructed in the nearest convenient place.

30. In conclusion, while formal provisions for land expropriation exist in Yemen, they are geared primarily towards urban situations and are considered impractical and NOT generally applied in the rural areas. On the other hand, rural communities have traditionally been solving such issues through consultation and internal arrangements, which generally involves land donation and/or in-kind compensation for loss of buildings. This practice provides an operational framework for implementing a Resettlement Policy for RAP consistent with the World Bank OP 4.12 policy objective.
7. Methods for Valuing Assets

31. Affected assets are defined as one of two types:

(a) Land assets, either productive or unproductive; and
(b) Houses and other structures, involving infrastructure for shelter or productive/income-generating activities, such as shops.

32. Land assets: In conformance with Yemeni traditional rural practice, owners of affected lands are not compensated by the Project in cash for loss of land, but the affected owners donate such land for public purposes and community benefit. However, this donation occurs within the context of a mutually signed community-based Agreement, which is appended to the SFA, and which specifies the terms under which the donation is made. These terms are based on local traditional practice concerning the donation of private land for public purposes and specifies any special terms or conditions related to the particular case, which are to be settled internally by the community. Generally, these terms can include one of the following two options:

(a) The affected person freely donates the land to the community; or
(b) The community may allocate part of its lands to the affected person.

33. Houses and other structures: Owners of affected houses or other structures are compensated in-kind at replacement cost, which is defined as the cost of the works required to replace the asset in its existing condition. The basic parameters generally used to determine the replacement cost is the size, standard and condition of the existing the asset. This, in addition to arrangements for providing the land on which the replacement structure is built, is stated in a mutually signed community-based Agreement, signed by the asset owner(s) and appended to the SFA. The quantities, specifications and estimated costs for the new structure(s) is assessed by the design Consultant and is incorporated into the works bidding documents.

8. Organizational Procedures and Funding for Delivery of Entitlements

34. Following project screening, RAP CMO provides the Governor with a draft SFA and format for the creation of the Beneficiary Committee. Based on the census of affected persons, the Beneficiary Committee determines the terms and procedures of land donation and/or in-kind replacement of structures. These terms and procedures are specified in the Resettlement Plan (Abbreviated of Full) and appended to the SFA, which is negotiated and signed by the owner(s) and the Beneficiary Committee, and approved by the Governor. This involves the following, depending on the type of donation or asset entitlement:

(a) Donation of land assets: Implementation of the terms of the donation, as noted in paragraph 32, is carried out through the Beneficiary Committee.
(b) Replacement of houses or other structures: In-kind asset replacement is funded as a project cost and is included in the Bill of Quantities as a pay item in the Contract, under which the Contractor rebuilds the affected structural asset according to a specified standard at the agreed location.

9. Implementation Processes

35. The approved Agreement is incorporated into the Resettlement Plan and appended to the SFA. If such agreement cannot be secured during the preparation of the Resettlement Plan, the project is not financed under the Program.
36. With regard to replacement of houses and other structures, replacement standards for structures are defined by the design Consultant and approved by the RAP CMO. Prior to commencement of works, the Contractor elaborates a schedule for the replacement of any houses or other structures, in conjunction with overall works schedule. This schedule, to be approved by the resident engineer (RE), who ensures that said structures are completed prior to the destruction of the pre-project assets, such that no loss of shelter and/or income-generating activities occurs as result of the project.

10. Grievance Redress Mechanisms

37. If affected persons are not satisfied with resettlement arrangements, or if they are dissatisfied with actual resettlement implementation, they first seek redress through the Project Beneficiary Committee. If an agreement is not reached at the Project level, the matter is referred to the Governor, who has the authority to arbitrate the matter.

11. Consultation Mechanisms

38. During the Screening stage, informal consultations take place at the project site, as well as formal briefings of findings with the Governor and stakeholders. At this point, the Governor and stakeholders are appraised of the need for a Resettlement Plan (Abbreviated or Full).

39. The preparation of the Resettlement Plan, including such activities as census of affected persons, socio-economic study (in the case of Full Resettlement Plan) and the terms of land donation and in-kind structure replacement, is carried out in close collaboration with the Beneficiary Committee.

40. The draft Resettlement Plan is transmitted to the Beneficiary Committee and the Governor for validation and approval.

41. Upon validation and approval of the draft Resettlement Plan, the RAP CMO transmits the Final Resettlement Plan to the Task Team Leader for review and no objection.

12. Monitoring Arrangements

42. The RAP CMO is responsible for overall monitoring of the implementation of this RPF. This includes:

   (a) **Monitoring of Resettlement Plan Preparation:** monitoring of Consultant activities and reports and verifying the validity of all community-based agreements.

   (b) **Establishment of Project Monitoring Files:** for each Resettlement Plan (Abbreviated or Full), RAP CMO establishes file appropriate for implementation monitoring. This includes at a minimum:
   - The Resettlement Plan
   - The SFA
   - The mutually signed community – based Agreement, which includes a list of each affected person or household and the agreed terms of either land donation and/or structure replacement.
   - The agreed timetable for delivery of any structure replacement.

   (c) **Monitoring of Resettlement Plan Implementation:** Monitoring of Abbreviated or Full Resettlement Plans involves:

   - **Land donation.** This involves reporting on any dispute arising from agreements reached in the Resettlement Plans.
• *Houses and other structures replacement*, this involves:
  • Verifying the Contractors’ schedule for relocating affected assets.
  • Monitoring physical progress against the Contractors’ schedule.
  • Monitoring the actual costs against the Contractors’ payment items.
  • Monitoring the outcome of the relocation of affected structures.

43. Following its exercise of prior review, the World Bank monitors the implementation of road specific EAs, SFAs and Resettlement Plans. The Bank also carries out targeted and spot review of specific social cases and resettlement plans involving land donation and asset replacement, as part of regular supervision, or separate missions.
Rural Access Program (RAP)
SECTORAL ENVIRONMENTAL ASSESSMENT (SEA)

NATURAL HABITATS POLICY FRAMEWORK
II. NATURAL HABITATS POLICY FRAMEWORK

1. Program Description

1. The Yemen Rural Access Program (RAP) pursues the long-term goal of improving the livelihood and reducing the isolation of the rural population. The means to achieve this goal is the year-round access to markets, social services and administrative centers, especially in the rural areas where the large majority of the poor live. The RAP contributes to this goal by ensuring that rural people have reliable access through local, regional and national road networks over three phases:

   - **Phase I** (2001 - 2006) Involved pilot application of appropriate technical, environmental and social rural roads standards, establishment of appropriate institutional framework and the establishment of a rational methodology for planning, prioritizing and budgeting of rural road investment, formulated as the National Highway and Governorate Rural Accessibility Master Plan.

   - **Phase II** (2006 - 2010) Expanding rural access improvement, capacity building, institutional strengthening and pilot application of PMMR contracts.

   - **Phase III** (2010 - 2014) Will expand rural access coverage and lessons learned under phase I and II.

2. Under the program around 4,000 - 4,500 km of intermediate rural and village access roads are improved. While all Phase I project investments were screened so as to avoid significant issues related to natural habitats, it is possible that the screening process in Phases II and III identify projects could significantly convert or degrade natural habitats, which would trigger the application of the Natural Habitats Safeguard Policy, Operational Policy (OP) 4.04.

3. This NHPF has been developed in conformance with OP 4.04 and includes the following:

   - Principles and Objectives Governing Natural Habitats
   - Process for Determining Applicability of Natural Habitats Policy Framework
   - Legal Framework
   - Implementation Procedures and Financing
   - Consultation Procedures
   - Monitoring Arrangements

2. Principles and Objectives Governing Natural Habitats

4. The conservation of natural habitats is essential to safeguard their unique biodiversity and to maintain environmental services and products for human society and for long term sustainable development. The World Bank therefore supports the protection, management and restoration of natural habitats in its project financing. The Bank supports, and expects borrowers to apply, a precautionary approach to natural resource management to ensure opportunities for environmentally sustainable development. The World Bank does not support projects that involve the significant conversion or degradation of critical natural habitats.
5. Wherever feasible, Bank’s 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 sitting, and comprehensive analysis demonstrates that overall benefits from the project substantially outweigh the environmental costs. If the environmental assessment indicates that a project would convert or degrade natural habitats, the project must include 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.

6. Based on the World Bank's Operational Policy OP 4.04, the following definitions apply:

(a) **Natural habitats** are land and water areas where: (i) the ecosystem's biological communities are formed largely by native plant and animal species, and (ii) human activity has not essentially modified the area's primary ecological functions.

(b) **Critical natural habitats** are: (i) existing protected areas and areas officially proposed by Governments as protected areas (e.g. reserves that meet the criteria of the World Conservation Union-IUCN classification), areas initially recognised as protected by traditional local communities (e.g. sacred groves or forests), and sites that maintain conditions vital for the viability of these protected areas (as determined by the EIA process); or (ii) sites identified on supplementary lists prepared by the Bank or an authoritative source determined by the Regional Environmental Sector of the World Bank.

(c) **Significant conversion** is the elimination or severe diminution (reduction) of the integrity of a critical or other natural habitat caused by a major, long-term change in land or water use. Significant conversion may include, for example, land clearing; replacement of natural vegetation; drainage; dredging, filling or channelization of wetlands, etc. Conversion can result directly from the action of a project or through indirect mechanism (e.g. though induced settlement along a road).

(d) **Degradation** is modification of a critical or other natural habitat that substantially reduces the habitat's ability to maintain viable populations of its native species.

(e) **Appropriate conservation and mitigation measures** remove or reduce adverse impacts on natural habitats or their functions, keeping such impacts within socially defined limits of acceptable environmental change. Specific measures depend on the ecological characteristics of the given site. Such measures always includes provision for monitoring and evaluation to provide feedback on conservation outcomes and to provide guidance for developing or refining appropriate corrective actions.

7. This NHPF applies to all components of the RAP that result in significant conversion or degradation of natural habitats or critical natural habitats as defined above.

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1 Biodiversity outside of natural habitats (such as within agricultural landscapes) is not covered under WB OP 4.04. It is a good practice to take such biodiversity into consideration in project design and implementation.

2 IUCN categories are as follows: I-Strict Nature Reserve/Wilderness Areas; II- National Parks; III- Natural Monuments; IV- Habitat/Species Management Areas; V-Protected Landscape/Seascape; VI- Managed Resource Protected Areas.
3. **Process for Preparation and Approval of Natural Habitats Assessments**

8. The Environmental Management Plan (EMP) for the RAP includes an Environmental and Social Management Process, in which candidate rural road projects are screened to identify potential environmental and social issues and determine whether Safeguard Policies should be triggered. This process is summarized below.

   **Overview of RAP Environmental and Social Management Process**
   *(For Individual Projects Financed under the Program)*

   - Project Identification
   - Project Scoping & Screening
     - Applicability of Safeguard Policies
   - Project Categorization (A,B,C)
     - Definition of appropriate studies in conformance with Category and applicable Safeguard Policies
   - Project Design & Environmental Assessment
     - Implementation of Assessment studies and formulation of Environmental and Social Management Plans and Social Framework Agreement.
   - Project Implementation
     - Implementation of Environmental and Social Management Plans during the construction and operational periods.
   - RAP and Bank Review and Approval
   - RAP and Bank Monitoring

9. The scoping and screening process is carried out by the RAP CMO staff, during which time the applicability of the Natural Habitats Policy Framework is determined. This determination is based on visual assessment of the existing alignment and any proposed deviation that could entail significant conversion or degradation of a critical or non-critical natural habitat. These are defined as follows:

   (a) **Critical natural habitat**: the proposed road alignment passes through, or is adjacent to, any of the “declared” or “proposed declared” protected areas in Yemen, as shown in Attachment 1 (which may be appended from time to time).

   (b) **Non-critical natural habitat**: the proposed road alignment passes through or is adjacent to a natural habitat not listed in Attachment 1, but is observed to be, or is locally known, as a sensitive natural habitat.
10. If such areas in paragraph 9 are identified, scoping and screening includes an initial assessment to determine whether project impacts can be avoided or minimized through design measures. These may include such measures as: (a) realignment to avoid the natural habitat; (b) mitigation measures to minimize ecological damage; (c) post development restoration works; or (d) avoidance through the no-project alternative. If the only feasible alternative would involve establishing and maintaining an ecologically similar protected area, the no-project alternative is chosen, as this would fall outside the Program’s scope.

11. The initial assessment during scoping and screening includes consultations with the community, local government and authorities responsible for the protected area, as the case may be. These consultations discuss the various design options for avoidance or mitigation.

12. If, following consultations, the project remains a candidate to be included in the Program, it is classified as Category A and this Policy Framework is triggered. In this case, RAP CMO notifies the Ministry of Water and Environment (MWE) of this project. Following discussions with RAP CMO and if necessary further local consultations, MWE provides clearance to RAP CMO to proceed with the Category A Environmental Assessment (EA) of the project.

13. If the project is to be financed by the World Bank, the terms of reference (TOR) for the Environmental Assessment is sent to the World Bank Task Manager for no-objection.

14. Following clearance from MWE and the World Bank, RAP CMO engages a qualified consultant to carry out the Category A Environmental Assessment, which includes a detailed impact assessment and Environmental Management Plan (EMP) for the natural habitat in question, as part of the overall EA.

15. The draft EA is submitted to MWE for review and approval. If the project is to be financed by the World Bank, the draft EA also is sent to the World Bank for no-objection and clearance for disclosure.

16. The EA (including EMP) is formulated in coordination with the agency directly responsible for the management of the protected area. It includes at a minimum:

(a) The types and estimated areas (in hectares) of affected critical or non-critical natural habitats;
(b) The significance of the potential impacts;
(c) The project’s consistency with national and regional land use and environmental planning initiative, conservation strategies and legislation;
(d) Avoidance conservation and mitigation measures;
(e) Responsibilities for mitigation and monitoring

17. Aside from the required EA documentation (including EMP) there is no freestanding document automatically required for projects involving non-critical habitats. However, a free-standing EMP is produced for projects affecting critical habitats.

4. Legal Framework

18. The legal and regulatory framework concerning the protection Natural Habitats and Bio-diversity (Areas and Species) is embodied in the following texts:
19. In general terms, the EPL provides for the establishment of individual protected areas where there is a need for conserving ecosystems and maintaining viable populations of species in their natural habitats. Such protected areas are established on the condition that private ownership is respected and dealt with according to the provisions of the Constitution and other legislation. Under the Fisheries Law (No. 42, 1991, amended in 1997), the State can establish marine protected areas in Yemeni territorial waters. Thus, the State may establish natural protected areas in any part of Yemeni territory regardless of whether it is state or privately owned or endowed (Waqf), and without prejudice to the rights of owners to get fair compensation.

20. In 1995, Yemen ratified the International Convention on Biological Diversity (CBD-Rio de Janeiro 1992), which has become part of Yemeni legislation. The convention includes provisions concerning in-situ conservation. Article 8 (a) and (b) obligates Parties to create a national system of protected areas and develop guidelines for their selection, establishment and management.

21. The EPL does not designate one institution which is to be responsible for protected areas and ecosystems. However, it provides that the Environmental Protection Council (EPC) (Now the Environmental Protection Authority – EPA) “or any other concerned body” may present to the Council of Ministers a proposal for establishing a protected area, and that the Council of Ministers designates the entity competent to administer the area.

22. The State has absolute sovereignty over and ownership of all natural resources, according to Article 8 of the Constitution. Wild animals are owned by the State and not by the owner of the land on which they are found. Wild plants enjoy the same protection as wild animals, in accordance with the Constitution, even if grown on privately owned land.

23. The EPL provides broad protection for wild animal species in-situ. The law states that all fauna and birds that have their habitat in Yemeni territory, as well as migratory birds, have legal protection. Protection for wild plant species is limited to rare and endemic species.

24. The EPL does not address the issue of managing wild species generally. It allocates responsibility for controlling hunting to the EPC (now EPA) "or any other competent body". The Fisheries Law gives the Ministry of Fisheries broad powers in the field of protecting, developing and managing fisheries and marine resources.

25. There is no Yemeni legislation regulating processes and activities affecting biodiversity, although there are general provisions which could be interpreted as covering this issue. The EPL provides for protecting the health of human beings and other living organisms from all environmentally damaging activities and actions. That article is helpful, but requires additional legal instruments to provide the specificity required to actually control such activities.

5. Implementation Procedures and Financing

26. The EMP specifies implementation processes and responsibilities for mitigation and monitoring of the natural habitat in question. This is defined in conjunction with the agency responsible for the management of the natural habitat and with the concerned community,
local authorities and particular stakeholders. It also complies with existing master plans, such as the Socatra Island Master Plan.

27. Mitigation measures involving civil works or habitat restoration are funded as a project cost and are included in the Bill of Quantities as a pay item to the contractor, who implements the said measures to a specified standard at the agreed location(s). The project is not finance any recurrent costs, which must be born by the MWE, the agency responsible for management of the critical natural habitat, or the community in the case of non-critical habitats.

6. Consultation Procedures

28. During the Screening stage, informal consultations take place at the project site, as well as formal briefings of findings with the Governor and stakeholders.

29. Preparation of the EA (including EMP) is carried out in close collaboration with the Beneficiary Committee and the agency responsible for management of the critical habitat. Reference to the natural habitat EMP is made to the Social Framework Agreement (SFA), completed as part of the overall EMP.

30. The draft EA (including EMP) is transmitted to the MWE, Beneficiary Committee, the Governor and the agency responsible for management of the critical habitat.

31. The public consultation and document disclosure requirements in projects subject to this Natural Habitat Policy Framework are the same required under general EIA policy (WB OP 4.01).

7. Monitoring Arrangements

32. The RAP CMO is responsible for overall monitoring of the implementation of this NHPF. This includes:

   (d) Monitoring of EA and EMP Preparation: monitoring of consultant activities and reports.

   (e) Monitoring of EMP Implementation:

      • Verifying the contractors’ schedule for mitigation measures.
      • Monitoring physical progress against the contractors’ schedule.
      • Monitoring the actual costs against the contractors’ payment items.
      • Monitoring the outcome of the relocation of affected structures.

33. Following its exercise of prior review, the World Bank monitors the implementation of road specific EAs, SFAs, and specific mitigation plans for Natural Habitats. The Bank also carries out targeted and spot review of specific cases involving Natural Habitats, as part of regular supervision, or separate missions.
## Attachment 1: List of Protected Areas in Yemen

<table>
<thead>
<tr>
<th>Status</th>
<th>No</th>
<th>Location</th>
<th>Characteristics</th>
<th>Governorate</th>
<th>Physical Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declared</td>
<td>1</td>
<td>Socotra</td>
<td>Protected Area</td>
<td>Hadhramout</td>
<td>Yemeni Islands</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>Automa</td>
<td>Protected Area</td>
<td>Dhamar</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td>Under Declaration</td>
<td>3</td>
<td>Belfaf – Berum – Bir Ali</td>
<td>Marine Protected Area+Birds</td>
<td>Hadhramout+ Shabwa</td>
<td>Eastern Plateau</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>Ras Sharma-Jathnum and nearby areas</td>
<td>Green Turtles Protected Area</td>
<td>Hadhramout</td>
<td>Eastern Plateau</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>Hawf</td>
<td>Forest – Wild Animal</td>
<td>Al Mahra</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>Jabal Bura’a</td>
<td>Protected Area-Forest</td>
<td>Al-Hudeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Jabal – Eraf</td>
<td>Forests (Junper)</td>
<td>Lahj</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>Tarim</td>
<td>Wild Animal Protected Area</td>
<td>Hadhramout</td>
<td>Eastern Plateau</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>Qishen</td>
<td>Wetland</td>
<td>Al Mahra</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>Myfa’a’s</td>
<td>Wild Gazelle</td>
<td>Shabwa</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>Al-Lahaya</td>
<td>Marine Protected Area +Birds</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>Kamaran Island</td>
<td>Mangrove + Coral River</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td>Proposed for Declaration</td>
<td>13</td>
<td>Al-Zubair, Zuqar Island, Hunaish Archipelago</td>
<td>Coral River + Biomarine</td>
<td>Al Hodeidah</td>
<td>Yemeni Islands</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td>Aljah – Gulaifighah</td>
<td>Wetland</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td>Al-Fas’a’ah</td>
<td>Wetland</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>16</td>
<td>Al-Takrir</td>
<td>Wild Animal Protected Area</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>17</td>
<td>Qataba</td>
<td>Mangrove Protected Area</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>18</td>
<td>Al-Wahija</td>
<td>Mangrove + Wetland</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>19</td>
<td>Bahr Ibn Abas</td>
<td>Mangrove + Wetland</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>20</td>
<td>Yakhtul</td>
<td>Herbs Marine + Mangrove</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>21</td>
<td>Tihama</td>
<td>Bustard Bird</td>
<td>Al Hodeidah</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>Bany Jabr, Bany Suham</td>
<td>Wild Animals + Plants</td>
<td>Sana’a</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>Jabal Al-Lawz</td>
<td>Bidiversity (Ibex)</td>
<td>Sana’a</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td></td>
<td>24</td>
<td>Kussma</td>
<td>Natural Park</td>
<td>Sana’a</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td></td>
<td>25</td>
<td>Raimah</td>
<td>Forests</td>
<td>Sana’a</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td></td>
<td>26</td>
<td>Al-Arem</td>
<td>Biodiversity</td>
<td>Sana’a</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td></td>
<td>27</td>
<td>Al-Ghourira</td>
<td>Wetland</td>
<td>Taiz</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td></td>
<td>28</td>
<td>Bab Al-Mandab</td>
<td>Wetland + Birds</td>
<td>Taiz</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>29</td>
<td>Birds Lakes (Aden Coastal Wetlands)</td>
<td>Birds</td>
<td>Aden</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>Khour Umairah</td>
<td>Mangrove + Wetland</td>
<td>Aden</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>31</td>
<td>Meedly</td>
<td>Mangrove</td>
<td>Haja</td>
<td>Coastal Plains</td>
</tr>
<tr>
<td></td>
<td>32</td>
<td>Chain of Al-Kore Mountains</td>
<td>Wild Animal (Leopard)</td>
<td>Abian</td>
<td>Coastal plains</td>
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<tr>
<td></td>
<td>33</td>
<td>Al-Rivadi</td>
<td>Natural Park</td>
<td>Al-Mahwit</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td></td>
<td>34</td>
<td>Al-Dhababia Valley</td>
<td>Wild Animals (Gazells)</td>
<td>Al-Baidha</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td></td>
<td>35</td>
<td>Ketfah</td>
<td>Biodiversity</td>
<td>Sa’ada</td>
<td>Mountain Massif</td>
</tr>
<tr>
<td></td>
<td>36</td>
<td>Wadi’a’A</td>
<td>Arabic Leopard</td>
<td>Amran</td>
<td>Mountain Massif</td>
</tr>
</tbody>
</table>

Source: Environmental Protection Authority, Ministry of Water and Environment.
Note: This list reflects scientific knowledge as of 2003, and may be updated in the future.
Rural Access Program (RAP)
SECTORAL ENVIRONMENTAL ASSESSMENT (SEA)

CULTURAL PROPERTY POLICY FRAMEWORK
III. CULTURAL PROPERTY POLICY FRAMEWORK

1. Program Description

1. The Yemen Rural Access Program (RAP) pursues the long-term goal of improving the livelihood and reducing the isolation of the rural population. The means to achieve this goal is the year-round access to markets, social services and administrative centers, especially in the rural areas where the large majority of the poor live. The RAP contributes to this goal by ensuring that rural people have reliable access through local, regional and national road networks over three phases:

   - **Phase I** (2001 - 2006) Involved pilot application of appropriate technical, environmental and social rural roads standards, establishment of appropriate institutional framework and the establishment of a rational methodology for planning, prioritizing and budgeting of rural road investment, formulated as the National Highway and Governorate Rural Accessibility Master Plan.

   - **Phase II** (2006 - 2010) Expanding rural access improvement, capacity building, institutional strengthening and pilot application of PMMR contracts.

   - **Phase III** (2010 - 2014) Will expand rural access coverage and lessons learned under phase I and II.

2. Under the program around 4,000 - 4,500 km of intermediate rural and village access roads are improved. While all Phase I project investments were screened so as to avoid significant issues related to natural habitats, it is possible that the screening process in Phases II and III identify projects could significantly convert or degrade natural habitats, which would trigger the application of the Cultural Property Safeguard Policy, Operational Policy (OP) 4.11.

3. This Policy Framework has been developed in conformance with OP 4.11 and includes the following:

   - Principles and Objectives Governing Cultural Property
   - Process for Determining Applicability of Cultural Property Policy Framework
   - Legal Framework
   - Implementation Procedures and Financing
   - Consultation Procedures
   - Monitoring Arrangements

2. Principles and Objectives Governing Cultural Property

4. The World Bank seeks to assist countries to manage their physical cultural property and to avoid or mitigate adverse impacts of development projects on these resources. To this end, the Bank seeks to:

   (a) Ensure that physical cultural property likely to be impacted by Bank-financed projects are identified, protected and managed;

   (b) Ensure that project design and implementation comply with the Borrower’s national laws governing the protection of physical cultural property;
(c) Contribute to the development of the Borrower’s capacity to identify, protect and manage physical cultural property.

5. The Bank normally declines to finance projects that significantly damage non-replicable cultural property and assists only those projects that are sited or designed so as to prevent such damage.

6. The Bank assists in the protection and enhancement of cultural properties encountered in Bank-financed projects, rather than leaving that protection to chance. In some cases, the project is relocated in order that sites and structures can be preserved, studied and restored intact in situ. In other cases, structures are relocated, preserved, studied and restored on alternate sites. Often, scientific study, selective salvage and museum preservation before destruction is all that is necessary. Most such projects include the training and strengthening of institutions entrusted with safeguarding a nation’s cultural patrimony. Such activities are directly included in the scope of the project, rather than being postponed for some possible future action, and the costs are internalized in computing overall project costs.

7. For purposes of this Policy Framework, “physical cultural property” are defined as movable or immovable objects, sites, structures, groups of structures, natural features and landscapes that have archeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural property may be located in urban or rural settings, and may be above ground, underground or underwater.

3. Process for Preparation and Approval of Cultural Property Assessments

8. The Environmental Management Plan (EMP) for the RAP includes an Environmental and Social Management Process, in which candidate rural road projects are screened to identify potential environmental and social issues and determine whether Safeguard Policies should be triggered. This process is summarized below.
9. The scoping and screening process is carried out by the RAP CMO staff, during which time the applicability of the Cultural Property Policy Framework is determined. This determination is based on visual assessment of the proposed alignment and any possible adverse impact on physical cultural property.

10. If such impacts in paragraph 9 are identified, scoping and screening includes an initial assessment to determine whether these impacts can be avoided or minimized through design measures. These may include such measures as: (a) realignment or road narrowing to avoid the physical cultural resource identified; or (b) avoidance through the no-project alternative.

11. The initial assessment during scoping and screening includes consultations with the community, local government and authorities, so as to obtain as best an understanding as possible at this stage on the scope of the potential impact, as well as the various design options for avoidance or mitigation.

12. If, following consultations, the project remains a candidate to be included in the Program, this Policy Framework is triggered. In this case, RAP CMO notifies the General Organization for Antiquities, Museums, and Manuscript (GOAMM) of this project. Following discussions with RAP CMO and if necessary further local consultations, the
GOAMM provides clearance to RAP CMO to proceed with the Category Environmental Assessment (EA) of the project, of which assessment of the physical cultural property is an integral part.

13. If the project is to be financed by the World Bank, the terms of reference (TOR) for the Environmental Assessment is sent to the World Bank Task Manager for no-objection.

14. Following clearance from GOAMM and the World Bank, RAP CMO engages a qualified consultant to carry out the Category A or B Environmental Assessment, which includes a detailed impact assessment and Environmental Management Plan (EMP), including for the physical cultural resource in question, as part of the overall EA.

15. The draft EA is submitted to GOAMM for review and approval. If the project is to be financed by the World Bank, the draft EA is sent to the World Bank for no-objection and clearance for disclosure.

16. The assessment of the impacted physical cultural property forms an integral part of the project EA (including EMP) and is carried out in coordination with the GOAMM. Particular aspects related to the physical cultural property includes at a minimum:

   (f) **Baseline:** (i) an investigation an inventory of physical cultural property which may be affected by the project: and (ii) a proper documentation of their characteristics. The methodology includes:
   - Review of the available documentation;
   - Consultation with local communities and
   - Field investigations (including test digging where appropriate). These investigations is carried out by a qualified cultural heritage expert who records in writing, take photographic records, and enumerate all cultural heritage assets identified as impacted by the project.

   (g) **Impact Assessment:** The cultural resource component of the EIA identifies potential direct and indirect impacts on physical cultural property and their severity.

   (h) **Mitigation and Management Plan:** If the EA determines that the sub-project has adverse impacts on physical cultural property, the EA teams work with the stakeholders and local communities to jointly develop measures to mitigate and manage these impacts. The cultural property component of the EMP includes:
   - (i): Actions needed to implement the recommended mitigation measures; (ii): provisions for the treatment of chance finds (see Attachment 1) during project implementation; (iii): measures for strengthening institutional capacity necessary for implementation of the recommendations included in the Management Plan; (iv): monitoring systems to track progress of the above activities.

17. Depending on the approved mitigation plan a qualified archaeologists or cultural resource specialist may be temporarily seconded to, and provided with logistical support by, the construction supervision team. The specialist would supervise the implementation of relevant mitigation and management activities and treat the chance finds: relevant findings is recorded in the Works Supervision reports.

4. **Legal Framework**

18. Aware of the exceptional importance of Yemen cultural heritage, the Government of Yemen enhanced the Law on Antiquities (21/1994), and in 1997, established the General Organization for Antiquities, Manuscripts and Museums (GOAMM -Decree No. 128/97) and the General Organization for the Protection of Historic Cities (GOPHC-Decree No. 129/97)
as the institutional bodies responsible for protection and research on cultural heritage in Yemen. Both Organizations are under the Supervision of the Ministry of Culture (formerly Ministry of Culture and Tourism) and have juridical status and independent financial responsibility.

19. The Law on Antiquities, integrated with the Law n.8/1997 (together referred to herein as “the Law”), constitutes the organic text for the archaeological sector’s management in the whole country. It defines as “antiquity” any material left by Yemeni civilization or left by previous Yemeni generations in the form of manufactured products, erected structures, inscriptions, or writings older than two hundred years. This includes documents, manuscripts and remains of humans, animals, and plants. The definition also covers remains of cities, buildings, caves, and schools found on land or within national waters. All antiquities are owned by the State.

20. The Law sets out the procedures for antiquities’ protection, maintenance, and registration, and determines archaeological activities and the control over trading. The competent authority is the General Organization for Antiquities, Museums, and Manuscript (GOAMM).

21. The Law’s provisions prohibit the undertaking of agricultural, industrial, or telecommunications projects in antiquities areas without prior approval from the GOAMM. It also prohibits the use of these areas to install irrigation facilities, build cemeteries, or even remove trees that change the general appearances of the area. The law stipulates penalties for violations, which inter alia, cover the transfer of antiquities area to other uses, preparations for agriculture, damaging ruins and removal of soil from a site without prior approval of GOAMM. No provision for executive regulations is indicated in the law.

22. Article 8 of the Law establishes the possibility and the criteria of expropriating land in which archaeological remains are found: “In the case of discovery of immovable archaeological objects on land of demonstrated private ownership and whose conservation on the same site as a valuable archaeological object is required for the sake of public interest, the Organization has the right of direct expropriation, annexing the property in exchange for just compensation, on the basis of the expropriation Law for public interest. The value of the archaeological objects which are found there is not taken into consideration in attributing the value of the expropriated land”.

23. Article 13 of the Law introduces the concept of a 500 meters “observance distance”: “It is forbidden to install heavy and dangerous industries, military industries, cement factories or quarries at a distance of less than half a kilometre from any archaeological site. Exception is made for those situations in which the Organization permits it with obligatory respect of its conditions, and it is likewise forbidden to dig under roads, carry out industrial, agricultural or fishery projects, or extend overland electrical, telephone or telegraph cables in archaeological site areas, prior to the Organization’s consent.”

24. Article 14 of the Law establishes the powers of the archaeological authority to halt any work which may damage archaeological remains: “The archaeological authority has the right to halt any work which causes damage to an archaeological object or to an archaeological area whether directly or indirectly, and it likewise has the right to annul the provision through administrative channels with the help of the security forces, such as imposing on the transgressor the duty of restoring the object to its original state, and otherwise it carries out the work at the transgressor’s expense”.

25. The Ministry of Endowment, Awqaf, is another important body to the conservation process since it owns a great deal of property and is the biggest property owner in the old cities.
26. In conclusion, the Yemen legal framework provides an adequate legal, institutional and procedural basis for ensuring the World Bank policy objectives in respect of physical cultural property. This is applied through project scoping and screening and form an integral part of the Environmental Assessment (including Environmental Management Plan) preparation, as well as through chance find procedures, which are defined in Conditions of Contract for all civil works carried out under the project.

5. Implementation Procedures and Financing

27. The EMP specifies implementation processes and responsibilities for mitigation and monitoring associated with the physical cultural resource in question, as well as chance find procedures. This is defined in conjunction with GOAMM and with the concerned community, local authorities and particular stakeholders.

28. Mitigation measures involving civil works is funded as a project cost and is included in the Bill of Quantities as a pay item to the contractor, who implements the said measures to a specified standard at the agreed location(s).

29. The costs of conservation or other non-civil works mitigation is included in the project’s financing. This may include, for example, the temporary secondment of, and logistical support to, a qualified archaeologist or cultural resource specialist to the project. The specialist supervises the implementation of relevant mitigation and management activities, as well as the treatment of any chance finds. Relevant findings are recorded in the Works Supervision reports. Aside from civil works directly related to the road, the project is not finance any recurrent costs, which must be born by GOAMM or other responsible agency.

6. Consultation Procedures

30. During the Screening stage, informal consultations take place at the project site, as well as formal briefings of findings with the Governor and stakeholders.

31. Preparation of the EA (including EMP) is carried out in close collaboration with the Beneficiary Committee and the GOAMM, as well as NGO’s, Universities, etc., as necessary. Reference to the physical cultural resource EMP is made in the Social Framework Agreement (SFA), completed as part of the overall EMP.

32. The draft EA (including EMP) is transmitted to the GOAMM, Beneficiary Committee, the Governor and the agency responsible for management of the physical cultural resource in question.

33. The findings of the Cultural property component of the EIA is disclosed to the public as per OP 4.01, except where RAPCMO, in consultation with the Bank, determines that such disclosure would jeopardize the safety or integrity of the physical cultural property involved (e.g. the location of sacred sites or movable cultural property of value).

7. Monitoring Arrangements

34. The RAP CMO is responsible for overall monitoring of the implementation of this Policy Framework. Other agencies (such as the Ministry of culture, GOAMM; GOPHC, etc.) is involved in the monitoring and the RAP-CMO coordinates the execution of the process. This includes:
(f) **Monitoring of EA and EMP Preparation:** monitoring of consultant activities and reports.

(g) **Monitoring of EMP Implementation:**
- Verifying the contractors’ or EMP schedule for mitigation measures.
- Monitoring physical progress against the contractors’ or EMP schedule.
- Monitoring the actual costs against the contractors’ of EMP payment items.
- Monitoring the outcome of the mitigation measures.

35. The monitoring and evaluation of the application of the Cultural Property Policy Framework is undertaken during Bank supervision missions with participating qualified cultural resource expert.

Following its exercise of prior review, the World Bank monitors the implementation of road specific EAs, SFAs, Resettlement Plans and specific mitigation plans for Cultural Property. The Bank carries out targeted and spot review of specific cases involving Cultural Property, as part of regular supervision, or separate missions.
Attachment 1
Archaeological Chance Find Procedures

The construction contracts (COPA) contain procedures for archaeological “chance finds” during the course of construction activities. The Government (Ministry of Culture) makes available (on demand) a qualified archaeologist to conduct field investigations when important search work and new materials sites are opened. The archaeologist would be paid by RAPCMO and be attached temporarily to the construction manager's team and provided with logistical support when necessary. The following procedures should be executed whenever archaeological relic, antiquity or any other object of archaeological importance is discovered during road construction:

(i) Halt construction activities.
(ii) Delineate the discovered site area.
(iii) Secure the site to prevent any damage or loss of removable objects. In case of removable antiquities or sensitive remains, a night guard should be present until the responsible authority takes over.
(iv) Notify the responsible foreman/archaeologist, who in turn notifies the GOAMM, the Environmental and Social Management Unit (ESMU) of RAPCMO and the local authorities (within less than 24 hours).
(v) GOAMM would be in charge of protecting and preserving the site before deciding on the proper procedures to be carried out.
(vi) GOAMM evaluates the importance of the finding according to criteria relevant to cultural heritage, as aesthetic, historic, scientific or research, social and economic values.
(vii) Decision on how to handle the finding is reached based on the above assessment and could include changes in the project layout (in case of finding an irremovable relic of archaeological importance), conservation, preservation, restoration or salvage.
(viii) Implementation of the GOAMM decision concerning the management of the finding.
(ix) Construction works should resume only when permission is given from GOAMM after the decision concerning the safeguard of the heritage is fully executed.