

Republic of Benin

**PROGRAM FOR UNIVERSAL ACCESS TO DRINKING WATER
IN RURAL AREAS (*P164186*)**

PROGRAM FOR RESULTS (*PforR*)

ENVIRONMENTAL AND SOCIAL SYSTEMS ASSESSMENT (ESSA)

Report prepared by



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LIST OF ABBREVIATIONS AND ACRONYMS

ABE	Benin's Environmental Agency (<i>Agence Béninoise pour l'Environnement</i>)
ACEP	Drinking Water Users' Association (<i>Association des Consommateurs d'Eau Potable</i>)
ANAEPMR	National Rural Water Supply Agency (<i>Agence Nationale d'Approvisionnement en Eau Potable en Milieu Rural</i>)
ANDF	National Agency of State Property and Land Tenure (<i>Agence Nationale du Domaine et du Foncier</i>)
CDQ	Neighborhood Development Committee (<i>Comité de Développement du quartier</i>)
CFD	Land Tenure Code
DDCVDD	Directorate of Living Conditions and Sustainable Development (<i>Direction du Cadre de Vie et du Développement Durable</i>)
DGEC	Directorate General of Environment and Climate
DNSP	National Directorate of Public Health (<i>Direction Nationale de la Santé Publique</i>)
DPC	Directorate of Cultural Heritage (<i>Direction du Patrimoine Culturel</i>)
ECC	Environmental Compliance Certificate (<i>Certificat de Conformité Environnementale</i>)
EI	Environmental Inspection (<i>Inspection environnementale</i>)
EIA	Environmental Impact Assessment
EPP	Expropriation for Public Purpose
ESIES	Environmental and Social Information Sheet
ESA/AP	Environmental and Social Action Plan
ESSA	Environmental and Social Systems Assessment
GAP	Government Action Program
GoB	Government of Benin
GRS/WB	World Bank Grievance Settlement Service
IWRM	Integrated Water Resources Management
MCVDD	Ministry of Living Conditions and Sustainable Development (<i>Ministère du Cadre de Vie et du Développement Durable</i>)
RAP	Resettlement Action Plan
PDDAEPMR	National Rural Water Supply Sector Development Master Plan (<i>Plan Directeur National de Développement du Secteur de l'Approvisionnement en Eau rurale</i>)
PforR	Program for Results
PREPAU	Small Town Water Supply and Urban Septage Management Project (<i>Projet d'Approvisionnement en Eau potable en Milieu rural et d'Assainissement des Eaux usées urbaines</i>)
SEA	Strategic Environmental Assessment
SAIC	Services in support to Community Initiatives (<i>Services d'Appui aux Initiatives Communautaires</i>)
TMESM	Technical Manual for Environmental and Social Management
WSS	Water supply and sanitation

EXECUTIVE SUMMARY

I. OBJECTIVE AND CONTEXT

1. This *Environmental and Social Systems Assessment (ESSA)* was undertaken by the World Bank as part of the preparation of the Program for results Financing (PforR) under the *Rural Supply Universal Access Program* in Benin (P164186).
2. This Program is linked to the *National Master Plan for the Development of the Rural Water Supply Sector (PDDAEPMR)* that defines the Government of Benin's expenditure program to achieve universal access to water in rural areas. The PDDAEPMR identifies the investments needed for new or existing water systems as well as for hand pumps in all Benin's communes. The investments needed under the PDDAEPMR to achieve universal water supply in rural areas amount to FCFA 314 billion (or USD 560 million).
3. The PforR will finance part of the expenditures of Benin's Government Action Program (PAG) for universal water supply in rural areas. More specifically, over period 2018-2024 period, with a funding of USD 220 million, the Program will support the development of rural drinking water supply systems and professional service delivery models in selected communes with more limited access to rural water supply services.

II. OVERVIEW OF THE PROGRAM

4. **Program Development Objective (PDO).** The proposed PDO is to increase access to water supply service and to strengthen service delivery arrangements in selected rural areas.
5. **Result Area 1 - Increase access to water supply services.** The Program will support investments in piped rural water supply systems to rapidly expand access (at a pace not previously experienced in the country). This will be supported through : (i) construction of new water supply system systems; and (ii) rehabilitation and expansion of existing water supply systems.
6. **Results Area 2 – Strengthen service delivery arrangements.** The Program will strengthen service delivery arrangements of the rural water supply sector through: (i) establishment of performance-based contracts with regional operators; (ii) Training to rural water supply professionals; (iii) Capacity-building of the ANAEPMR and overall sector institutional strengthening.

Implementation of institutional arrangements

7. The ANAEPMR will be in charge of implementing the Program, including the execution of all Program's activities, the management of the environmental and social effects, monitoring & evaluation, handling result-based disbursements requests and Program's financial reports consolidation.
8. To perform its functions, the ANAEPMR will count on its internal structure and on a substantial deployment of technical assistance. Technical assistance provided to the ANAEPMR will be financed by different sources including the Program's itself, Development Partners and by the Small Town Water Supply and Urban Septage

Management Project (PEPRAU). The Government of Benin will also organize the delegation of responsibilities for the provision of water supply services in rural areas through regional affermage from municipalities to the ANAEPMR through the signing of a Framework Partnership Agreement. The ANAEPMR will prepare and let contractual arrangements signed with regional private operators.

III. ESSA APPROACH, OBJECTIVES AND METHODOLOGY

9. The ESSA serves to review the country's environmental and social management systems as they apply to the Program, to assess their compliance with the provisions of the World Bank's PforR policy. The aim is to ensure that the program does not involve significant environmental and social risks and that the systems put in place allow for identifying and adequately managing potential risks. In particular, the ESSA identifies and analyzes gaps that exist between national systems and the core principles applying to the program, and recommends actions to improve the alignment of environmental and social management systems with the requirements of the Bank.

10. Unlike conventional investment programs or projects, the PforR supports a government program, with the following objectives: (i) fund Borrower's specific program expenditures; (ii) link the disbursement of funds directly to the achievement of specific results; (iii) use and, in this case, strengthen systems to ensure that funds are used in an appropriate manner, appropriately addressing the Program's environmental and social impact; and (iv) build institutional capacity to achieve expected results.

11. The preparation of the ESSA and the development of measures to strengthen environmental and social management systems has benefited from a wide range of information and a broad consultation process, including:

- ▶ A review of documents and data available on national environmental and social procedures and related regulatory frameworks, an analysis of capacities of institutions involved in the Program in terms of environmental and social safeguards; and World Bank documentation on PforRs and ESSA;
- ▶ Interviews and working meetings with representatives of governmental and non-governmental institutions involved in the Program and key stakeholders, including through public consultations at the commune level;
- ▶ Consultation meetings to clarify the results expected from the ESSA, identify the environmental and social issues associated with the Program, assess technical assistance and capacity-building needs to improve environmental and social management systems, and develop a better understanding of the procedures, standards and approach to be adopted with the technical staff of the ministerial departments involved;
- ▶ Meetings to provide a restitution on the preliminary document were held in December 2017 and February 2018²⁰¹⁸, with the participation of communes, the Drinking Water Users' Associations (ACEPs), the Directorate of Living Conditions and Sustainable Development (DDCVDD) and civil society organizations. The outcomes of the meetings are documented in the annex to this ESSA (with a complete list of participants).
- ▶ A Public Consultation Workshop will be held on April 3rd 2018 [*date to be confirmed*], with the participation of communes, ACEP, development partners, civil society organizations and the private sector. The observations

coming out of the workshop will be incorporated into the final version of the ESSA (with a complete list of participants).

12. The ESSA report will be publicly disseminated in the country and through the Bank's external website. Public comments will be sought over a set period.

13. In order to adequately manage the risks associated with the Program and promote sustainable development, the ESSA focuses on *six Core Principles of the Bank's Policy*, namely: (i) General Principles of Environmental and Social Assessment; (ii) Natural habitats and physical Cultural Resources; (iii) Public and worker Safety; (iv) Land acquisition; (v) Indigenous people and Vulnerable groups; and (vi) Social conflict.

IV. MAIN ENVIRONMENTAL AND SOCIAL IMPACT OF THE PROGRAM

14. Activities under the Program will focus on:

- ▶ Construction of new drinking water access systems;
- ▶ Rehabilitation of existing drinking water access systems;
- ▶ Extension of existing drinking water systems/infrastructure.

Beneficial environmental and social impacts

15. Program activities will generate *major beneficial effects* both on the environment and communities (access to drinking water, less hardship in drinking water supply, time savings for women, reduction of waterborne diseases, improvement of living conditions, fight against poverty, reduction of unemployment). Such positive effects are numerous and should be maintained over the long term.

16. *The investments' negative environmental and social impacts will be limited, low to medium scale, reversible and easily controllable and manageable* mainly because of the following reasons:

- ▶ the exclusion, by the very nature of a PforR, of any investment involving major environmental risks (i.e. World Bank Class A projects);
- ▶ the type and nature of the planned developments and infrastructure (small, well-located, limited geographical scope with excavation works limited in terms of surface area);
- ▶ the nature of the activities planned, based on the findings of prior diagnostic studies, taking into account specific social, economic and environmental parameters;
- ▶ works and development operations that should not generate major air or noise pollution, significant degradation of the urban environment or destruction or reduction of green spaces;
- ▶ the feasibility, effectiveness and relevance of the activities planned, based on the results of prior diagnostic studies in the sector;
- ▶ the existence of various controllable and effective measures to mitigate potential risks and ensure impact monitoring, both during the construction phase and during the operation of structures established;
- ▶ the existence of institutions with the capacities to manage most of the Program's environmental and social aspects;
- ▶ the existence of an appropriate institutional and legal framework to effectively address all aspects of the Program's environmental and social management (ESM).

Limited negative social impacts

17. The Program's negative social impacts, especially those that may be associated with the acquisition of private land, will be *limited both over time and space* (due to the relatively low land requirements of the various investments planned under the Program). Though it may not be ruled out at this stage, the investments may include some forms of involuntary resettlement of household residences or business, acquisition of private land or restrictions of access to local social and economic infrastructure, all of which may be more or less temporary.

Diverse negative environmental and social risks

18. *During the preparation phase*, the main risk is neglect in the preparation of tender documents on environmental and social aspects and their lack of consideration when developing technical studies and/or preparation of unsatisfactory environmental and social studies. Failure to rigorously review other technical options for project design and consider aspects relating to public information and participation in a culturally appropriate and socially acceptable manner could aggravate this risk.

- ▶ The main mitigation measures recommended at this stage consist mainly in *screening all sub-projects under the Program* in reference to agreed parameters, as well as establishing an assessment sheet of the impacts of activities prior to their implementation, including in the Tender Specifications a section on compliance with environmental (including site safety) and social provisions, and closely monitoring the implementation of the mitigation measures specified in the Environmental and Social Management Plans (ESMP) and the Resettlement Action Plans (RAP).

19. *During the works phase*, several types of environmental and social risks may occur on construction sites.

Environmental risks:

- ▶ the construction of new drinking water access systems and the rehabilitation and extension of existing drinking water supply systems may involve deep excavation and, most importantly, the digging of trenches for laying extension and densification pipes;
- ▶ in the case of new works, the works will include excavations for the foundation of reservoirs (water towers);
- ▶ construction machinery and noisy equipment (jackhammers, air compressors, etc.) will cause noise nuisances to local residents and construction workers;
- ▶ the movement of machineries and vehicles may generate a fairly high level of air pollution (resulting from dust emission);
- ▶ the movement of construction machinery and possible non-compliance with safety instructions may lead to accidents for workers;
- ▶ works (trenches for pipe laying) and inappropriate storage of materials (such as cement) and the movement and use of materials (cement, iron) may also generate dust;
- ▶ works may lead to large amounts of excavation that may temporarily degrade the landscape and the communities' living environment;
- ▶ works carried out as part of the new investments may require use of heavy construction equipment (such as a drilling plant), which is likely to generate dust;

- ▶ construction vehicles may cause GHG emissions from exhaust fumes, as well as odor nuisance, health risks and pollution, especially if the vehicles have been intensively used and are poorly maintained;
- ▶ works sites may generate waste from cuttings that come from trenches dug for pipe laying;
- ▶ pumping tests to test flows from groundwater sources may generate stagnant water in temporary puddles;
- ▶ stagnant water may be produced when rinsing and disinfecting pipes;
- ▶ construction, rehabilitation or extension works may require temporary deviations for car traffic or restrictions on pedestrian access and access to housing and disruptions in the daily activities of communities;
- ▶ works could also affect some sources of drinking water and contaminate the water table, impacting water quality;
- ▶ water generated by borehole pumping tests may influence groundwater;
- ▶ some of the works may involve cutting down trees or grubbing up vegetation - especially excavation work on undeveloped trails with grass, shrubs or trees;
- ▶ works may result in temporary deviations for car traffic or pedestrian crossing restrictions.

Social risks: Some works may require or result in:

- ▶ acquisition of private land, expropriation for public purposes/involuntary resettlement in the case of investments in the construction of new drinking water supply systems;
- ▶ temporary physical displacement of household residences or businesses (in the case of investments to strengthen existing structures);
- ▶ temporary disruptions to craft and economic activities of individuals and households, causing loss of income (loss of profits);
- ▶ temporary difficulties in accessing housing, shops and other public facilities (schools, clinics, etc.);
- ▶ inconvenience to local communities, and especially the most vulnerable people, due to noise and dust emission from construction sites;
- ▶ accidents and safety problems especially for the most vulnerable people (children, elderly people, women);
- ▶ disturbances of traffic and activities;
- ▶ conflicts due to the effects of works on the property and assets of residents;
- ▶ potential impacts on tombs and other religious sites.

20. Finally, during the *operation phase*, negative environmental and social effects would result from poor design, lack of awareness and information of communities, lack of maintenance and upkeep of infrastructure and facilities, improper use of infrastructure, degradation of infrastructure, or inadequate enforcement of safety measures.

21. The environmental monitoring system that will support the operation phase should allow for identifying such malfunctions in real time in order to make any correction required.

OVERVIEW

22. The Program will have limited environmental and social impacts. Designed as a PforR, ***the Program automatically excludes***, as a matter of principle, any investment that potentially comes with significant environmental and social risks and may cause significant negative, ***diverse, varied, irreversible and unprecedented*** impacts.

23. Therefore, any sub-project pertaining to the following ***will be deemed ineligible***:

- ▶ construction, rehabilitation and extension of works that involve social risks, i.e. physical resettlement of a large number of people, acquisition of large areas of private land, demolition of a large number of individual houses and/or significant access restrictions to economic resources;
- ▶ construction, rehabilitation and extension of structures that could exacerbate existing land-based social conflicts;
- ▶ structures/works that could have an irreversible impact on physical cultural resources of an archaeological or historical nature or on places of worship;
- ▶ works in areas classed as biological or ecological interest sites.

24. All sub-projects to be funded by the Program will have to be reviewed using an ***appropriate screening mechanism***. Environmental and social screening will be conducted for each project to determine the type of planning tool required based on the scale and significance of environmental and social impacts

SUB-PROJECT SCREENING AND ENVIRONMENTAL AND SOCIAL MANAGEMENT TOOLS

In accordance with environmental assessment procedures in Benin and the requirements of the World Bank's PforR funding policy, all sub-projects submitted under the Program will be subject to a mandatory screening or selection process, in reference to the following principles:

- a) First and foremost, using a ***Screening Form (see Annex 5)***, sub-projects submitted will be screened in terms of environmental and social risks and impacts levels, as well as the type of management instrument required (according to both Beninese and Bank policies).
- b) Depending on the outcomes of the screening process:
 - ▶ All subprojects whose environmental and social risks are considered to be significant ***will be excluded*** and the negative impacts will be considered as diverse, varied, irreversible and unprecedented (subproject not eligible under the PforR);
 - ▶ For sub-projects with ***minimal or no environmental and social impact***: they are classified as Non-Subject under the Beninese procedure and as such require only a **sub-project Data Sheet**.
 - ▶ ***For sub-projects with low environmental and social impact***: according to Benin procedures, a ***simplified Environmental Impact Assessment (EIA)*** will be prepared, with the submission of the ***Impact Notice*** and an ***Environmental Compliance Certificate*** is to be obtained. To comply with the Bank's PforR policy, these will be completed by the preparation of a simple **Environmental and Social Information Sheet (ESIS)**.
 - ▶ ***For sub-projects with a moderate and fairly moderate environmental and social impact***: Benin's provisions must imperatively be complemented by the preparation of an ***Environmental and Social Management Plan (ESMP)*** (see Annex 6) in accordance with all the fundamental principles of the World Bank's PforR policy, especially as regards public consultations of stakeholders, citizen engagement and complaint management.
 - ▶ ***Finally, for a sub-project with a moderate impact in terms of involuntary resettlement of populations***, a ***Resettlement Action Plan (RAP)*** (see Annex 6) will be prepared in line with the World Bank's policy on financing of PforRs.

The Specifications for contractors and regional operators (*Cahier des Charges*) in charge of implementing works will imperatively include all technical provisions and environmental and social mitigation measures

provided and will specify a monitoring and control system that meets the standards in force (including safety of construction site workers and local communities).

All EIAs and RAPs prepared for moderate risk subprojects will *require appropriate public disclosure*.

Local beneficiaries will be informed of the commitments included in these instruments and will have access to *a grievance redress mechanism* in the event of non-compliance with the commitments. Each beneficiary commune supported by the ACEP will ensure the implementation of this mechanism, as part of a more comprehensive monitoring, evaluation and control system.

V. ASSESSMENT OF NATIONAL SYSTEMS

The environmental system

25. In Benin, environmental protection is one of the priority areas in policies designed for sustainable development. Several legal and regulatory texts have thus been adopted.

26. Following the 1990 National Conference, which marked the return to pluralistic democracy and market economy, a clear direction for environmental management was adopted as evidenced by:

- ▶ the inclusion of the principle of environmental protection and management in the constitutional law;
- ▶ the institutionalization of a Ministry of Environment (since 1990) and its technical structures, including the Benin Environmental Agency (1995);
- ▶ the adoption of the Environmental Framework Law (1992);
- ▶ the adoption of the Environmental Action Plan (1993);
- ▶ the adoption of the National Agenda 21 (1997).

27. *The Environmental Framework Law* is the base text of the national environmental policy. It covers all aspects, from the identification of sources of pollution to their control and repression, to environmental assessments (strategic environmental assessment, environmental impact assessment, environmental audit, environmental inspection, (IE)), to environmental capacity building and environmental information management. Among other things, this Act makes it mandatory to conduct Environmental Impact Assessments prior to undertaking developments, operations, facilities, plans, programs and projects or construction of structures, and provides for the filing of a written application to the Minister for the issuance of an environmental compliance certificate, describing the general nature of the operation planned.

28. The *Environmental Action Plan* (EAP) has been the framework document for environmental management in the Republic of Benin. It comprises seven sub-programs planned over an initial timeframe of 15 years and whose overall objectives relate to: (i) strengthening national capacities; (ii) conservation and sustainable use of biological diversity and natural resources; (iii) improvement of the living environment of both rural and urban communities; and (iv) improved decision-making and good governance in relationship to the environment.

29. The *Constitution of 11 December 1990* stipulates in Article 27 that: “Everyone has the right to a healthy, satisfying and sustainable environment and has the duty to defend such an environment. The State ensures the protection of the environment”. Other Articles of the

Constitution criminalize some environmental offenses as high treason crimes for which the President of the Republic is liable.

Legal framework and provisions

30. Benin has a large legal arsenal for *environmental management*. Among the legislative texts, the most relevant are the following:

- ▶ **Act # 030-98 dated February 12, 1999** on the environmental framework law in the Republic of Benin is the base text of the national environmental policy. Indeed, it covers all aspects from the identification of sources of pollution to their control and repression, to environmental assessments (Strategic Environmental Assessment (SEA); Environmental Impact Assessment (EIA); Environmental Audit (EA); and Environmental Inspection (IE)).
- ▶ **Act 2010-44 date October 21, 2010** on water management in the Republic of Benin: it advocates for Integrated Water Resources Management (IWRM) as a core principle for water management in Benin.

31. These constitutional provisions are reinforced by Benin's international commitments through the ratification of almost all international conventions and agreements on the environment.

32. Key provisions of the Environmental Framework Law in the Republic of Benin make *strategic environmental assessments* (SEA) and *environmental impact assessments* (EIA) mandatory before undertaking developments, operations, facilities, plans, projects and programs or construction of structures.

33. Furthermore, Decree # 2017-332 dated July 6, 2017, on the organization of environmental assessment procedures in the Republic of Benin, replacing Decree # 2015-382 dated July 9, 2015, clarifies responsibilities and sets the administrative procedure for the issuance of *Environmental Compliance Certificates (ECC)* by the Minister of the Environment. According to the provisions of this Decree, there are two types of environmental impact assessments in the country, namely:

- ▶ ***In-depth Environmental Impact Assessments***: they apply to large projects whose potential impacts are considered significant or to medium-scale projects to be implemented in sensitive ecosystems; and
- ▶ ***Simplified Environmental Impact Assessments***: they apply to individualized micro-projects, to medium-scale projects that are not located in a sensitive ecosystem, and to specific activities.
- ▶ Finally, all projects of a very small-scale environmental or social that are not located in a sensitive environment ***are not subject*** to the impact assessment procedure.

34. ***The main actors*** involved in environmental management in Benin include:

- ▶ ***Benin's Environmental Agency (ABE)*** is a public institution created in 1995 to implement the national environmental policy adopted by the Government as part of its development plan (Art.12). ABE is under the supervision of the Minister of Environment. As such, it works in collaboration with other sector ministries, local communities, non-governmental structures, civil society and the private sector. It also manages all environmental assessment procedures.

- ▶ ***The Ministry of Living Conditions and Sustainable Development (MCVDD)*** is in charge of defining the national environmental policy and monitoring its implementation. The national environmental policy must be in synergy with sectoral policies for the management of natural resources and with policies applying to activities that may generate environmental nuisance (industry, agriculture, mining and energy, equipment).
- ▶ ***The Directorate General of Environment and Climate (DGEC)*** is responsible for the development of the national environmental policy and its implementation strategy.
- ▶ ***Prefectures***, as per the texts on decentralization, ensure the enforcement of national guidelines by the communes in their constituencies. As such, they are in charge of implementing all environmental issues at the Government's decentralized levels.
- ▶ ***Communes*** implement their own policies as regards environmental and natural resources management, but in accordance with national laws and guidelines. The project will be implemented at the commune level according to institutional arrangements that guarantee participation of communities at the grassroots level.

Social management

35. Benin also has an extensive legal framework as regards land tenure and land acquisition and restructuring mechanisms. Other social aspects such as social protection of vulnerable people, labor management, child labor, and abuse on communities living in works implementation site will also be addressed.

36. ***Benin's Constitution***, in Article 22, states that everyone has the right to own property. No one may be deprived of his/her property except for public purpose and in such case shall receive fair and prior compensation. This provision of the Constitution ensures the protection of immovable property, land being the fundamental element.

37. The State land ownership system is based on other texts that make up Benin's legal arsenal on this matter. Much of this arsenal dates back to the colonial era. However, they were completed and modified in 2013 and more recently in August 2017:

- ▶ ***Act # 2013-01 dated August 14, 2013*** on the land tenure and State property code in the Republic of Benin and its implementing decrees first addressed all aspects of land tenure law in Benin from access to land to the institutional organization of the sector, and to expropriation for public purposes. Among other things, this law recognizes individuals' right of property (Article 42) and right of use (Article 49).
- ▶ The later and very recent ***Act # 2017-15 dated August 10, 2017*** amending and completing the Act # 2013-01 dated August 14, 2013 on the land tenure and State property code in the Republic of Benin.

According to this law, the land tenure system in force in the Republic of Benin governs all rural, periurban and urban land and is based on a joint procedure for confirming land rights that results in the issuance of a land title. The land rights confirmation process focuses on:

- ▶ in urban and periurban areas: confirmation of rights based on land ownership presumption documents or on a final court decision;
- ▶ in rural areas: confirmation of rights on land ownership presumption documents, a register of claimants of the rural land plan or a final court decision.

38. As it relates to the law on land tenure and associated fields, the implementation of socio-community infrastructure projects (including wells, schools, market sheds, shops, grain banks, etc.) calls for compliance with a number of legislative and regulatory provisions, namely:

- ▶ *Act # 2007-03 dated October 16, 2007 on rural land tenure establishes* the principle of recognition of customary law and its protection as regards land matters. By doing so, it makes local authorities responsible for such recognition.
- ▶ *Decree # 89-112 dated March 24, 1989* regulating the issuance of building permits in the Republic of Benin.
- ▶ *Decree #2001-128 dated April 4, 2001* on the creation, organization and functioning of the National Commission of State Property Affairs.

39. The main stakeholder involved in the management of State property and land in Benin is **the National Agency for State Property and Land Tenure (ANDF)**. It is a public technical and scientific institution of a specific type set up in 2014. ANDF acts as a coordination unit for land and State property management with a mission of ensuring land security at the national level. It is in charge implementing the land tenure and estate policy defined by the Government. Under the supervision of the Ministry of the Economy, Finance and Denationalization Programs, the Commune-level Offices of the State and Land (BCDF) are its decentralized branches. Its scope of intervention covers rural, periurban and urban areas throughout the national territory. On behalf of the State, it carries out the expropriation and resettlement of populations affected by public projects.

Legislation concerning child labor

40. The main provisions concerning child labor (individuals under 18 years of age) are contained in *Act # 2015-08 dated January 23, 2015* on the Child Code in the Republic of Benin. Among others, the law prohibits the exploitation of children and protects them against all forms of economic exploitation or abuse for economic purposes; some forms of work (debt bondage and serfdom, forced or compulsory labor); all work that, by its nature or the conditions of its performance, is likely to harm children's health, safety, education, morality and harmonious development. The law also sets specific working hours for children.

Constitutional appeal bodies

41. Act # 2009-22 dated August 11, 2009 established the ***Ombudsman of the Republic*** of Benin, an independent administrative authority, free from the authority of any political, administrative, legislative or judicial entity, to receive citizens' grievances on the functioning of the central governmental administrations, decentralized authorities, public institutions and to review such grievances to provide equitable solutions.

42. Benin has also a ***Human Rights Committee*** (CSDH), which is an independent national institution for the promotion and protection of human rights.

VI. ADEQUACY OF APPLICABLE SYSTEMS

43. The strengths, weaknesses, threats, and opportunities associated with the national systems are set forth in the light of the Core Principles applicable to the Program - as described in the Bank Policy and Directive for Program for Results (PforR) funding.

➔ ***Core Principle 1: General principle of environmental and social impact assessment and management.*** This Principle **applies** to the Program. Indeed, the works funded could have negative impacts with a risk level ranging from low to moderate. ESSA has been prepared and its recommendations will be integrated to the overall: action plan of the program. In line with the principles set forth in ESSA, an ESMP will be prepared for any individual investment project that the initial diagnostic and screening system set up have deemed to have moderate environmental impact.

- ▶ ***Strengths:*** Benin has adequate regulatory and legal frameworks. The national environmental impact assessment system is based on a well-oiled diagnostic and impact nature assessment process. The responsibilities of the different institutions are accurately defined.
- ▶ ***Weaknesses:*** The institutions in charge lack human, as well as financial means to enforce the legislation. Awareness of environmental management issues is low at the level of all actors.
- ▶ ***Opportunities:*** Initiatives to sensitize all actors and stakeholders on ESM issues will be organized. Actions to build the capacities of central and local officers will be initiated to update them on national mechanisms and World Bank PforR arrangements.
- ▶ ***Threats:*** Environmental and social management rules and procedures are not implemented adequately. Current environmental regulations are not enforced in timely manner.

➔ ***Core Principle 2: Natural habitats and physical and cultural resources***

This Principle **does not apply** to the Program. Indeed, no Program activity will occur within biodiversity protection areas. Any investment that poses threats to fragile ecosystems will not be eligible. Any investment that poses a direct threat to the cultural and religious heritage of a region will not be eligible.

➔ ***Core Principle 3: Public and workers safety***

This principle **applies** to the Program. Indeed, the works undertaken under the Program could have an impact on public safety and on the safety of site workers. Construction site workers could be exposed to occupational accidents/injuries, water pollution, air pollution, solid wastes, and toxic or hazardous materials on site. The populations living close to the construction sites could also be exposed to the same hazards.

- ▶ ***Strengths:*** The legal/regulatory system of Benin includes construction site safety provisions. There are national policies and guidelines on public and worker safety and health.
- ▶ ***Weaknesses:*** The national EIA system does not address all aspects of public and worker safety. A general lack of sensitization on public health and safety issues prevails, especially as regards exposition to hazardous materials.
- ▶ ***Opportunities:*** Information and training on site safety measures.
- ▶ ***Threats:*** Inability to enforce current environmental, social, and safety regulations in timely manner.

➔ **Core Principle 4: Land acquisition**

This principle **applies** to the Program. Indeed, the works could: (i) involve temporary physical relocations of resident households or businesses; (ii) require the acquisition of private land, and, as a consequence, expropriation public purposes and involuntary resettlements of resident households or businesses; and (iii) temporarily disrupt local small-scale and economic activities. In line with the principles set forth in ESSA, a RAP will be prepared for any investment sub-project that the initial diagnostic and screening system set up have deemed to have moderate environmental impact.

- ▶ **Strengths:** The amount of the allowances or compensation granted to the affected people is set on the basis of the nature and value of the assets. The added value or depreciation from the projected implementation of the non-expropriated part is taken into account.
- ▶ **Weaknesses:** Customary land ownership is recognized but needs to be confirmed to receive compensation. Informal property titles are not recognized by the national legislation. No specific formal measure for assisting the resettlement of vulnerable people exists.
- ▶ **Opportunities:** Ensure a system of compensation in kind and/or cash, depending on the case. Set up a system of assistance to resettlement. Set up a genuine joint administration/civil society mechanism for claims management and monitoring.
- ▶ **Threats:** Non-compliance with the existing legislation. The national and local institutions in charge lack human resources and financial means to enforce the legislation and mechanisms.

➔ **Core Principle 5: Social considerations: indigenous peoples and vulnerable groups**

This principle **applies** (except that there are no indigenous people in Benin).

- ▶ **Strengths:** Actions are conducted to inform populations on the implementation of the project and collect their concerns, expectations, and observations; informational posters are displayed to this end in public places. The law provides for the services of an Ombudsman for vulnerable people.
- ▶ **Weaknesses:** The Benin legislation does not provide for specific measures for vulnerable groups. There is no real claims management system at the local level.
- ▶ **Opportunities:** Define and set up a sound stakeholder engagement strategy (sensitization, consultation, information disclosure, and grievance redress mechanism) as part of the sensitization program, targeting vulnerable groups more particularly.
- ▶ **Threats:** The lack of clarity and consistency of the mechanism for implementing public consultations and engaging stakeholders could alienate poor and vulnerable groups.

➔ **Core Principle 6: Social considerations - Social conflict**

This principle does not **apply** to the Program. Indeed, the Program is not implemented in an area of conflict.

VII. ENVIRONMENTAL AND SOCIAL MANAGEMENT ACTION PLAN (ESM/PA)

44. The Program will support specific measures to improve the conditions governing the performance of the environmental and social management system in the implementation and monitoring of Program activities. These measures are proposed as part of an ***Environmental and social management action plan (ESM/AP)*** - this Plan forms part of the Program's

general Action Plan as such. *ESM/AP* identified three components of recommendations, with each one including distinct and complementary activities.

➤ ***First component of ESM/AP: Reinforcement of the environmental and social management system of Program investments.*** This component includes the following elements:

- ▶ **Technical manual.** Preparation of a *Technical Manual for Environmental and Social Management (TMESM) of investments*. This Manual will be used for the implementation of both the Program and other ANAEMPR projects. It will comply with both national environmental and social assessment procedures and World Bank policy provisions on PforR funding. The Manual will especially set forth the procedures and tools relating to the preparation of an *Environmental and Social Management Plan (ESMP)* for structural sub-projects that involve moderate environmental risks and a *Resettlement Action Plan (RAP)* for structural sub-projects involving moderate social risks. Furthermore, the Manual will also aim to define and set up the local grievance management mechanism - concurrently with the relating procedures (including with respect to the services of the Ombudsman and the grievances submitted to the Grievance Redress Service (GRS) of the World Bank).

The TMESM will present, among other things, the following elements :

- Procedures for the screening of sub-projects;
- Procedures for the elaboration of Environmental and Social Management Plans (ESMPs) and Environmental and Social Impact Assessments (ESIAs);
- Procedures for the preparation of the Resettlement Action Plan (RAP) ;
- Process of land acquisition and land property;
- Key elements (environmental and social provisions, minimum required staff, price details) for contracts with (i) work contractors, (ii) works supervisory offices, (iii) drinking water operators ;
- Grievance management mechanisms ;
- Citizen engagement mechanism ;
- Guidelines to good environmental and social practices.

The Manual will be prepared for the National Rural Water Supply Agency (ANAEMPR) and all technical services, as well as all stakeholders who will be involved in Program implementation at the national, regional, and local levels, to ensure that environmental and social management procedures are properly understood, perfectly owned, and monitored.

- ▶ **Inter-institutional coordination between ANAEMPR and ABE.** Preparation and implementation of an interinstitutional coordination agreement between ANAEMPR and ABE. The content of this agreement will establish the conditions for collaboration for the review and rapid certification of program subproject reports and the environmental and social monitoring of the implementation of the safeguarding documents. It will also take into account aspects of institutional support and capacity building.

➤ ***Second component of ESM/AP: Capacity building on environmental and social management*** of the key actors and representatives of the Program. This component includes two separate types of activities:

- ▶ **Training on the TMESM.** A training program will be elaborated for the use of the TMESM by the different stakeholders involved in the implementation of the Program, namely:

- Staff of ANAEPMR, ABE, ANDF; MoE and MCVDD departmental directions; Municipalities, ACEP
- Contractors and works control offices.

This training will aim to sensitize and inform a fairly broad audience on the content of the TMESM. This will include, in particular: (i) understanding of TMESM and its procedures and practices; and (ii) mastery of environmental and social management tools, namely: screening form, EIA, ESMP and Resettlement Action Plan (RAP), which will be prepared for individual sub-projects, according to the extent of their respective environmental and social risks, in line with the national arrangements and the World Bank's policy for funding of PPR. It has to be pointed out that these initiatives will support the establishment and operationalization of the citizen engagement and grievance management systems (including with respect to grievance procedures to the Ombudsman, on the one hand, and the Grievance Settlement Service (GRS) of the World Bank, on the other hand).

- ▶ **Human Resources of ANAEPMR for Environmental and Social Management.** For an effective implementation of the program, ANAEPMR will have to recruit and maintain at least one social specialist and one environmental specialist, who will be employed full time throughout the implementation of the Program and having:

- Basic training in environmental and/or social sciences;
- A minimum number of years of experience in conducting similar programs / projects in the drinking water supply sector.

The number of such staff will be reviewed as needed based on the workload. These specialists will be responsible for ensuring, in close collaboration with all stakeholders: (i) the coordination and monitoring of the implementation of all actions related to the environmental and social management of the Program; (ii) the organization of all training, information and awareness initiatives on the environmental and social risks of the Program; (iii) the collection and centralization of all information relating to the monitoring of mitigation measures; (iv) the monitoring and evaluation of the implementation of mitigation measures and the integration of data at the information system level (in accordance with the principles described and presented in the TMESM); and (v) preparation of reports on the environmental and social aspects of the Program.

- ▶ **Supporting Commune's stakeholders and institutions**

Technical assistance and capacity building of the actors and institutions of the Communes involved in the implementation of the environmental and social aspects of the program are needed.

These aspects of technical assistance and capacity building will target the communal structures of environmental and social and land management and Drinking Water Users' Associations (ACEP).

Main themes concern; (i) monitoring of the implementation of safeguard documents; (ii) the social aspects of land management; (iii) grievance management and general issues of social intermediation

The program will build on the capacity building strategy of municipal actors already developed by the Small Town Water Supply and Urban Septage Management Project (PEPRAU) to facilitate the efficient execution of its activities.

45. Table below summarizes all the elements of the ESM Action Plan, which forms an integral part of the general Action Plan of the Program:

- ▶ All the costs of these elements of the ESM Action Plan will be integrated *to the general budget of the Program*.
- ▶ On the other hand, the cost of the environmental and social remedial actions will be integrated *to the very budgets of the investment sub-projects*.

Table : ESM Action Plan

N°	Action	Completion Measurement	Responsible Agency	Due Date	DLI or Loan Covenant
1. STRENGTHENING OF ESM SYSTEMS OF PROGRAM INVESTMENTS					
1.1	Technical Manual for Social and Environmental Management (MTGES)	Preparation and adoption of a MTGES that will have include the following as a minimum: <ul style="list-style-type: none"> • Procedure for the screening of sub-projects • Procedure for the elaboration of Environmental and Social Management Plans (ESMP) and Environmental and Social Impact Studies (ESIA) • Procedure for the elaboration of social assessment and Resettlement Action Plans (RAP) • Procedure for land acquisition • Standard elements (environmental and social clauses, minimum staff, price details) for the contracts of (i) works contractors, (ii) engineering consultant, (iii) regional private operators • Grievance Redress Mechanism • Citizen engagement mechanism • Good practices guidelines for environmental and social management 	ANAEPMR in collaboration with ABE	90 days after Program's effectiveness	Loan Covenant
1.2	Interinstitutional coordination ANAEMPR - ABE	Signing of an interinstitutional agreement between ANAEMPR and the ABE in which the ANAEMPR commits to respect the conditions, measures of certification prescribed by the decree n ° 2017-332 of the 06 July 2017 defining the procedures of the environmental assessment	ANAEPMR and ABE	90 days after Program's effectiveness	
2. STRENGTHENING OF INSTITUTIONAL CAPACITIES					
2.1	Training on the TMESM	Development of a training program for the application of the MTGES for the various stakeholders involved in the implementation of the Program: <ul style="list-style-type: none"> • Staff of ANAEMPR, ABE, ANDF, Departmental Directions MoE, MCVDD, Municipalities, ACEP • Works contractors and engineering consultant • Operators 	ANAEPMR and ABE	90 days after Program's effectiveness	
2.2	Human Resources of ANAEMPR for Environmental and Social Management	Maintain at least one social specialist and one environmental specialist within ANAEMPR who are employed full-time throughout the implementation of the Program and have:	ANAEPMR	After Program's effectiveness	Loan Covenant

N°	Action	Completion Measurement	Responsible Agency	Due Date	DLI or Loan Covenant
		<ul style="list-style-type: none"> • Basic training in environmental and / or social sciences • A minimum of one year of experience in conducting similar programs / projects in the drinking water supply sector 			
2.3	Supporting stakeholders and institutions of Communes	<p>Provision of Technical assistance and capacity building of the actors and institutions of the Communes involved in the implementation of the environmental and social aspects of the program are needed.</p> <p>Main themes concern; (i) monitoring of the implementation of safeguard documents; (ii) the social aspects of land management; (iii) grievance management and general issues of social intermediation</p>	ANAEPMR	Before the works	Loan Covenant

The World Bank is in charge of the organization of a Public Consultation with the representatives of the key stakeholders, civil society organizations, and private sector to present and discuss the preliminary version of ESSA.

Afterwards, throughout the whole duration of the Program, it will fall to the Beninese counterpart to organize consultations on specific Program activities (investment sub-projects).

The final revised version of ESSA will be made public on the external website of the World Bank and the site of the *National Agency for Drinking Water Supply in Rural Areas* (ANAEPMR). Public comments will be requested during the set period.

SECTION I. INTRODUCTION

I.1 BACKGROUND

1. This Environmental and Social System Assessment (ESSA) has been conducted by the World Bank as part of the preparation of the Program-for-Results (PforR) for *Rural Supply Universal Access Program* in Benin (P164186).

2. The *National Master Plan for the Development of the Rural Water Supply Sector* (MPDDWSRA) defines the expenditures of the Benin Government's program for achieving universal access to water in rural areas. MPDDWSRA plans the investment needs of all communes of Benin relating to the new Water supply and sanitation (WSS) systems and existing systems, as well as manual pumps. The investment needs of MPDDWSRA to achieve universal drinking water supply in rural areas are estimated at FCFA 314 billion (USD 560 million).

3. PforR will fund part of the expenditures of the Government Action Program (GAP) for universal water supply in rural areas. More particularly, with a funding of USD 220 million, the Program will support, over the 2018-2024 period, the development of drinking water supply systems for rural areas and professionalized service delivery models in selected communes having more limited access to rural water supply services.

I.2 PURPOSES AND APPROACH OF ESSA

4. ESSA reviews the environmental and social management systems of the program to assess their compliance with the provisions of the Bank's Policy on PforR. It aims to ensure that the Program does not involve high environmental and social risks and that the systems set up allow for identifying and managing any risk. ESSA especially identifies and analyzes gaps between national systems and the core principles applying to the program, and recommends actions for improvement aimed at aligning environmental and social management systems on Bank requirements.

5. Unlike conventional investment programs or projects, PforR supports a program of the government, serving especially the following objectives: (i) fund the specific program expenditures of the borrower; (ii) link fund disbursement to the achievement of specific results; (iii) use, and, in this case, reinforce the systems to ensure that the funds are used properly, giving due consideration to the environmental and social impact of the program; and (iv) build the institutional capacities allowing for achieving the expected results.

6. The preparation of a PforR requires an assessment of the environmental and social system applicable to the program, to ensure that the systems set up allow for properly identifying and mitigating any risk, including those relating to report preparation and the verification and disclosure of information relating to the potential environmental and social effects of the activities funded as part of the program. The assessment of environmental and social systems must especially aim to: (i) promote the environmental and social sustainability of a program; (ii) avoid, reduce, or mitigate any negative environmental and social impact; and (iii) support informed and participatory decision-making.

7. The World Bank policy for PforR funding describes the basic environmental and social management principles that need to be complied with in ESSA. The Program assesses the consistency of its systems against: (i) the systems defined by some legislation, regulations, procedures, etc. ("*the system as defined*"); and (ii) the capacity of Program institutions to effectively implement the systems ("*the system as practically implemented*"). It identifies and analyzes the gaps between national systems and the core principles applying to the Program on the two abovementioned levels. It should be underscored that owing to the nature of programmatic interventions, ESSA focuses on the system as such, by providing only indications on the type, nature, and characteristics of the activities set up as part of the Program.

8. The core principles that need to be complied with in *the assessment of the environmental and social systems* are as follows:

- ▶ promote environmental and social sustainability in the program design;
- ▶ avoid, minimize, or mitigate negative impacts, and promote informed decision-making on the environmental and social impacts of the program;
- ▶ avoid, minimize, or mitigate any negative impact on tangible cultural resources arising from the program;
- ▶ protect public and workers safety, especially from potential risks associated with: (i) facility construction and/or operations as part of the program; (ii) exposition to toxic chemicals, hazardous wastes, air pollution, and sound pollution as part of the program; and (iii) reconstruction or rehabilitation of infrastructures located in the urban perimeter;
- ▶ manage any private land acquisition and loss of access to economic assets and public services in a way that avoids or reduces physical and economic relocations, and help affected people improve, or, at minimum, restore their livelihoods and standard of living;
- ▶ consider the cultural relevance and fair access to program benefits by granting special attention to rights and interests and the needs and concerns of all social categories, including vulnerable groups;
- ▶ contribute to the prevention, reduction, or even elimination of social conflicts.

9. As such, the program approach excludes any activity that involves significant risks of environmental and social impacts and any investment that would normally belong to Category A will be excluded, i.e. investments requiring a comprehensive Environmental and Social Impact Assessment (ESIA) as per Beninese procedures, posing a potential significant environmental and social risk and diverse, varied, irreversible, and unprecedented negative impacts.

10. ESSA aims to identify the strengths and weaknesses of the environmental and social system applicable to the program to identify the actions that need to be taken to improve its performances. Specific actions to remedy to or fill the identified weaknesses or gaps are also proposed under a consistent Program Action Plan to improve current practices and procedures to increase their compliance with Bank mechanisms, especially as part of the preparation of the annex of the Program Manual of Procedures relating to environmental and social safeguard aspects.

I.3 METHODOLOGY

11. ESSA reviews the environmental and social management systems of the Country that apply to the program to assess their compliance with the provisions of the Bank's Policy on PforR. It aims to ensure that the latter does not involve significant environmental and social

risks and that the systems set up allow for identifying and managing any risk. ESSA especially identifies and analyzes gaps between national systems and the core principles applying to the program, and recommends actions for improvement aimed at aligning environmental and social management systems on Bank requirements.

12. Unlike conventional investment programs or projects, PforR supports a program of the government, with the aim of achieving the following objectives: (i) fund the specific program expenditures of the borrower; (ii) link fund disbursement to the achievement of specific results; (iii) use and, in this case, reinforce the systems to ensure that the funds are used properly, giving due consideration to the environmental and social impact of the program; and (iv) build the institutional capacities allowing for achieving the expected results.

13. The preparation of ESSA and development of measures aimed at reinforcing environmental and social management systems benefitted from various pieces of information and a consultation process with institutional actors, including:

- ▶ The review of documents and data available on national environmental and social procedures and matching regulatory frameworks, analysis of the environmental and social safeguard capacities institutions involved in the Program; and World Bank documentation on PforRs and ESSAs;
- ▶ Interviews and working meetings with representatives of State and non-State institutions involved in the Program and key stakeholders;
- ▶ Consultation meetings to further clarify the results expected from ESSA, identify Program environmental and social challenges, assess needs in technical assistance and capacity building to improve environmental and social management systems, develop better understanding of procedures, standards, and the approach to be adopted with the technical staff of the relevant ministerial departments;
- ▶ Meetings to provide a restitution on the preliminary document were held in December 2017 and February 2018 with the participation of communes, ACEPs, DDCVDD, and civil society organizations. The results of these meetings were documented in the paper attached to the present ESSA (with the full list of participants) (See Annex 9).
- ▶ A Public Consultation Workshop will be held on April 3rd 2018 [*date to be confirmed*], involving Communes, ACEPs, development partners, civil society organizations, and the private sector. Observations from the workshop will be incorporated to the final version of ESSA (with a full list of participants).
- ▶ The ESSA report will be publicly disseminated in the country and through the external website of the Bank. Public comments will be requested during the set period.

14. To adequately manage inherent risks and promote sustainable development, ESSA focuses on the ***six Core Principles of the Bank's Policy***, namely: (i) General Principles of Environmental and Social Assessment; (ii) Natural habitats and physical Cultural Resources; (iii) Public and worker Safety; (iv) Land acquisition; (v) Indigenous people and Vulnerable groups; and (vi) Social conflict.

SECTION II. PROGRAM DESCRIPTION

II.1 BACKGROUND

15. Benin has a population of 10.8 million residents, 45 percent of which live in urban areas and 55 percent in rural areas.

16. In rural areas, the population accesses drinking water through VWS systems and manual pumps. Only 30 percent of the rural population has access to running water and 41 percent to improved water sources through manual pumps. In urban areas, 57 percent of the population has access to running water.

II.2 KEY PROGRAM CHARACTERISTICS

17. The Program will support the implementation of the *National Strategy for Rural Water Supply 2017-2030* adopted in May 2017 and the associated *National Master Plan for the Development of the Rural Water Supply Sector* (PPDAEPMR). The Program will contribute to funding improved access to 1.6 million people, or close to 30 percent of the overall national target to reach universal coverage by 2021. The prioritization of the Program's interventions will seek to redress substantial disparities in rural water service coverage across the country's departments. It will support the core intervention included in the PPDAEPMR, which consists of extending existing and constructing new piped waters supply systems in rural areas and to provide greater access through household connections, in line with the Sustainable Development Goals' targets.

18. The Program's focus on the rural sector will benefit a substantial portion of Benin's population (estimated at 70 percent of Benin's population by 2021), which also tends to be the poorest with limited economic development opportunities. Important disparities between urban and rural poverty persist and have tended to increase, with poverty rates estimated at 35.8 percent and 43.6 percent respectively.

19. ***PforR Program financing.*** The Program has an estimated total cost of US\$240 million. The World Bank will provide the majority of financing (US\$220 million) whereas the GoB will provide US\$20 million from its own resources. The total budget represents 42 percent of the total estimated financial needs to implement the PPDAEPMR.

20. **Program Development Objective (PDO).** The proposed PDO is to increase access to water supply service and to strengthen service delivery arrangements in selected rural areas.

21. ***Result Area 1 - Increase access to water supply services.*** Under this Result Area, the Program will support investments in piped rural water supply systems to rapidly expand access (at a pace not previously experienced in the country). This will be supported through:

1.1. Construction of new water supply systems, including (i) the construction of production, pumping, treatment and storage infrastructure, distribution networks, standpipes, household connections, (ii) associated studies and works supervision. It is estimated that the Program will finance the construction of 270 new water supply systems.

1.2. Rehabilitation and expansion of existing water supply systems, including (i) the rehabilitation and/or expansion of production, pumping, treatment and storage infrastructure, distribution networks, and the construction of new standpipes and household connections, (ii) associated studies and works supervision. It is estimated that the Program will finance the rehabilitation and/or expansion of 360 existing water supply systems. The

responsibility for the operation of existing water supply systems in defined regional areas will be progressively transferred to the regional operators..

22. **Results Area 2: Strengthen service delivery arrangements.** Under this Result Area, the Program will strengthen service delivery arrangements of the rural water supply sector through:

2.1. *Establishment of performance-based contracts with regional operators*, including (i) preparation of a Framework Partnership Agreement (FPA) between the Government and municipalities; (ii) technical assistance for the preparation of the bidding documents and bidding process for the recruitment of regional operators; (iii) preparation of a Planning Contract between the Government and the ANAEPMR defining their multi-year commitments and obligations for the achievement of the development objectives of the rural water supply sector; (iv) definition of a tariff policy that will apply to the regional operators' performance-based; (v) definition and implementation of regulatory arrangements by the DG-Eau; and (vi) a communication campaign among the Program's stakeholders to prepare and accompany the implementation of the above activities.

2.2. *Training to rural water supply professionals*, including (i) strengthening of SONEB's existing training center (CFME – *Centre de Formation aux Métiers de l'Eau*; (ii) development of a specific curriculum to train local rural water supply professionals (training activities will aim at promoting the participation of women in the provision of rural water supply services).

2.3. *Capacity-building of the ANAEPMR and overall sector institutional strengthening*, including the capacity-building of the ANAEPMR to fully discharge its functions of asset-holding company for rural water supply services.

23. **Expected results and beneficiaries.** It is expected that the Program will finance the construction of 270 new water supply systems and the rehabilitation and/or expansion of 360 existing water supply systems. This will include the construction of approximately 34,500 household connections and 3,300 standpipes providing access to a total of 1,660,000 on the basis of a household connection providing access to 24 people and a standpipe providing access to 250 people.

Institutional implementation arrangements.

24. The ANAEPMR will be in charge of implementing the Program. In that respect, the ANAEPMR will execute the Program's activities, will be responsible for its environmental and social management, M&E, requesting result-based disbursements and consolidating Program's financial reports.

II.3 ENVIRONMENTAL AND SOCIAL EFFECTS OF THE PROGRAM

25. **Overall impacts of the Program.** The activities planned under the Program will mainly pertain to the following aspects:

- ▶ Construction of new systems of access to drinking water;
- ▶ Rehabilitation of existing systems of access to drinking water;
- ▶ Extension of existing drinking water supply systems/infrastructures.

26. Program activities will have **major positive impacts** both on the environment and population (access to drinking water, less hardship in drinking water supply and time savings for women, reduction of waterborne diseases, improvement of living conditions, poverty

control, and reduction of unemployment). These positive effects are numerous and should be maintained over the long term.

27. ***The negative environmental and social impacts*** of the investments will generally be ***limited, of low to moderate extent, reversible, and easy to control and manage***. The associated risks are deemed moderate to low. They will be rather easy to identify in advance, prevent, and minimize with good simple practices and effective mitigation measures.

28. Environmental and social screening of the different sub-projects that will receive funding will allow for identifying both the extent of any negative impact and required planning tools, as well as the required control and monitoring systems (through simple and effective screening). However, the largest part of these sub-projects eligible to the funding will probably involve lifting structures.

29. Considering the abovementioned, this ESA has been prepared in accordance with the six principles described under paragraph 8 of the World Bank Policy on PforR funding, with the aim of managing program risks and promoting sustainable development. These principles are:

- ▶ ***Core Principle 1 - Environment:*** Promote environmental and social sustainability in program design, avoid, minimize, or mitigate adverse impacts, promote evidence-based decision-making regarding program environmental and social impacts.
- ▶ ***Core Principle 2 - Natural habitats and cultural resources:*** Avoid, minimize or mitigate adverse impacts on natural habitats and cultural resources resulting from the program.
- ▶ ***Core Principle 3 - Public and workers safety:*** Protect public and workers safety, namely against potential risks associated with: (i) construction and/or infrastructure works or other works depending on the program; (ii) exposition to toxic chemicals, hazardous wastes and other hazardous materials dependent on the program; (iii) reconstruction or rehabilitation of infrastructures located in areas subject to natural hazards.
- ▶ ***Core Principle 4 - Land acquisition:*** Manage land acquisition and loss of access to natural resources in a way that avoids or minimizes resettlements and assist affected people by promoting, or at least restoring, their livelihoods and living conditions.
- ▶ ***Core Principle 5 - Vulnerable groups:*** Grant special attention to cultural relevance, to fair access to program benefits, and to the rights and interests and needs and concerns of vulnerable groups. Vulnerable groups will include women and disabled people.
- ▶ ***Core Principle 6 - Social conflict:*** Avoid exacerbating social conflicts, especially in fragile States, post-conflict areas, or contested territorial areas.

II.3.1 ENVIRONMENTAL EFFECTS OF THE PROGRAM

30. The Program will have ***limited environmental and social impacts***. This is mainly due to the following aspects:

- the ruling out of any investment involving major environmental risks (i.e. World Bank Class A projects), by the very nature of a PforR;

- the type and nature of the planned developments and infrastructure (small, well-located, limited geographical scope with excavation works limited in terms of surface area);
- the nature of the activities planned, based on the findings of prior diagnostic studies, taking into account specific social, economic and environmental parameters;
- works and development operations that should not generate major air or noise pollution, significant degradation of the urban environment or destruction or reduction of green spaces;
- the feasibility, effectiveness and relevance of the activities planned, based on the results of prior diagnostic studies in the sector;
- the existence of various controllable and effective measures to mitigate potential risks and ensure impact monitoring, both during the construction phase and during the operation of structures established;
- the existence of institutions with the ability to manage most of the Program's environmental and social aspects;
- the existence of an appropriate institutional and legal framework to effectively address all aspects of the Program's environmental and social management (ESM).

Positive environmental impacts

31. Undoubtedly, Program investments will have a positive environmental impact - both directly and indirectly, and temporary and permanent. Indeed, the Program will contribute, among other things, to:

- ▶ substantially improving rural populations' access to drinking water;
- ▶ reducing the frequency and incidence of waterborne diseases;
- ▶ improving the quality of life and living environment of rural populations;
- ▶ establishing regular interactions between the population and people in charge of the developments that may induce the latter to better honor their commitments, including when it comes to implementation times and the quality of the projected infrastructures, as well as cost control;
- ▶ promoting the social and economic development of rural areas in Benin;
- ▶ reducing poverty and unemployment;
- ▶ improving the institutional capacities of the actors involved in DWS service provision in rural areas;
- ▶ improving hygiene and health conditions;
- ▶ changing the populations' behaviors regarding the use of collective equipment;
- ▶ creating jobs;
- ▶ improving income generation opportunities for local communities;
- ▶ creating temporary income and subsequently improving incomes for employees;
- ▶ promoting the sustainability of the different investments by professionalizing the management of WSS, while concurrently sensitizing beneficiaries on paying the service provided by the operators.

Negative environmental impacts during the preparation phase

32. During the preparation phase, the main risk is neglect in the preparation of tender documents on environmental and social aspects and their lack of consideration when developing technical studies and/or preparation of unsatisfactory environmental and social studies. Failure to rigorously review other technical options for project design and consider aspects relating to

public information and participation in a culturally appropriate and socially acceptable manner could aggravate this risk.

33. Additionally, the structural interventions contemplated as part of the Program should not raise special risks regarding public and worker safety. Safeguards against these risks will be ensured in compliance with applicable national and international rules. The measures for mitigating these risks will mainly involve: (i) public and stakeholder consultation during site selection, and preparation and validation of studies; (ii) quality control and implementation of environmental and social study validation procedures and their dissemination; and (iii) construction site supervision by environmental and social experts.

34. The key mitigation measures recommended during this phase will mainly consist in screening all sub-projects according to agreed parameters, such as drawing up an activity impact assessment sheet before conducting them and integrating a section on compliance with environmental and social and construction site security clauses in the Specifications of calls for tender.

Negative environmental impacts during the works

35. The *works phase* will involve the opening of construction sites that may generate solid waste (bags of cement and other types of packaging, waste materials from drinking water networks, domestic wastes of the workers, etc.), nuisances associated with vehicles and equipment (dust, noise, emissions and accidental spillages of hydrocarbons and used oil), or involve negative effects (uprooting of trees, reduction of green spaces, etc.).

36. Although not permanent (since they will cease with the closure of the sites), these impacts may have lasting effects (especially solid wastes and probable discharges of used oil and grease from the equipment) if environmental protection procedures are not applied at the implementation and closure of the sites. Especially:

- ▶ the construction works of new drinking water access systems and the rehabilitation and extension of existing drinking water supply systems might require deep excavation works and especially the digging of trenches to lay extension and densification mains;
- ▶ in the case of new structures, the works will include excavations for the foundation of the tanks (water towers);
- ▶ noisy machines and equipment (jackhammers, air compressors, etc.) might create noise pollution for riparian populations and workers on the sites;
- ▶ the traffic of machines and vehicles might produce relatively important air pollution (related to dust emission);
- ▶ the traffic of machines and any non-compliance with safety instructions might cause occupational accidents;
- ▶ the works (trenches for laying mains), any inappropriate storage of materials (such as cement), and the transportation and use of materials (cement, iron) are also may generate dust;
- ▶ the works executed as part of new investments might require the deployment of heavy machinery (such as drilling equipment) which could generate dust;
- ▶ site vehicles will generate GHG emissions due to exhaust gases, as well as health risks and odor nuisances, especially when the said vehicles are heavily used and poorly maintained;
- ▶ the pumping tests of the catchments to test the flow rates of the ground water catchment sources might cause water to stagnate in temporary puddles;
- ▶ the rinsing and disinfection of mains might create stagnating waters;

- ▶ construction, rehabilitation, or extension works might require diversions of the car traffic or restrictions of pedestrian traffic and access to housing, and disrupt the daily lives of the populations;
- ▶ the works might also affect some drinking water sources and contaminate groundwater, impacting water quality;
- ▶ the waters generated from the pumping tests of the boreholes might affect the groundwater;
- ▶ some works might involve the cutting or uprooting of trees and vegetation - especially excavation works in the surroundings of non-developed dirt roads, covered with grass, bushes, or trees;
- ▶ inconveniences caused by the noise and on-site dust emissions to local populations, especially the more vulnerable ones;
- ▶ accidents and safety issues, especially for the most vulnerable people (children, elderly people, women);
- ▶ potential damages to cultural heritage and local religious items.

37. The mitigation measures applying to this works phase consist in rigorously implementing the measures proposed in ESMP and regularly monitoring the enforcement of site instructions, as defined in contractor specifications, establishing any non-compliance, and identifying corrective measures, as well as monitoring their implementation.

Negative environmental impacts during the operation phase

38. The negative environmental effects of the structural investments associated with this phase might result from inadequate design, lack of upkeep and maintenance, inadequate use of structures, degradation of infrastructures, or inadequate enforcement of safety measures. They could result in malfunction or degradation of structures and generate specific negative impacts.

39. The mitigation measures recommended relate to good works site management practices. They generally consist in setting up emergency measures in case of accidental contaminations.

40. The environmental monitoring system that will support the operation phase should allow for identifying these malfunctions in real time so as to take the required corrective actions.

II.3.2 SOCIAL EFFECTS OF THE PROGRAM

41. The negative social impacts of the Program - especially those potentially associated with the acquisition of private land - will be limited in time and restricted in space as land needs under the different investments planned under the Program are relatively small. Indeed, the probability that any kind of involuntary resettlement of resident households or businesses, even temporary, will be needed, is very low. However, at this stage, social risks linked with private land acquisition cannot be excluded.

Positive social impacts

42. The activities proposed should, by their very nature, be beneficial to the beneficiary populations. The benefits include, among others:

- ▶ the improvement of the living and hygiene conditions of the populations;
- ▶ the social and economic development of rural areas in Benin;
- ▶ reduction of poverty and unemployment;
- ▶ reduction of the amount of medical costs associated with the treatment of water pollution-related illnesses;
- ▶ the implementation of strategically identified investments that meet the needs of all social categories, including the most vulnerable ones;

- ▶ reduction of the time that women traditionally spend on fetching drinking water and increase in the time dedicated to child care and leisure;
- ▶ training initiatives aiming to incorporate specific tools that will allow for stimulating the participation of women and youth to the planning process of the local jurisdictions' development;
- ▶ citizen engagement, through the reinforcement of information access mechanisms, citizen consultation, as well as grievance management, and setting up of measures aiming to establish the right to petition and monitor water service user satisfaction;
- ▶ establishment of regular interactions between the population and people in charge of the developments that may induce the latter to better honor their commitments, especially when it comes to implementation times and the quality of the projected infrastructures, as well as cost control; improvement of the performance and governance of Communes not only through the setting up of an effective local public administration that all citizens (including the most vulnerable ones), but also improvement of the responsiveness and social accountability of the local administration towards citizens;
- ▶ sensitization of citizens on local concerns that might reinforce their understanding of the operation of the institutions and encourage them to further require communes or local jurisdictions to perform their roles and responsibilities and honor their commitments, especially as regards service provision.

43. To ensure that the Program has positive social impacts, a Resettlement Action Plan (RAP) should be prepared for each structural investment sub-project that involves any physical resettlement of people, land acquisition and/or loss of access to economic assets or workplaces (even for people who do not have formal land titles). A RAP aims to assess the social impacts associated with the temporary or permanent reinstallation of people and proposing compensations for losses and support, in consultation with the affected people. The populations affected by the resettlement will fully benefit from the allowances and support measures they are entitled to, before the beginning of the works.

Social risks during the preparation phase

44. Generally speaking, the biggest social risks that may occur are linked with land acquisition or temporary land use. However, the inconveniences caused by the works, such as difficulties of access, traffic diversions, noise, vibrations, dust, etc., could result in other risks of lesser extent as they could disrupt daily activities in districts. Depending on the type, scope, and extent of the works eligible under the Program, social risks will be those typically linked with and limited to the construction phase and generally specific to the works site. Nevertheless, if the ESMP is poorly designed and implemented, it might have negative incidences on public health and safety.

45. *During the preparation phase*, the main social risk should be associated with works potentially requiring temporary or permanent use of private lands (the surface areas that may be required will be small). This impact is relatively restricted, since, as a general rule, the Program will not proceed to any expropriation or involuntary resettlement of resident households or businesses - the approach adopted consisting in using the public domain, rescreening to technical alternatives to avoid crossing private lands and encroaching on housing or businesses. In a small number of cases, private lands might be used to implement sub-projects as a result of voluntary transfer or social pressure on specific individuals to give up their space without compensation.

46. Under this Program, the rule will be to use State property and resort to technical alternatives that avoid the use or crossing of private property.

47. To avoid any private land acquisition or demolition of individual housing, the Program will always seek alternative solutions, without forcing land cession.

48. When private land acquisition or individual housing demolition cannot be avoided, acquisition procedures need to give precedence to acquisition by mutual agreement, after consultation and informed and documented consent of the cession and amount of the compensation, which will be handed over to the entitled person before any work is started.

49. While, in a few rare cases, physical relocations will be hard to avoid due to the lack of technical and/or land alternatives, the social impacts linked with land acquisition will be duly identified and analyzed, and mitigation measures will be set up. A precise screening process will first of all allow for excluding from Program funding any sub-project associated with major social impact (Category A activities requiring comprehensive ESIA according to the Benin nomenclature) which would require the resettlement of resident household or businesses and/or involuntary acquisitions of vast surface areas of land; subsequently, where the impacts are moderate, it will allow for setting up initiatives aiming to inform affected people of the compensation measures even before the launching of the works.

50. For any sub-project submitted for approval with the designated instances, it is important to have ANAEPMR safeguard specialists consistently verify beforehand that the relevant populations have been ***duly informed and consulted***, especially when the proposed structures require any form of temporary or permanent resettlement of people or land acquisition or restriction of access to resources or infrastructures or economic assets, or interruption of public services as a result of the works.

➔ Public consultations will be conducted in the appropriate language(s) by the Contractors in charge of works, taking into account the time constraints and availability of the people consulted, and where necessary, providing for separate meetings with men and women, to give all participants the possibility to voice their concerns as needed. It is also important to ensure full consultation of the most vulnerable populations to minimize the risk that Program benefits end up captured by the elite.

➔ A grievance redress mechanism should be developed to manage claims. The requirements that need to be met are (i) enable illiterate people to submit claims, (ii) not be obliged to travel out of their locality, (iii) have the possibility of referring to several bodies, and (iv) expect an answer within a known timeframe.

Negative social effects during the works

51. The works phase will involve the opening of structure construction and development sites that will have negative social effects to the extent that they might:

- ▶ require temporary access restrictions to resident households or businesses (case of investments pertaining to the reinforcement of existing structures);
- ▶ require partial or total acquisition of private land, and as a consequence, where new mains need to be laid, the expropriation for public interest and involuntary resettlements of resident households or businesses;
- ▶ generate temporary disturbances of small-scale and economic activities of people and households, causing loss of income;
- ▶ temporarily hinder resident access to their housing, trades, and other public establishments (schools, clinics, etc.);

- ▶ cause drinking water and power supply cuts and the temporary closing of public institutions (schools, clinics, hospitals) and collective infrastructures (e.g. markets, slaughterhouses, etc.);
- ▶ affect local populations, especially precarious districts;
- ▶ cause accidents and safety problems, especially for unprotected users;
- ▶ cause accidents on site or around sites - cuttings from the drillings can cause road accidents if not disposed of in timely manner;
- ▶ require temporary diversions of car traffic or restrictions of pedestrian traffic and disrupt activities - especially holds true for trench works for the laying of mains;
- ▶ contribute to increased potential violence and acts of sexual harassment against women because of the presence of site workers;
- ▶ damage cultural heritage and local religious items.

52. Moreover, considering the social risks that will occur during the works mainly, the latter will be organized consequently and alternative access roads will be set up and affected people will be duly informed. These issues will be addressed through specific clauses in the *Contractor's Requirements* and regular monitoring will be ensured by regional operators and the Commune. Considering what is said earlier and past experiences, the foreseeable social risks of the works are deemed low.

Negative social impacts during the operation phase

53. Like with environmental impacts, negative social impacts during the operation phase might be due to inadequate design, lack of sensitization of the populations, lack of upkeep and maintenance, inadequate use, degradation of infrastructures, or inadequate enforcement of safety measures.

54. The environmental monitoring system that will support the operation phase should allow for identifying these malfunctions in real time so as to take the required correctives actions. Contractors in charge of the works will be duly informed of all their social obligations and ensure regular monitoring.

II.4 MAIN RISKS AND MITIGATION MEASURES

Main environmental and social risks and mitigation measures

55. Tables 1 and 2 summarize the environmental and social risks associated with the program, their respective levels, as well as the main mitigation measures that should be considered.

Table 1 : Main environmental risks/impacts and mitigation measures

Type of risk	Assessment	Risk level	Mitigation measure
1. Calls for tender (preparation phase)	Neglect of environmental aspects	Low to moderate	Preparation of adequate Terms of Reference
2. Soil excavation or pollution	<ul style="list-style-type: none"> ▶ For the construction works of new drinking water access systems and the rehabilitation and extension of existing drinking water supply systems: risks linked with deep excavation works; digging of trenches to lay 	Moderate	<ul style="list-style-type: none"> ▶ Choice of specialized businesses ▶ Conducting prior technical studies ▶ Preparation of detailed specifications

	<p>extension and densification mains</p> <ul style="list-style-type: none"> ▶ For new structures: risks linked with the excavation of the foundations of tanks (water towers) 		
	Risk of accidental soil pollution	Low	Conducting prior geotechnical studies, where applicable
3. Water pollution	Potential pollution of groundwater and contamination of the latter (accidental spillage of hydrocarbon and lubricating oil)	Low	<ul style="list-style-type: none"> • Conducting prior technical studies • Control of risks of contamination/ infiltration of used waters from pumping and rinsing tests • Quality control of the drinking water • Equipment of the areas dedicated to hydrocarbon and lubricating oil distribution with pumps set up on impervious surfaces.
4. Poor management of drilling cuttings	Drilling and trench digging works	Moderate	<ul style="list-style-type: none"> • Appropriate management of cuttings according to established standards • Adequate storage of products and wastes (impervious stockroom) • Potential waste disposal by specialized businesses
5. GHG emissions	Exhaust gases	Low	Regular maintenance of site equipment and vehicles
6. Vegetation destruction	Some structures involve the cutting or uprooting of vegetation (trees, shrubs) and the reduction or destruction of green spaces	Low	Planting of trees to compensate for any destruction of green spaces and loss of income relating to CO ₂ sequestration capacities
7. Air quality	<ul style="list-style-type: none"> ▶ Potential impact of heavy machinery on site and vehicles ▶ Emissions of dust and exhaust gases by rolling stock 	Low	<ul style="list-style-type: none"> • Air pollution control system (compliance with the air pollution control regulations and standards governing exhaust gases from site machinery [works phase]) • Watering of sites; systematic removal of unused cuttings • Frequent maintenance of vehicles
8. Air pollution	<ul style="list-style-type: none"> ▶ Construction sites could contribute to increasing air pollution, pollution, and dust generation ▶ Increase of dust (trenches for laying mains) and inappropriate storage of materials and transportation and use of materials (cement, iron) 	Low to moderate	<ul style="list-style-type: none"> • Strict safety standards in areas in the vicinity of construction sites • Use of techniques to mitigate this risk on sites • Public sensitization and information campaigns • Watering of construction sites

9. Sound pollution	Increase of air pollutions (rolling stock, jackhammers, air compressors)	Low to moderate	<ul style="list-style-type: none"> • Setting up of regular measures for controlling sound pollution intensity • Compliance with established work hours on the construction sites •
10. Accidentology	<ul style="list-style-type: none"> ▶ Accidents on sites ▶ Road accidents due to the works 	Moderate	<ul style="list-style-type: none"> • Setting of safety rules on sites and enforcement of instructions • Public sensitization • Traffic signs • Creation of alternative routes during the works

Table 2 : Main social risks/impacts and mitigation measures

Type of impact	Assessment	Risk level	Mitigation measure
1. Involuntary resettlement: physical relocations	Some structural sub-projects may require: <ul style="list-style-type: none"> ▶ Temporary physical relocations of resident households and businesses; ▶ Temporary of access to economic assets or collective public services. 	Low to moderate	<ul style="list-style-type: none"> • Promote amicable agreements with affected people • Plan fair and equitable compensations for all people, assets, households, or businesses affected.
2. Involuntary restriction of access to assets, services, natural resources, and loss of sources of income	The infrastructure construction works might have impacts on users (formal and informal commercial and economic activities) and cause a loss of income and jobs for some socio-professional categories.	Moderate	<ul style="list-style-type: none"> • Be more open when defining the locations of the infrastructures • Restrict to minimum the involuntary resettlement of people (limit works and developments to the public domain as much as possible) • Promote amicable agreements by defining a participatory approach based on transparency • Consider as soon as alternative measures are adopted
3. Acquisition of private lands	In the case of new investments, some projects may require the acquisition of private lands	Low	Compliance with the national legislation regarding provisions on: <ul style="list-style-type: none"> • Public consultations • Amicable agreements • Expropriations for public purposes • Payment of adequate compensations to affected people
4. Reduction of incomes	Works can cause: <ul style="list-style-type: none"> ▶ Temporary disruptions of the small-scale and economic activities of people, households, and businesses. 	Low to moderate	Compliance with the national legislation regarding provisions on: <ul style="list-style-type: none"> • Public consultations • Amicable agreements • Payment of adequate compensations

	<ul style="list-style-type: none"> ▶ Economic temporary losses due to temporary restrictions of access to active assets, businesses, and economic infrastructures 		
5. Social disruptions	<p>Works can cause:</p> <ul style="list-style-type: none"> ▶ Temporary social disruptions with respect to the residents' access to their housing and/or public facilities (schools, clinics, etc.); ▶ Temporary interruptions of drinking water and power supply services during the rehabilitation of standpipes, repair/rehabilitation of a generator, connection of densification or extension mains to the network, and any pumping test; ▶ Temporary diversions of car traffic and restrictions of pedestrian traffic. 	Low to moderate	<p>Compliance with the national legislation regarding provisions on:</p> <ul style="list-style-type: none"> • Public consultations so that people may prepare themselves and have access to alternatives • Setting up of temporary alternative services
6. Noise and discomforts	During the works phase especially, noise could affect people's health, especially that of the most fragile and vulnerable ones (children, elderly people).	Low	<ul style="list-style-type: none"> • Regulations and measures on noise minimization (especially in some sensitive areas) and compliance with hours of rest • Potential construction of temporary noise barriers at specific locations (areas close to hospitals, for example)
7. Communication, consultation, information sharing, as well as management of population grievances	The people affected by the works are not consulted and do not have all the information needed on the nature of works and associated risks/impacts.	Low	<ul style="list-style-type: none"> • Public information and sensitization initiatives on Program characteristics and its impacts, by SAICs and CDQs • Resort to the channel of civil society associations and district associations and local radios to disseminate information and promote their participation in options and potential decision-making • Holding of public consultation meetings • Participation in meetings to consult representatives of civil society associations and district associations • Setting up of a request management system
8. Disabled people	The specific needs of disabled people (blind,	Moderate	<ul style="list-style-type: none"> • Holding of public consultation meetings.

	reduced mobility, etc.) might not be systematically taken into account during the works and developments.		<ul style="list-style-type: none"> • Participation in the meetings to consult representatives of civil society organizations working with disabled people • Setting up of a request management system that is straightforward and effective and offering several ways of submitting requests • Developments suited to disabled people (during the works and operation phase)
9. Accidentology	<p>The inflow of workers and equipment can cause accidents:</p> <ul style="list-style-type: none"> ▶ to the vulnerable categories of people (women, children, elderly people); ▶ to construction site workers. 	Low to moderate	<ul style="list-style-type: none"> • Definition of and compliance with precise safety rules on the sites and immediate surroundings of the sites (traffic signs, etc.) • Regular monitoring of the enforcement of site instructions as defined in the specifications, establishment of cases of non-compliance, and identification of corrective measures, as well as monitoring of their implementation
10. Violence and conflicts	The presence of foreign site workers can cause increased violence and acts of sexual harassment against women.	Low to moderate	<ul style="list-style-type: none"> ▶ Compliance of workers with safety and good conduct rules ▶ Public consultations ▶ Management of grievances at the populations' level
11. Child labor	Children under 18 might be employed on certain works	Low to moderate	<ul style="list-style-type: none"> • Compliance with the provisions of the law of Benin • Contractor control and monitoring measure
12. Affecting cultural and religious sites	The works might affect graves and other local cultural and religious sites	Low	<ul style="list-style-type: none"> ▶ Compliance with all adequate preventive measures ▶ Public consultations ▶ Seeking of alternative solutions ▶ Supporting of expenditures in case of resettlement of graves, convents, or other cultural and religious sites

II.5 OVERVIEW

56. In the light of what has been said in the previous sub-sections, it is highlighted that the Program will involve limited or moderate environmental and social impacts. This is essentially due to the fact that the *Program was designed as a PforR*, i.e. as a principle, any investment involving major environmental and social risks (namely activities classified under Category A requiring comprehensive ESIA under the Benin nomenclature) are excluded.

➔ As such, in compliance with this policy, the program *will ex officio exclude any activity that poses a substantial environmental and social risk and significant, diverse, varied, irreversible, and unprecedented negative impacts*.

57. As a consequence, any project involving the following will be considered as *ineligible*:

- ▶ the construction or rehabilitation of structures that involve social risks, namely large physical relocations of people or the acquisition of vast surface areas of private land, or the demolition of a big number of individual housing, or significant restrictions of access to economic resources;
- ▶ the construction or rehabilitation of structures that could exacerbate existing land-based social conflicts;
- ▶ structures/works that could have irreversible impact on the physical cultural resources of archaeological or historical nature or on places of worship, etc.;¹
- ▶ works with sensitive or irreversible impact on areas classed as biological or ecological interest sites.

58. Different measures that can be controlled and are effective, will allow for mitigating any risks associated with eligible sub-projects and ensuring impact monitoring, both during the works phase and the operation of the structures. These measures match those generally implemented when supervising construction sites and will be included in the specifications of awardee contractors and tools (monitoring sheets) will be used to monitor their enforcement.

59. In any case, Benin has both an appropriate legal arsenal - that allows for effectively managing all environmental and social management aspects of the Program - and specialized institutions, capable of managing most environmental and social management aspects of the Program.

60. Lastly, it is good to remind that as part of the Bank's policy on PforR, structure/works whose estimated cost could exceed some specific levels (contracts pertaining to high amounts) and would require mandatory review from the *Operations Procurement Review Committee* (OPRC) of the World Bank, are also excluded.

Regarding potential social conflicts

61. The Program does not work in a conflict-affected environment. Nevertheless, its design, especially its component on citizen engagement, precisely aims to enable citizens (including women, youth, and the most vulnerable populations) to have access to information, be consulted, and easily have access to appropriate grievance management mechanisms.

62. Additionally, the Program aims to support each participating Commune in setting up ***procedures and mechanisms for petitioning*** which citizens can use. To that end, the Program will contribute to mitigating social tensions and promoting better social cohesion.

Environmental and social management instruments

63. All sub-projects submitted for funding by the Program will have to be reviewed using ***appropriate screening instruments*** (cf. Box 1 hereafter). Environmental and social diagnostics will be conducted for each of the projects to determine the type of planning tool required according to the scale and importance of the environmental and social impacts.

¹ In cases where excavation work identifies archaeological or cultural property, regulatory preventive measures would be taken, with the involvement of the Directorate of Cultural Heritage, Ministry of Culture, Handicrafts and Tourism (in accordance with provisions contained in Articles 4, 5, 6 and 7 of the UNESCO Convention on the Protection of the World Cultural and Natural Heritage – ratified by Benin in 1982).

Box 1 : SUB-PROJECT SCREENING AND INSTRUMENTS FOR ENVIRONMENTAL AND SOCIAL MANAGEMENT

In accordance with environmental assessment procedures in Benin and the requirements of the World Bank's PforR funding policy, all sub-projects submitted under the Program will be subject to a mandatory screening or selection process, in reference to the following principles:

- a) First and foremost, using a **Screening Form** (see Annex 5), sub-projects submitted will be screened in terms of environmental and social risks and impacts levels, as well as the type of management instrument required (according to both Beninese and Bank policies).
- b) Depending on the outcomes of the screening process:
 - ▶ All subprojects whose environmental and social risks are considered to be significant **will be excluded** and the negative impacts will be considered as diverse, varied, irreversible and unprecedented (subproject not eligible under the PforR);
 - ▶ For sub-projects with **minimal or no environmental and social impact**: they are classified as Non-Subject under the Beninese procedure and as such require only a **Sub-project Data Sheet**.
 - ▶ **For sub-projects with low environmental and social impact**: according to Benin procedures, a **simplified Environmental Impact Assessment (EIA)** will be prepared, with the submission of the **Impact Notice** and an **Environmental Compliance Certificate** is to be obtained. To comply with the Bank's PforR policy, these will be completed by the preparation of a simple **Environmental and Social Information Sheet (ESIS)**.
 - ▶ **For sub-projects with a moderate and fairly moderate environmental and social impact**: Benin's provisions must imperatively be complemented by the preparation of an **Environmental and Social Management Plan (ESMP)** (see Annex 6) in accordance with all the fundamental principles of the World Bank's PforR policy, especially as regards public consultations of stakeholders, citizen engagement and complaint management.
 - ▶ **Finally, for a sub-project with a moderate impact in terms of involuntary resettlement of populations**, a **Resettlement Action Plan (RAP)** (see Annex 6) will be prepared in line with the World Bank's policy on financing of PforRs.

The specifications for contractors and regional operators (*Cahier des Charges*) in charge of implementing works will imperatively include all technical provisions and environmental and social mitigation measures provided and will specify a monitoring and control system that meets the standards in force (including safety of construction site workers and local communities).

All EIAs and RAPs prepared for moderate risk subprojects will **require appropriate public disclosure**.

Local beneficiaries will be informed of the commitments included in these instruments and will have access to a **grievance redress mechanism** in the event of non-compliance with the commitments. Each beneficiary commune supported by the ACEP will ensure the implementation of this mechanism, as part of a more comprehensive monitoring, evaluation and control system.

II.6 PREVIOUS EXPERIENCES OF INSTITUTIONS INVOLVED IN THE PROGRAM

64. The program will be implemented by ANAEPMR, an autonomous government agency which already has an internal audit facility and has already set up an adequate financial management system.

65. ANAEPMR is in the process of building its capacities through the implementation of the Project for Drinking Water Supply in Rural Areas and Urban Wastewater Sanitation (PEPRAU) funded by the World Bank.

66. To date, the other institutions involved in the program (DGEC/MCVDD, ABE, ANDF, communes) have no experience in PforR programs - no program similar to this type of financial tool is being developed in Benin.

- ▶ Nevertheless, ABE has proven experience in environmental and social safeguards, as part of other World Bank operations. However, it does not have enough human and financial resources to fully take on its role (cf. Annex 1).
- ▶ As for ANDF, it has moderate capacity in RAP implementation. It already has experiences in conducting expropriation and involuntary resettlement operations for public projects such as the construction of the Glo Djigbe airport, the deep water construction of Seme-Podji, and the construction of the thermal power plant of Maria Gleta.
- ▶ Communes do not all have the same level of experiences in project management and public project support/monitoring. Nevertheless, a large number of them have garnered experience in environmental and social monitoring through various programs/projects funded by technical and financial partners, especially in the field of drinking water supply (cf. Annex 1).

SECTION III. DESCRIPTION OF THE ENVIRONMENTAL AND SOCIAL SYSTEM

III.1 ENVIRONMENTAL SYSTEM

67. In Benin, environmental protection is one of the priority focuses of policies designed for achieving sustainable development objectives. Several legal and regulatory texts have been adopted to this end.

National legal framework for environmental management

68. Following the 1990 National Conference, which marked the return to pluralistic democracy and market economy, a clear direction for environmental management was adopted as evidenced by:

- ▶ the inclusion of the principle of environmental protection and management in the constitutional law;
- ▶ the institutionalization of a Ministry of Environment (since 1990) and its technical structures, including the Benin Environmental Agency (1995);
- ▶ the adoption of the Environmental Framework Law (1992);
- ▶ the adoption of the Environmental Action Plan (1993);
- ▶ the adoption of the National Agenda 21 (1997).

69. The *Environmental Action Plan* (EAP) has been the framework document for environmental management in the Republic of Benin. It comprises seven sub-programs planned over an initial timeframe 15 years and whose overall objectives relate to: (i) strengthening national capacities; (ii) conservation and sustainable use of biological diversity and natural resources; (iii) improvement of the living environment of both rural and urban communities; and (iv) improved decision-making and good governance as regards the environment. The EAP was revised in 2001 after five years of implementation. The different objectives of the EAP remain the environmental benchmarks for any sectoral policy, program or environmental support program at the national and local levels.

70. In addition, the *Paper on Growth Strategy for Poverty Reduction* (GSPR) and the *Government Action Program* (GAP) incorporate all the specific objectives of the *National Environmental Management Program* (NEMP), thus demonstrating Benin's political will to consider the environment as one of the key pillars of sustainable development. This will is further strongly demonstrated through the country's commitment to the *Millennium Development Goals* (MDGs), whose first national report was published in July 2001 to better target and guide national investments. Finally, the share of the environment in the Government's budget has increased significantly in recent years.

71. Several other actions complement the political efforts mentioned above and bind all parties to address environment in development actions, including, *inter alia*:

- ▶ the adoption of the National Biodiversity Management Strategy and its Action Plan;
- ▶ the adoption of the National Action Plan to Combat Desertification (PANLCD);
- ▶ the adoption of the National Strategy to Combat Atmospheric Pollution;
- ▶ the preparation of the Integrated Water Resources Management (IWRM) strategy;

- the development of the National Wetland Management Strategy;
- the development of a National Pollution Control Plan (PNLPo).

72. Thus, overall, the environment and natural resources sector remains important and crucial in Benin's investment priorities.

National legal framework

73. The *Constitution of December 11, 1990* stipulates in Article 27 that: “Everyone has the right to a healthy, satisfying and sustainable environment and has the duty to defend such an environment. The State ensures the protection of the environment”. Other Articles of the Constitution criminalize environmental offenses as crimes of high treason for which the President of the Republic is liable.

74. Benin has an important legal arsenal for environmental management (see Annex 2). Among the legislative texts, the most relevant are the following:

- *Act # 030-98 dated February 12, 1999* on the environmental framework in the Republic of Benin includes provisions relating to the clarification of concepts, penalties, protection and enhancement of receiving environments, protection and enhancement of the natural and human environments, pollution and nuisances, impact assessments, public hearings on environmental issues, emergency plans and incentives. This act serves as the basic text of the national environmental policy, covering all aspects from the identification of sources of pollution to their control and repression, to the various forms of environmental assessments: Strategic Environmental Assessment (EES); Environmental Impact Assessment (EIA); Environmental Audit (EA); and Environmental Inspection (IE).
- *Act # 87-015 dated September 21, 1987* on the public hygiene code of the Republic of Benin sets the law on housing, noise, water, pollution of the natural environment, industrial facilities, beaches, classified establishments, and animal health.
- *Act # 2010-44 dated October 21, 2010* on water management in the Republic of Benin advocates for Integrated Water Resources Management (IWRM) as a core principle for water management in Benin.
- *Decree # 2001-096 dated February 20, 2001* on the authority, organization and functioning of the environmental police aims to ensure the enforcement of environmental legislation and to allow for searching, establishing and punishing infringements to this legislation.
- *Decree # 97-624 dated December 31, 1997* on the structure, composition and operation of animal health department.
- *Act # 2002-016 dated October 18, 2004* on the law applicable to fauna in the Republic of Benin: it lays down provisions on rational and participatory management of wildlife and its habitats, the creation and management of protected areas, the protection of endangered, vulnerable or endemic species, and finally offenses and penalties.
- *Act # .93-009 dated July 2, 1993* on the law applicable to forest in the Republic of Benin: it lays down the provisions on “the management, protection, exploitation of forest, trade and industry of forest and related products”. The Forest Code defines the different types of forest regime (State-owned, private, community, classified), their management, as well as wildlife reserves, addresses hunting issues, and provides for the repression of offenses related to

poaching and irrational logging. Article 11 contains one of the provisions favorable to the Project stating that “[...] forests necessary [...] for the preservation of sites and the conservation of nature” may be classified.”

75. These constitutional provisions are reinforced by international commitments that Benin has committed to through the ratification of almost all international environmental conventions and agreements.² (see Annex 3)

Other relevant policies

Decentralization

76. Decentralization has become effective in Benin since March 2003. It now gives the local level very broad responsibilities in terms of environmental management and land use planning. Specifically, *Act #97-029 dated January 15, 1999* on the organization of communes in Benin states that communes have authority to rule in the areas of sanitation, waste management, environmental management and natural resources in particular. The commune is the level where all national strategies for the protection of the environment and natural resources in their respective territories must be implemented. In addition, “*communes shall develop and adopt their development plans. They shall ensure their implementation in line with national guidelines to ensure the best living conditions for the entire population.*” In this context, communes are to develop the planning documents required, including:

- ▶ the municipal development master plan;
- ▶ the economic and social development plan;
- ▶ urban development plans in agglomerated areas;
- ▶ rules on land use;
- ▶ urban development and subdivision detail plans.

Fight against poverty

77. According to the Paper on Growth Strategy for Poverty Reduction (2011-2015), in Benin, more than one person out three (35.21%) live below the subsistence level and one person out of three (30.8%) still suffers many deprivations in terms of living conditions and wealth.

78. An analysis of these different forms of poverty, with a rural/urban disaggregation, shows that poverty is more prevalent in rural areas. The analysis of the factors that account for the persistence of poverty and the entry into and the exit from poverty shows the importance of the level of education, the sector of activity, access to credit, basic infrastructure, and initial income as factors that contribute to the reduction of and exit from poverty. On the other hand, the large size of the household (8 persons or more) appears to be a very limiting factor in reducing and exiting poverty.

79. In this regard, the Government intends to implement policies of accelerated economic growth and redistribution that are expected to result in significant reduction of poverty and to give impetus to Benin's progress towards the achievement of the Millennium Development Goals (MDGs), namely through:

- ▶ promotion of the local economy with a view to reducing poverty in rural areas;

² Among these conventions are the following: African Convention on the Conservation of Nature and Natural Resources (1998); United Nations Framework Convention on Climate Change (1994); Convention on the Protection of the World Cultural and Natural Heritage (1982); Stockholm Convention on Persistent Organic Pollutants (POPs) (2001); etc. See Appendix 2.

- ▶ control of population growth, based on the understanding of the strong correlation between poverty and the large size of households;
- ▶ reduction of gender inequalities;
- ▶ strengthening of social protection, especially for the elderly;
- ▶ strengthening of basic infrastructure; and
- ▶ strengthening of the microcredit policy in order to allow access to credit for the poor, especially women.

Competences of the Commune

80. Act 97-029 dated January 15, 1999 on the organization of communes in Benin gives authority to communes in the fields of sanitation, waste management, environmental and natural resources management in particular. The commune is the level where all national strategies for the protection of the environment and natural resources in their respective territories are to be implemented.

81. In addition, Communes are to draft and adopt their development plans. They ensures its implementation in line with national guidelines to ensure the best living conditions for the entire population. In this context,

- Communes are to develop the planning documents required, including:
 - ▶ the municipal development master plan;
 - ▶ the economic and social development plan;
 - ▶ urban development plans in agglomerated areas;
 - ▶ rules on land use;
 - ▶ urban development and subdivision detail plans.
- They issues occupancy permits and building permits;
- They ensure ongoing control of compliance of works implemented and contributions with the regulation in force.

82. Therefore, the enforcement of environmental regulations, negotiations for possible compensation, monitoring the quality of water supplied to communities, etc. involve the mayors of communes where such actions are located.

Inter-commune organization

83. Act # 2009-17 dated August 13, 2009 on inter-commune organization in the Republic opens the way for concerted management between several communes with a view to pooling resources and improving efficiency in areas where this provision is applicable. In our case, inter-commune organization is key to the management of sanitation and land use planning.

Legal framework for environmental assessment in Benin

84. Two key provisions of the environmental framework law in the Republic of Benin make environmental impact assessments mandatory in Benin:

- ➔ “No one shall undertake any development, operation, facility, plan, project and program or construction of works without following *the environmental impact assessment procedure* when the latter is required by law and regulations” (Article 88). As per this Article, *strategic environmental assessment* (SEA) and *environmental impact assessment* (EIA) are mandatory.
- ➔ “Anyone who intends to undertake any of the activities referred to in section 88 shall file a written notice with the Minister requesting the issuance of an

environmental compliance certificate and describing the general nature of the activity. This environmental compliance certificate forms part of the exhibits to be submitted to the supervisory authority for the final decision on moving forward with the proposed activity” (Article 89).

85. Another provision of the same Act sets out the penalty applicable in case of infringement of the environmental impact assessment process: “Is punishable by a fine of five million (5,000,000) to twenty-five million (25,000,000) francs and one (1) to three (3) years' imprisonment, or either of these penalties only, anyone convicted of falsifying the findings of an impact assessment or altering the parameters for carrying out an impact assessment. The use of the falsified or altered findings of an impact assessment referred to in the previous paragraph is punishable by the same penalties.” (Art.122).

86. Decree # 2017-332 dated July 7, 2017 addresses the organization of the environmental assessment procedure in Benin. The Decree clarifies responsibilities and sets the administrative procedure for the issuance of the Environmental Compliance Certificate (ECC) by the Minister of Environment. According to the provisions of this Decree, there are two types of environmental impact assessments in Benin, namely: the *in-depth environmental impact assessment* (applicable to major projects whose potential impacts are considered as large scale or medium-size projects to be conducted in sensitive ecosystems) and the *simplified environmental impact assessment* (applicable to individualized micro-projects and medium size projects that are not located in a sensitive ecosystem and to specific activities).

87. Finally, all very small size environmental and social projects that are not set up in a sensitive environment **are not** subject to the impact assessment procedure.

88. A series of related decrees that have their own usefulness but also supplement the EIA decree have already been adopted and are being gradually operationalized:

- ▶ Decree # 2001-110 establishing standards for air quality in the Republic of Benin;
- ▶ Decree # 2001-109 establishing quality standards for wastewater in the Republic of Benin;
- ▶ Decree # 2001-094 establishing standards for drinking water quality in the Republic of Benin;
- ▶ Decree # 2001-095 dated February 20, 2001 establishing environmental units in sectoral ministerial departments, prefectures and communes in the Republic of Benin;
- ▶ Decree # 91-13 dated January 24, 1991 regulating the importation of products hazardous for human health and State security;
- ▶ Decree # 92-258 dated September 18, 1992 laying down detailed rules for the application of Act # 91-004 dated February 11, 1991.

SEA stakeholders

89. The main institutional stakeholders involved in environmental and social management are shown in Table 3 in the Appendix.

III.2 SOCIAL MANAGEMENT SYSTEM

III.2.1 National legal framework

90. The legal and regulatory context relates to land legislation (land laws and regulations, land status), public participation in Benin, and land acquisition, resettlement and land restructuring mechanisms. Other social aspects such as social protection of the vulnerable, labor management, child work, and abuse on communities living in works implementation sites will also be considered.

91. Land tenure in Benin is based on the following main legal texts:

- ▶ the Constitution of the Republic of Benin;
- ▶ Act # 2017-15 amending and supplementing Act # 2013-01 dated August 14, 2013 on the State property and land tenure code in the Republic of Benin and its implementing decrees;
- ▶ the Civil Code.

92. ***Foundations of Benin's land tenure system.*** Land tenure in the Republic of Benin is characterized by the confirmation of land rights. This system governs all rural, periurban and urban land and is based on a joint land rights confirmation procedure that results in the issuance of a land title (new Article 4, Act # 2017-15 amending and supplementing Act # 2013-01 dated August 14, 2013 on the State property and land tenure code in the Republic of Benin).

93. The land rights confirmation process focuses on:

- ▶ in urban and periurban areas: confirmation of rights based on land ownership presumption documents or on a final court decision;
- ▶ in rural areas: confirmation of rights on land ownership presumption documents, a register of claimants of the rural land plan or a final court decision.

94. The documents of presumption of ownership provided for in the State Property and Land Tenure Code (CFD) are the following:

- ▶ certificate of customary ownership;
- ▶ certificate of resettlement;
- ▶ tax notice for the last three years;
- ▶ certificate of registration ;
- ▶ administrative certificate; and
- ▶ rural land certificate.

95. The State and local authorities are guarantors of public interest. Men and women have equal access to land (Articles 5 and 6 of the CFD).

Scope of the CFD

96. The provisions of the CFD apply to:

- ▶ public and private property of the State and local authorities;
- ▶ real estate of private individuals; and
- ▶ the organization and operation of land tenure, and State-owned land in the Republic of Benin (art. 3 of CFD).

97. The real property of the State and local authorities includes the public and private property of the State, and the public and private property of local authorities. It is made up of

all land and real estate assets of the State that is classified or delimited, whether assigned for public use or not. It includes the natural public property and the artificial public property.

98. Article 264 stipulates that navigable and floatable watercourses, non-navigable, non-floatable water sources and rivers, lakes, ponds and lagoons, groundwater irrespective of their origin, nature and depth are part of the State property, in line with some provisions of the Water Code.

99. Indeed, Act # 2010-44 on water management in the Republic of Benin, especially Articles 1 to 4 refers to this. Article 4 stipulates that: “The provisions of this Act shall apply to developments, structures, facilities and activities carried out by any natural or legal person, whether public or private, in inland waters, including transitional waters, and entailing as the case may be: - withdrawal of water, whether returned or not; - modification of flows; - temporary or permanent occupation of the public water domain or its exploitation for economic purposes; - direct or indirect, chronic or episodic spills, discharges or deposits, even if they are non-polluting; - risks related to the presence or proximity of water and likely to affect people or property.

100. The facilities, structures, installations and activities referred to above, carried out in the context of projects receiving specific funding, in particular in cooperation with one or more foreign States, an international organization or a non-governmental organization, are also subject to the provisions of this Act.”

III.2.2 National land management system

101. The National Agency for State Property and Land Tenure (ANDF) manages the State’s private property and the State and is also in charge of conducting expropriation process for public purpose projects of national scope in connection with the relevant ministerial department(s). In this case, the communes where the project is to be implemented support the Agency in its activities.

102. For projects that are not of national scope, the relevant ministry in conjunction with the territorially competent communes manages the expropriation process. To this end, each commune has a land rights confirmation office and a rural land plan.

Legislation on expropriation for public purposes

103. The main reference as regards land and State property in the Republic of Benin is Act # 2017-15 amending and supplementing Act #2013-01 dated August 14, 2013 on land tenure and State property in the Republic of Benin. It repeals all previous texts and provisions.

104. While Article 42 of the CFD stipulates that the right of ownership is characterized by the fact that it “confers on its holder the use, the enjoyment and the free disposal of the goods subject to such right, in the most absolute way, provided that the holder does not make use of such right that is prohibited by the laws and regulation”, Article 43 rules on the conditions for infringement of this right: “No one may be deprived of his/her property except in the public interest and against fair and prior compensation”, which confirms Article 22 of the December 1990 Constitution.

Expropriation of private property

105. When the State has to infringe the right to private ownership (whether of natural or legal persons), the process of Expropriation for Public Purpose (EPP) is triggered. Title IV of the CFD addresses infringements of the right of ownership: “The infringement of the right of

ownership shall take place by seizure of real estate, by any other legal way and when required in the public interest” (Article 205 CFD). Article 210 specifies that this infringement may consist of a limitation of ownership for the purpose of urban or rural development and the enactment of right-of-ways for public purposes. The CFD grants communes the right to exercise infringement of the ownership right, provided they comply with the CFD provisions in Section I, Chapter II, Title IV (expropriation for public purposes).

106. In the ordinary procedure, for operations of national or regional scope, the EPP is triggered as the case may be by the President of the Republic or the competent regional authority that may delegate its authority to a Minister. For local operations, the declaration of public purpose falls to the commune.

107. The President of the Republic may also submit the declaration of public purpose to the National Assembly under an emergency procedure. Thus, the public purpose declaration deed may be an act, a decree or an order according depending on who takes it (the President of the Republic, a Minister, a regional authority or a Mayor). From the publication of the public purpose declaration, the deadline for completing the expropriation process may not exceed twelve (12) months in the ordinary procedure.

Removal and compensation of private property

108. As soon as a declaration of Expropriation for Public Purpose is published, a committee whose composition is set by a decree by the Council of Ministers conducts an on-site survey, called *commodo and incommodo* procedure (or public notice). The resulting report provides information on (i) the parcels of land and all real estate rights to be expropriated, (ii) their owners and any persons eligible for compensation, (iii) a tentative overall mapping of properties. From the time this deed is performed, no building can be built, no perennial planting or improvement can be made on the lands located in the area covered by the deed.

109. The report is then published and filed. The next steps involve the issuance of a transferability deed (order or decree), the publication of the deed in the Official Gazette, assessment of expropriation compensation by a committee assisted by a chartered land surveyor (“compensation shall cover all direct, material and certain damages caused by expropriation”, Article 234 of the CFD) as well as the value of the real estate that may be subject to the capital gain, the submission of the evaluation findings to the municipal council or to the Minister of finance, the drafting of minutes on the agreement or disagreement over the compensation, and taking over of the expropriated property. Disagreement over the compensation to be paid does not stop the proceedings. It only puts an end to the mutual agreement procedure and triggers the judicial procedure.

Disposal of the State and communes’ property

110. According to the provisions of the CFD on the management of State property, lands and immovable property in the State’s private property may be assigned to a legal person under public law (Article 299).

111. The disposal of property by communes is subject to the conditions provided by the regulations applicable to the same operations carried out by the State (Article 293 of the CFD).

Legislation concerning child labor

112. The main provisions concerning child labor are contained in *Act # 2015-08 dated January 23, 2015* on the Child Code³ in the Republic of Benin, including the following:

- ▶ Article 210 prohibits the exploitation of children and protects them against all forms of economic exploitation or abuse for economic purposes.
Abuse includes workload in relation to the child's age; the time and duration of work; inadequate or no compensation; work affecting the child's access to education or harming his/her physical, mental, moral, social and spiritual development; child employment in a company before the age of 14 years.
- ▶ Article 212 prohibits some forms of work, including the following:
 - ▶ All forms of slavery or similar practices, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children in armed conflict;
 - ▶ any use, offer or recruitment of a child for illicit activities, including the production and trafficking of drugs;
 - ▶ all work that, by its nature or the conditions of its performance, is likely to harm the child's health, safety, education, morality and harmonious development.
- ▶ Article 213 establishes the working hours for children: children may not work more than four hours a day without rest; and Article 214 prohibits night work.

III.3 CONSTITUTIONAL APPEAL BODIES

Ombudsman of the Republic

113. Act # 2009-22 dated August 11, 2009 established the Ombudsman of the Republic of Benin:

- The Ombudsman of the Republic is an independent administrative authority that is free from the authority of any political, administrative, legislative or judicial entity.
- It receives grievances of citizens relating to the functioning of the State's central, decentralized authorities, public establishments and reviews them in order to provide equitable solutions (Article 8).
- Any natural or legal person who believes it has matter for grievance in a case may refer the matter to the Ombudsman by an individual written claim (Article 11).

National Advisory Council on Human Rights

114. Since the 1990 *Conference of the Nation's Stakeholders*, human rights have been at the heart of Benin's democracy. At that time, all rights and freedoms were reaffirmed.

115. The Benin Human Rights Commission, created in 1988, has been effectively replaced by the *National Advisory Council on Human Rights*: this council, under the supervision of the Ministry of Justice, is in charge of validating Benin's reports on human rights to the United Nations. Civil society organization, including NGOs active in the field of human rights

³ Under the law, "child" refers to any human being under the age of 18 years.

protection, who have registered with the National Advisory Council for Human Rights, are invited to meetings and participate in the validation of reports.

APPENDIX

Table 3 : Institutional actors and Responsibilities

Actors involved in SEA	Roles and responsibilities
<i>National Assembly</i>	In accordance with the provisions of Article 79 of the Constitution of December 11, 1990, the National Assembly passes laws (notably those relating to environmental and social issues) and controls government action.
<i>Ministry of Living Conditions and Sustainable Development</i>	It defines the national environmental policy and monitor its implementation. This policy must be in synergy with the sectoral policies for the management of natural resources and policies on activities that may be sources of environmental nuisance (industry, agriculture, mining and energy, equipment).
<i>National Agency of State Property and Land (ANDF)</i>	It is a public technical and scientific institution of a specific type that was set up in 2014. It ensures coordination of land and State property management with a mission of ensuring land tenure security at the national level. ANDF is in charge of implementing the land tenure and State property policy defined by the Government. Under the supervision of the Ministry of the Economy, Finance and Denationalization Programs, commune-level Land and State Property Offices represent the agency at the lower levels. Its field of intervention covers rural, periurban and urban land throughout the national territory. On behalf of the State, it conducts expropriation and resettlement of populations affected by public projects
<i>Directorate General of Environment and Climate (DGEC)</i>	It is in charge of developing the national environmental policy and its implementation strategy
<i>Benin's Environmental Agency</i>	A public institution set up in 1995, it is in charge of implementing the national environmental policy adopted by the Government as part of its development plan (Art. 12). It reports to the Minister of Environment. As such, it works in collaboration with other sector ministries, local communities, non-governmental structures, civil society and the private sector. It also manages all environmental assessment procedures.
<i>National Committee for Sustainable Development (CNDD)</i>	Created by the Framework Law on the Environment, the Committee is a multi-stakeholder advisory body in charge of verifying the compliance of development plans with the sustainable development goals set by the Government.
<i>Environmental Units</i>	Established by the decree mentioned above, they are functional units within all sectoral ministries and communes. The units raise awareness on environmental issues among technicians in their respective sectors, and in particular, facilitate the dissemination of environmental management tools.
<i>Prefecture</i>	According to the texts on decentralization, it ensures the application of national guidelines by communes under its territorial jurisdiction (department). It also represents individual ministries as well as the Government as a whole at the decentralized level. The Prefecture is therefore responsible for managing all environmental issues at the Government's decentralized level.
<i>Commune</i>	It implements its own environmental and natural resources management policy, but in accordance with national laws and guidelines. The project will be implemented in communes according to institutional arrangements that guarantee communities' participation at the grassroots level.
<i>Civil society</i>	NGOs and associations: community development, environmental management, village associations, etc.

SECTION IV. EVALUATION OF INSTITUTIONAL CAPACITY AND PERFORMANCE

116. The strengths, weaknesses and gaps, actions and opportunities and risks associated with the national system are presented in Table 5 below, in light of the key principles applicable to the program, and as described in the Bank's policy and Guidelines for the funding of Programs For Results.

- ▶ The main constraints at the level of *Local Authorities (Collectivités territoriales)*, especially as regards environmental management, point to many bottlenecks that are due in part to a situation where the handing over of the competence to handle some social issues did not come along with appropriate initiatives to provide information and capacity-building for coordinating environmental and social monitoring activities.
- ▶ At the local level, in terms of information, *public consultations and grievances and complaints management*, the citizen engagement mechanisms put in place have been restructured and need to be improved. Though there is a strong emphasis on community consultations and public hearings, people are not always consulted about works to be performed in their respective localities, hence poor ownership of such initiatives and difficulties to promote sustainability of investments.
- ▶ In addition, the lack of a strategy for communication and information on citizen engagement in municipal investment and development activities is also reflected in the lack of use to clearly defined *complaint mechanisms*.

117. Generally speaking, the lack of *an environmental and social control monitoring system* could be a major weakness. National and regional institutions, as well as local communities, lack technical human resources that are capable of effectively running such a system ; they can only use external firms, but this does not ensure consistency and continuity in the system.

118. In addition, beyond human resources limitations, these institutions do not have a real guide to social and environmental management of local investments. There is a blatant lack of a manual of procedures to organize optimal management of environmental and social issues associated with investments at the commune or regional levels.

119. Finally, in terms of social management, despite some similarities between the national legal framework and the Bank's procedures, there are also differences, in particular with regard to the eligibility for compensation of a person affected by a project/program. The WB's policy and Beninese law are similar as regards people who can be resettled. However, the Beninese law is more restrictive in that it focuses on formal rights holders while the WB's policy is more protective and includes people with no formal right or title that could be recognized over the land they occupy. The WB policy considers not only formal owners but also customary owners and those without any property rights on the land they occupy.

120. In addition, the Beninese legislation is not up to date in terms of benchmarks used for calculating compensation. The texts governing the compensation scales are very often obsolete and the prices indicated rarely reflect market prices. The WB policy considers that the valuation of losses should be based on market price. From this point of view, affected people may be wronged if these provisions are to conform to national practice.

Table 4 : Core Principles

Core Principle 1: General principle for environmental and social impact assessment and management	
Policy of the Bank for PforR funding: environmental and social management procedures and processes are intended to (a) promote environmental and social sustainability in the program design; (b) avoid, minimize, or mitigate adverse impacts; and (c) promote decision-making on the environmental and social effects of the program.	<p>Bank guidelines on of PforR funding: program procedures will:</p> <ul style="list-style-type: none"> ▶ Operate within an adequate legal and regulatory framework to guide the environmental and social impact assessment at the scale of the program; ▶ Incorporate good environmental and social impact assessment practices, including: (i) preliminary screening of potential effects; (ii) consideration of strategic and technical aspects induced, as well as, potential cumulative and transborder impacts; (iii) identification of measures intended to mitigate adverse environmental and social impacts that cannot be avoided or minimized; (iv) clear wording of institutional responsibilities and resources to support the implementation of plans; and (v) responsiveness and responsibility through stakeholder consultation, periodic communication of information on the program; ▶ The setting up of a conflict management mechanism oriented on: (i) conflict resolution; (ii) systematic registration of grievances through appropriate channels; (iii) periodic reporting on the grievance management situation - specifying the nature of the grievances resolved and status of unresolved grievances and reasons for non-resolution.
<p>Applicable: The works funded as part of the Program could indeed generate negative impacts with low to moderate risks.</p> <p>ESSA has been prepared and its recommendations will be incorporated to the Program's overall action plan.</p> <p>In line with the principles set forth in ESSA, an ESMP will be prepared for any individual investment project that the initial diagnostic and sorting system set up have deemed to have moderate impact.</p>	
<p>STRENGTHS</p> <ul style="list-style-type: none"> ▶ The country has adequate regulatory and legal frameworks that allow for adequately managing the environmental and social impacts of the Program. ▶ The national environmental impact assessment system is based on a well-oiled diagnostic and impact nature assessment process. ▶ The responsibilities of the different institutions are accurately defined. <p>WEAKNESSES AND GAPS</p> <ul style="list-style-type: none"> ▶ Although a regulatory framework exists, the institutions in charge lack the human resources and financial means needed to enforce the legislation. ▶ Generally speaking, awareness on environmental management issues at the level of State and non-State actors is low. <p>ACTIONS AND OPPORTUNITIES</p> <ul style="list-style-type: none"> ▶ Organization of initiatives to sensitize all actors and stakeholders on environmental and impact management issues. ▶ Launching of actions to build the capacities of central and local officers to update them on national mechanisms and World Bank PforR arrangements. ▶ Sensitization on the system and Ombudsman procedures to enable affected people to benefit from the relating services. ▶ People and communities who feel wronged after the Program must be informed of the process to follow to use the existing national mechanism or the Grievance Redress Service (GRS) of the World Bank to ensure that their claims are rapidly reviewed and relevant concerns are addressed. <p>RISKS</p> <ul style="list-style-type: none"> ▶ Poor implementation of environmental and social management rules and procedures. 	

- ▶ Inability to enforce current environmental regulations in timely manner.

Core Principle 2: Natural habitats and physical cultural resources

<p>The Bank's policy on PforR funding: environmental and social management procedures and processes are designed to avoid, minimize, or reduce adverse impacts on Natural Habitats and Cultural Resources due to the Program.</p>	<p>The Bank's guideline on PforR funding: if relevant to be supported by the Program:</p> <ul style="list-style-type: none"> ▶ include appropriate measures for the identification and preliminary screening of potentially important biodiversity resources and cultural sites; ▶ support and promote conservation, maintenance, and rehabilitation of natural habitats; ▶ avoid any significant conversion or degradation of critical natural sites and where this is not technically possible, include measures for mitigating the impacts of program activities; ▶ take into account any potential adverse effect on the physical cultural property and, where justified, take adequate actions to avoid, minimize, or mitigate such effects.
<p><i>Non-applicable:</i> No program activity is implemented within biodiversity areas. Any investment that poses threats to fragile ecosystems will be ineligible. Any investment that poses a direct threat to the cultural and religious heritage of a region will be ineligible.</p>	

Core Principle 3: Public and worker safety

<p>The Bank's policy on PforR funding: environmental and social management procedures and processes are designed to ensure public and worker safety in relation with potential risks associated with: (a) the construction and/or management of facilities or other operational practices developed under the program; (b) exposure to chemicals or hazardous wastes; and (c) the reconstruction or rehabilitation of infrastructure located in areas close to hazardous natural areas.</p>	<p>Bank Guideline for Program for Results funding:</p> <ul style="list-style-type: none"> ▶ promote the safety of the community, individuals, and workers by ensuring adequate design, safety of any infrastructure construction and maintenance operation and activity reliant on the latter, and inspection of works or corrective action taking where necessary; ▶ promote the use of good practices for the management, storage, transportation, and disposal of hazardous materials from the construction or program operations; ▶ promote the adoption of integrated pesticide management practices to manage or control disease vectors; provide workers involved in the production, resupply, storage, transportation, use, and disposal of hazardous chemicals with the relevant training, in compliance with international guidelines and conventions; ▶ incorporate measures to avoid, minimize, or reduce risks to communities, individuals, or workers, whenever program activities occur in natural hazardous areas, such as during a flood, hurricane, earthquake, and other severe meteorological or weather event.
<p><i>Applicable.</i> The works undertaken under the Program could have an impact on public safety and on the safety of site workers. Construction site workers could be exposed to occupational injuries, water pollution, air pollution, solid wastes, and toxic or hazardous materials on site. The populations living close to the construction sites could also be exposed to the same hazards.</p>	
<p><i>STRENGTHS</i></p> <ul style="list-style-type: none"> ▶ The legal/regulatory system of Benin includes construction site safety provisions. ▶ There are national policies and guidelines on public and worker safety and health. They address a range of key aspects, including environmental pollution control; labor law; occupational health and safety regulations; and emission and discharge standards in the working environment. <p><i>WEAKNESSES AND GAPS</i></p> <ul style="list-style-type: none"> ▶ The national EIA system does not address all aspects of public and workers safety. ▶ A general lack of sensitization on public health and safety issues prevails, especially as regards exposure to hazardous materials or occupational safety aspects. <p><i>ACTIONS AND OPPORTUNITIES</i></p> <ul style="list-style-type: none"> ▶ Information and training on site safety measures. <p><i>RISKS</i></p> <ul style="list-style-type: none"> ▶ Inability to enforce current environmental regulations in timely manner. 	

Core Principle 4: Land acquisition

<p>The Bank's policy on PforR funding: Land acquisition and loss of access to natural resources are managed in such a way as to avoid or minimize resettlements and ensure that affected people receive assistance in improving or, at minimum, restoring their livelihoods and living conditions.</p>	<p>The Bank's guideline on PforR funding: if relevant to be supported by the Program:</p> <ul style="list-style-type: none">▶ avoid or minimize land acquisition and associated adverse impacts;▶ identify and address economic and social impacts resulting from land acquisition or loss of access to natural resources, including affected populations who might not have legal rights on the assets or resources that they are using;▶ grant compensation that is sufficient to buy substitute assets with a value equivalent to the ones lost and support any transition expenditure paid before the acquisition of the land or restriction of access;▶ take additional measures to improve or restore livelihoods if the acquisition of the land has caused loss of income generation opportunities (e.g. loss of crop production or job); and▶ restore or replace any affected public infrastructures or community services.
<p>Applicable. The works could: (i) involve temporary physical resettlement of resident households or businesses; (ii) require the acquisition of private land, and, as a consequence, expropriation for public purposes and involuntary resettlements of resident households or businesses; and (iii) temporarily disrupt local small-scale and economic activities. In line with the principles set forth in ESSA, a RAP will be prepared for any individual investment sub-project that the initial diagnostic and screening system set up have deemed to have moderate environmental impact.</p>	
<p>STRENGTHS The amount of the allowances or compensations of affected people is set against the nature and replacement value of the affected properties and assets. The added value or depreciation from the projected execution of the non-expropriated part is potentially taken into account.</p> <p>WEAKNESSES AND GAPS</p> <ul style="list-style-type: none">▶ In case of disagreement, the payment of the compensation to affected people is effected after a court ruling or decision of the Court of Cassation. No legal action may cause suspension of the works.▶ Customary land ownership is recognized but needs to be confirmed to receive compensation.▶ Informal property titles are not recognized by the national legislation.▶ No specific formal measure for assisting the resettlement of vulnerable people exists.▶ No real claim management system exists at the local level. <p>ACTIONS AND OPPORTUNITIES</p> <ul style="list-style-type: none">▶ Ensure a system of compensation in kind and/or cash, depending on the case;▶ Set up a system of assistance to resettlement;▶ Set up a genuine joint administration/civil society mechanism for claims management and monitoring;▶ Provide for social compliance monitoring indicators with respect to national standards. <p>RISKS</p> <ul style="list-style-type: none">▶ Non-compliance with the existing legislation.▶ National and local institutions in charge of enforcing the legislation and mechanisms lack human resources and financial means.	

Core Principle 5: Social considerations: indigenous peoples and vulnerable groups

<p>The Bank's policy on PforR funding: Adequate attention is granted to the cultural relevance and fair access to program benefits, with special attention given to the rights and interests of indigenous people and the needs and concerns of vulnerable groups.</p>	<p>The Bank's guideline on PforR funding: if relevant to be supported by the Program:</p> <ul style="list-style-type: none">. initiate free, prior, and informed consultation if any indigenous people are potentially impacted (positively or negatively) to determine whether the Program should have a general support component to the community;. ensure that indigenous people can participate in the definition of opportunities that they can benefit from, from the use of customary resources and endogenous knowledge;. grant special attention to vulnerable, struggling, or underprivileged groups, including the poor, the disabled, women and children, elderly people, or marginalized ethnic groups, where relevant. <p>If necessary, special measures will be taken to promote equitable access to program benefits.</p>
<p>Applicable (except that there are no indigenous people in Benin).</p>	

STRENGTHS

- ▶ The Benin legislation does not provide for any measure specific to vulnerable groups.
- ▶ Surveys aim to inform populations on the implementation of the project and collect their observations; informational posters are displayed to this end in public places.
- ▶ The law provides for the services of an Ombudsman for vulnerable people.

WEAKNESSES AND GAPS

No real claim management system exists at the local level.

ACTIONS AND OPPORTUNITIES

Define and set up a sound stakeholder engagement strategy (sensitization and consultation, information disclosure, and grievance redress mechanism) as part of the sensitization program, targeting vulnerable groups more particularly.

RISKS

Lack of clarity and consistency of the mechanism for implementing public consultations and engaging stakeholders could alienate poor and vulnerable groups.

Core Principle 6: Social considerations - Social conflict

The Bank's policy on Program for Results funding: Avoid exacerbating social conflicts, especially in fragile States, post-conflict area, or contested territorial areas.

The Bank's Guideline on Program for Results (PforR) funding:
 . grant special attention to risks of conflict, including distributional equity and cultural sensitivities.

Non-applicable. The Program is not implemented in an area of conflict.

SECTION V. ENVIRONMENTAL AND SOCIAL MANAGEMENT ACTION PLAN

46. The Program will support specific measures to improve the conditions governing the performance of the environmental and social management system in the implementation and monitoring of Program activities. These measures are proposed as part of an *Environmental and social management action plan (ESM/AP)* - this Plan forms part of the Program's general Action Plan as such. *ESM/AP* identified three components of recommendations, with each one including distinct and complementary activities.

➤ **First component of ESM/AP: Reinforcement of the environmental and social management system of Program investments.** This component includes the following elements:

- ▶ **Technical manual.** Preparation of a *Technical Manual for Environmental and Social Management (TMESM) of investments*. This Manual will be used for the implementation of both the Program and other ANAEPMR projects. It will comply with both national environmental and social assessment procedures and World Bank policy provisions on PforR funding. The Manual will especially set forth the procedures and tools relating to the preparation of an *Environmental and Social Management Plan (ESMP)* for structural sub-projects that involve moderate environmental risks and a *Resettlement Action Plan (RAP)* for structural sub-projects involving moderate social risks. Furthermore, the Manual will also aim to define and set up the local grievance management mechanism - concurrently with the relating procedures (including with respect to the services of the Ombudsman and the grievances submitted to the Grievance Redress Service (GRS) of the World Bank).

The TMESM will present, among other things, the following elements :

- Procedures for the screening of sub-projects;
- Procedures for the elaboration of Environmental and Social Management Plans (ESMPs) and Environmental and Social Impact Assessments (ESIAs);
- Procedures for the preparation of the Resettlement Action Plan (RAP) ;
- Process of land acquisition and land property;
- Key elements (environmental and social provisions, minimum required staff, price details) for contracts with (i) work contractors, (ii) works supervisory offices, (iii) drinking water operators ;
- Grievance management mechanisms ;
- Citizen engagement mechanism ;
- Guidelines to good environmental and social practices.

The Manual will be prepared for the National Rural Water Supply Agency (ANAEPMR) and all technical services, as well as all stakeholders who will be involved in Program implementation at the national, regional, and local levels, to ensure that environmental and social management procedures are properly understood, perfectly owned, and monitored.

- ▶ **Inter-institutional coordination between ANAEPMR and ABE.** Preparation and implementation of an interinstitutional cooperation agreement between ANAEMPR and ABE. The content of this agreement will establish the conditions for

collaboration for the review and rapid certification of program subproject reports and the environmental and social monitoring of the implementation of the safeguarding documents. It will also take into account aspects of institutional support and capacity building.

➤ ***Second component of ESM/AP: Capacity building on environmental and social management*** of the key actors and representatives of the Program. This component includes two separate types of activities:

- ▶ Training on the TMESM. A training program will be elaborated for the use of the TMESM by the different stakeholders involved in the implementation of the Program, namely:
 - Staff of ANAEPMR, ABE, ANDF; MoE and MCVDD departemental directions; Municipalities, ACEP
 - Contractors and works control offices.

This training will aim to sensitize and inform a fairly broad audience on the content of the TMESM. This will include, in particular: (i) understanding of TMESM and its procedures and practices; and (ii) mastery of environmental and social management tools, namely: screening form, EIA, ESMP and Resettlement Action Plan (RAP), which will be prepared for individual sub-projects, according to the extent of their respective environmental and social risks, in line with the national arrangements and the World Bank's policy for funding of PPR. It has to be pointed out that these initiatives will support the establishment and operationalization of the citizen engagement and grievance management systems (including with respect to grievance procedures to the Ombudsman, on the one hand, and the Grievance Settlement Service (GRS) of the World Bank, on the other hand).

➤ ***Third component of ESM/AP: Capacity building for the monitoring of the implementation of the tools.*** This component includes two separate types of activities:

- ▶ ***Environmental and social reporting.*** The monitoring sheets in TMESM, once filled by the Contractors, then the supervision missions, will be verified and validated by specialists. Subsequently, they will be consolidated by the environmental and social specialists and entered into the integrated information and monitoring-evaluation system. Monitoring reports will include, as a priority, the monitoring of the implementation of environmental and social mitigation measures for each of sub-project approved and implemented.
- ▶ ***Human Resources of ANAEPMR for Environmental and Social Management.*** For an effective implementation of the program, ANAEPMR will have to recruit and maintain at least one social specialist and one environmental specialist, who will be employed full time throughout the implementation of the Program and having:
 - Basic training in environmental and/or social sciences;
 - A minimum number of years of experience in conducting similar programs / projects in the drinking water supply sector.

The number of such staff will be reviewed as needed based on the workload. These specialists will be responsible for ensuring, in close collaboration with all stakeholders: (i) the coordination and monitoring of the implementation of all actions related to the environmental and social management of the Program; (ii) the organization of all training, information and awareness initiatives on the environmental and social risks of the Program; (iii) the collection and centralization of all information relating to the monitoring of mitigation measures; (iv) the monitoring and evaluation of the implementation of mitigation measures and the integration of data at the information system level (in accordance with the principles described and presented in the TMESM); and (v) preparation of reports on the environmental and social aspects of the Program.

► **Supporting Commune’s stakeholders and institutions**

Technical assistance and capacity building of the actors and institutions of the Communes involved in the implementation of the environmental and social aspects of the program are needed.

These aspects of technical assistance and capacity building will target the communal structures of environmental and social and land management and Drinking Water Users’ Associations (ACEP).

Main themes concern; (i) monitoring of the implementation of safeguard documents; (ii) the social aspects of land management; (iii) grievance management and general issues of social intermediation

The program will build on the capacity building strategy of municipal actors already developed by the Small Town Water Supply and Urban Septage Management Project (PEPRAU) to facilitate the efficient execution of its activities.

47. Table below summarizes all the elements of the ESM Action Plan, which forms an integral part of the general Action Plan of the Program:

- All the costs of these elements of the ESM Action Plan will be integrated *to the general budget of the Program*.
- On the other hand, the cost of the environmental and social remedial actions will be integrated *to the very budgets of the investment sub-projects*.

Table 5 : Environmental and Social Management Action Plan

N°	Action	Completion Measurement	Responsible Agency	Due Date	DLI or Loan Covenant
1. STRENGTHENING ENVIRONMENTAL AND SOCIAL SYSTEMS OF THE PROGRAM					
1.1	Technical Manual for Social and Environmental Management (MTGES)	Preparation and adoption of a MTGES that will have include the following as a minimum: <ul style="list-style-type: none"> • Procedure for the screening of sub-projects • Procedure for the elaboration of Environmental and Social Management Plans (ESMP) and Environmental and Social Impact Studies (ESIA) • Procedure for the elaboration of social assessment and Resettlement Action Plans (RAP) • Procedure for land acquisition • Standard elements (environmental and social clauses, minimum staff, price details) for the contracts of (i) works contractors, (ii) engineering consultant, (iii) regional private operators • Grievance Redress Mechanism • Citizen engagement mechanism • Good practices guidelines for environmental and social management 	ANAEPMR in collaboration with ABE	90 days after Program's effectiveness	Loan Covenant
1.2	Interinstitutional coordination ANAEMPR - ABE	Signing of an interinstitutional agreement between ANAEMPR and the ABE in which the ANAEMPR commits to respect the conditions, measures of certification prescribed by the decree n ° 2017-332 of the 06 July 2017 defining the procedures of the environmental assessment	ANAEPMR and ABE	90 days after Program's effectiveness	
2. STRENGTHENING OF INSTITUTIONAL CAPACITIES					
2.1	Training on the TMESM	Development of a training program for the application of the MTGES for the various stakeholders involved in the implementation of the Program: <ul style="list-style-type: none"> • Staff of ANAEMPR, ABE, ANDF, Departmental Directions MoE, MCVDD, Municipalities, ACEP • Works contractors and engineering consultant • Operators 	ANAEPMR and ABE	90 days after Program's effectiveness	
2.2	Human Resources of ANAEMPR for Environmental	Maintain at least one social specialist and one environmental specialist within ANAEMPR who are employed full-time throughout	ANAEPMR	After Program's effectiveness	Loan Covenant

N°	Action	Completion Measurement	Responsible Agency	Due Date	DLI or Loan Covenant
	and Social Management	the implementation of the Program and have: <ul style="list-style-type: none"> • Basic training in environmental and / or social sciences • A minimum of one year of experience in conducting similar programs / projects in the drinking water supply sector 			
2.3	Supporting Commune's stakeholders and institutions	Provision of Technical assistance and capacity building of the actors and institutions of the Communes involved in the implementation of the environmental and social aspects of the program are needed. Main themes concern; (i) monitoring of the implementation of safeguard documents; (ii) the social aspects of land management; (iii) grievance management and general issues of social intermediation	ANAEPMR	Before the works	Loan Covenant

Conclusion

The World Bank will ensure the organization of a public consultation with the representatives of the key stakeholders, civil society organizations, and private sector to present and discuss the preliminary version of ESSA.

Subsequently, throughout the entire duration of the Program, it will fall to the Beninese party to organize consultations on specific Program activities (investment sub-projects).

The final revised version of ESSA will be made public on the external website of the World Bank and also on the site of the National Agency for Drinking Water Supply in Rural Areas (ANAEPMR).

Public comments will be requested during the set period.

ANNEXES

Annex 1: Capacities of the institutions in charge of implementing mitigation measures

Actors	Capacities	
	Assets	Limitations
ANAEPMR (National Agency for Drinking Water Supply in Rural Areas) Program management unit	<ul style="list-style-type: none"> - Skilled technical staff - Has means to manage the program - Has a light organizational structure and transparent and fast procedures - Has an environmental specialist and social specialist 	First experience with this kind of project
ANDF (National State Property and Land Tenure Agency)	<ul style="list-style-type: none"> - Capacity to manage expropriations for public purposes - Capacity to manage the compensation and resettlement of public project-affected people - In addition to the national directorate, has operational and sustainable regional branches 	<p>Creation of branches not yet completed (12 out of 77 branches set up)</p> <p>No updating of the implementing decrees of the new 2017 Act on land tenure</p> <p>Basic management of PAP claims (does not have any specific mechanism for managing claims during expropriation and compensation)</p>
ABE (Benin's Environmental Agency)	<ul style="list-style-type: none"> - Expertise in training on environmental and social assessment - Expertise in Environmental and Social Impact assessment report validation - Expertise in monitoring the implementation of ESMP and RAP - Facilitation of the delivery of Environmental Compliance Certificates (ECCs) 	<ul style="list-style-type: none"> - Insufficient number of staff - Limited resources - No updating of the order on the organization of Environmental Assessment procedures in Benin - Environmental Assessment report validation system centralized at ABE - No dissemination of the new decree on Environmental Assessment - No updating of the General Guide and Environmental Assessment technical guides
Communes	<ul style="list-style-type: none"> - Have technical senior officers with training in environmental management - Have land management committees and village land management commissions in charge of assisting elected officials in managing land matters - Communal councils have an environmental committee - Sit on the validation committees of environmental and social impact assessment reports at the level of ABE 	<ul style="list-style-type: none"> - Some communes do not have environmental and social units - weak expertise and proven experience in environmental and social safeguards - Insufficient of means to ensure their mission - Elected officials and technical agents information on the environmental issues of programs/projects is weak - Poor involvement in the monitoring of the Programs/Projects

	<ul style="list-style-type: none"> - Have the responsibility of managing land tenure issues (commune-level land management office) - Participation in the expropriation for public purposes process - Issuance of customary tenure certificates 	
ACEP	Experience in social intermediation Experience in the implementation of citizen engagement and claims management mechanism Volunteer members	Weak institutional capacity Lack of financial means for operation

Annex 2: Environmental acts and regulations in force in Benin

REFERENCES	DATE	ITEM
Act #98-030	February 12, 1999	Framework law on the environment in the Republic of Benin
Act #87-015	September 21, 1987	Public Hygiene Code
<i>Act #2010-44</i>	October 21, 2010	Water management in the Republic of Benin
Decree #2001-094	February 20, 2001	Drinking water quality standards in the Republic of Benin
Decree #2017-332	July 07, 2017	Organization of environmental assessment procedures in the Republic of Benin
Decree #2001-095	February 20, 2001	Creation, roles and responsibilities, organization, and operation of environmental units in the Republic of Benin
Decree #2001-294	August 08, 2001	Regulation of noise in the Republic of Benin
Decree #2001-109	April 04, 2001	Waste water quality standards in the Republic of Benin
Decree #2001-110	April 04, 2001	Air quality standards in the Republic of Benin
Decree #2001-096	February 20, 2001	Creation, roles and responsibilities, organization, and operation of the environmental police
Decree #2003-332	August 27, 2003	Solid waste management in the Republic of Benin
Decree #2003-330	August 27, 2003	Used oil management in the Republic of Benin
Interministerial order #069	MISAT/MEHU/MS/D C/DE/DATC/DHAB – 1995	Regulation of human waste collection, drainage, treatment, and disposal activities in Benin
Interministerial order #136	MISAT/MEHU/MS/D C/DE/DATC/DHAB – 1995	Regulation of solid waste collection, removal, treatment, and disposal activities in the Republic of Benin
Order #0002	MEHU/DC/DUA dated February 7, 1992	Areas unfit for habitation
General order # 5926 TP	October 28, 1950	Regulation of the interior design of bulk hydrocarbon depots
Decree #2001-092.	February 20, 2001	Classification of roads of economic, tourist, or strategic interest

Annex 3: Multilateral conventions/agreements ratified that are directly or indirectly relevant to the project

#	Conventions / agreements	Description	Date of ratification
01	African Convention on the Conservation of Nature and Natural Resources	This is the only regional African convention of general scope addressing the protection of nature and natural resources. It has indisputably laid down the basis the core principles that nowadays govern Biosphere Reserves, namely: <ul style="list-style-type: none"> - consideration of customary rights and uses; - natural resource conservation as an integral part of development plans; - obligation of impact assessments; - inter-African cooperation in natural resource conservation and management. 	1968
02	United Nations Framework Convention on Climate Change	This convention sets a general framework agreement on intergovernmental efforts allowing for taking on the challenge posed by climate changes. It recognizes that the climate system is a common resource whose stability can be affected by industrial emissions and other emissions of carbon dioxide and other GHGs.	June 30, 1994
03	Convention on biological diversity and the sustainable use of its components	This convention, under Article 8d, promotes sustainable and ecologically rational development in areas adjacent to protected areas, to reinforce their protection.	June 30, 1994
05	Convention concerning the Protection of the World Cultural and Natural Heritage	Where natural, cultural, and archaeological assets occur on project intervention sites, measures need to be taken according to the provisions under Articles 4, 5, 6, and 7 of the said convention.	September 14, 1982
06	Convention on Wetlands of International Importance especially as Waterfowl Habitat - Ramsar Convention	The Convention's mission is "The conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world."	January 20, 2000
07	The Kyoto Protocol to the United Nations Framework Convention on Climate Change	This protocol supports the UNFCCC and promotes a low-carbon, as well as low-GHG development.	February 25, 2002
08	African Convention on the Conservation of Nature and Natural Resources	This convention supports the provisions in the convention on biological diversity.	November 5, 1998
09	Vienna Convention for the Protection of the Ozone Layer	This convention stipulates the specific obligations relating to the control and elimination of Ozone-Depleting Substances (ODSs)	March 22, 1985

#	Conventions / agreements	Description	Date of ratification
10	Montreal Protocol on ozone-depleting substances and its amendments	This protocol governs the statutory and regulatory provisions for the enforcement of the Vienna Convention.	October 31, 1988
11	Convention on International Trade in Endangered Species of Wild Fauna and Flora	This convention, known under its acronym CITES or as the Washington Convention, is an international agreement between States. It aims to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species they belong to.	November 2, 1973
12	Stockholm Convention on Persistent Organic Pollutants (POPs)	This convention mainly aims to protect human health and the environment from persistent organic pollutants (POPs).	May 2001

Annex 4: Selected articles from the new Act #2017-15 on land tenure

ARTICLES	CONTENT	OBSERVATIONS
Article 4 new	1- The Land tenure in force in the Republic of Benin is that of land right confirmation	(cf. provisions of Title III) Recognition of customary property
	2- relies on the confirmation of land rights by all concerned parties and land title issuance	The term "Certificate of Land Ownership" (CLO) was replaced by the term "Land Title"
	3- confirmation procedure oriented on: - in urban and periurban area: the documents of presumption of land ownership or court ruling - in rural areas: documents of presumption of land ownership, cadaster of the right holders of the rural land plan, or court ruling	
	4- Three documents of presumption of ownership were added (certificate of registration, administrative certificate, rural land certificate) in addition to the three defined in the former Act (certificate of customary holding, certificate of resettlement, tax notice of the past three years).	
Article 112 new	The land title is the only document granting full ownership in the Republic of Benin. All attributes of the right of ownership are enshrined in it. Any land that is not covered by a land title is deemed to be under presumption of right. The Government issues land titles to holders of a permit to occupy a building belonging to it under the conditions set by a decree adopted by the Council of Ministers.	The following sentence was added: The Government issues land titles to holders of a permit to occupy a building belonging to it under the conditions set by a decree adopted by the Council of Ministers.
Article 238 new	The competent judge to whom the case is referred to under an emergency procedure, after verifying the regularity of the procedure, sets, within thirty (30) days after the submission of the case, the amount of the compensation for expropriation, in compliance with the provisions of the present code, and orders the taking of possession by the expropriating party.	Magistrate has been replaced by judge.
Article 240 new	An expert assessment must be ordered if requested by one of the parties. It should be conducted by a certified expert, appointed by the court. In any case, the latter must hand his/her report within the deadline set by the judge, failing that, the judge will make its own assessment and, where needed, will take coercive measures by setting a new deadline or penalty payments, where applicable.	In the new act, the number of experts has decreased from 03 to just 01. It has also set deadlines for ordering the expert assessment.
Article 517 new	(...) Land titles, registration certificates, administrative certificates, rural land certificates issued under earlier, enforced instruments have the same force as land titles, as well as any copy established under the present code.	Recognition of customary property

Article 520 new	The rural land certificates issued prior to the effective date of the present code will be converted into land titles upon simple presentation by the holder, according to the provisions of Article 116 of Act #2013-01 dated August 14, 2013 on the Land Tenure Code in the Republic of Benin.	
Article 522-1	The Government may rightfully declare any land and immovable property belonging to private parties and located in the border area as of public utility. The Government will make the appropriate arrangements for their gradual incorporation to its public assets.	Addition of provisions that will cause expropriations for public purposes
Article 522-3	The Government will take all necessary actions to gradually ensure compensation for all lands in the border area, except those that already form part of the public or private property of the State or local jurisdictions. No deadline will apply to the payment of such compensation. However, dispossession may occur only after fair and prior compensation is provided.	Confirmation of the principle of compensation in case of expropriation for public purposes

Annex 5: Simplified social and environmental screening form

The present selection form was designed to help in the initial selection of program sub-projects that need to be implemented in the field. The present form is to be filled by the (environmental and social) safeguard specialists of ANAEPMR, then forwarded to ABE for validation, in compliance with the Beninese legislation (Decree #2017-332 dated July 07, 2017, general EIA guide).

Environmental and social selection form		
1	Name of the locality where the project is implemented	
2	Name of contact person	
4	Name of approving Authority	
<div style="display: flex; justify-content: space-between;"> Date: Signatures: </div>		

Part A

Brief description of the sub-project

The proposed sub-project (surface area, approximate total surface area to be used, land status) and scope of the works (construction and operations, resources, materials, staff, etc.)

Part B

Brief description of the environmental situation and identification of environmental impacts and/or risks

1. Natural environment

(a) Describe the type of soil on, topography of, and vegetation on the sub-project execution site and surrounding areas.

(b) Estimate and indicate the vegetation that could be cleared-

(c) Is the site home to environmentally sensitive areas or endangered species? -----

2. River and lake ecology

Is there any possibility that the execution of the project will negatively impact on the ecology of rivers or lakes?

Yes_____ No_____

If Yes, Observations:

3. Protected areas

Is the sub-project site located inside of or adjacent to any protected area delineated by the Government (national park, national reserve, global heritage site, sacred site, etc.)? Yes_____ No_____

If Yes, Observations:

Where the execution and commissioning of the activity occur out of a protected area (or in its surroundings), is it liable to affect the ecology of the protected area (e.g.: interference with mammal or bird migration routes)?

Yes_____ No_____

If Yes, Observations:

4. Geology and soils

Is the site home to potential geological or soil instability areas (proneness to erosion, landslides, subsidence)?

Yes_____ No_____

If Yes, Observations:

5. Landscape/aesthetics

Could the works affect the aesthetic appearance of the local landscape? (cutting of trees, dismantling, etc.)

Yes_____ No_____

If Yes, Observations:

6. Historical, archaeological, or cultural heritage site.

Based on the available sources, consultations with local authorities, local knowledge and/or observations, could the sub-project alter historical, archaeological, or cultural heritage sites or should excavations be conducted very close by?

Yes_____ No_____

If Yes, Observations:

7. Air pollution during the execution and implementation of the sub-project? Yes_____ No_____

If Yes, Observations:

8. Noise pollution during the execution and implementation of the sub-project

Will the noise level during the implementation of the relevant project exceed acceptable noise limits?

Yes_____ No_____

If Yes, Observations:

9. Solid or liquid wastes

Will the relevant activity generate solid or liquid wastes? Yes_____ No_____

If Yes, Observations:

If "Yes", does the sub-project have a plan for their collection and disposal? Yes_____ No_____

10. Will the sub-project pose risks to human health and safety during and/or after its implementation?

Yes_____ No_____

If Yes, Observations:

11. Will the sub-project cause changes in the distribution/movements of people and/or animals in the area?

Yes_____ No_____

If Yes, Observations:

12. Does the sub-project require large volumes of construction materials (e.g.: gravel, stone, water, firewood)?

Yes _____ No _____

If Yes, Observations:

Part C

Brief description of the social environment and identification of social impacts

1. Land acquisition

Will the sub-project deprive or restrict access to land or other economic resources? Yes _____ No _____

If Yes, Observations:

If No, Observations:

2. Loss of land: Will the proposed sub-project cause permanent or temporary loss of land? Yes _____ No _____ (to see if there is use)

If Yes, Observations:

If No, Observations:

3. Loss of infrastructures (housing, related structures, social and community structures [soccer field, well, etc.]): Will the sub-project cause permanent or temporary loss of infrastructures? Yes _____ No _____

If Yes, Observations:

If No, Observations:

4. Loss of income: Will the sub-project cause permanent or temporary loss of income (economic activities, livelihoods, production mode...)? Yes _____ No _____

If Yes, Observations:

If No, Observations:

5. Loss of harvests or fruit trees: will the sub-project cause temporary or permanent loss of crops, useful trees (fruit, shady, ornamental, etc.)? Yes _____ No _____

If Yes, Observations:

If No, Observations:

6. Public consultation

Are stakeholder consultation and participation sought? Yes _____ No _____

If Yes, Observations:

If No, Observations:

Part D
Mitigation measures

For all "Yes" answers, (environmental and social) safeguard specialists, in collaboration with ABE, will need to provide a brief description of the relevant measures taken.

Part E
Recommendations

1. Environment

Required environmental work:

- ☐ No environmental work (simple mitigation measures) ☐
- ☐ Environmental impact statement ☐
- ☐ Simplified Environmental and Social Impact Assessment ☐

2. Social

Required social work

- ☐ No social work to be done ☐
- ☐ RAP ☐

Form filled by:

- **Last name:** _____
- **First name:** _____
- **Address:** _____
- **Signature:** _____

Done inon/...../201.....

Compliance approval of the Environmental Safeguard Specialist of the project

Dated/...../201.....

Compliance approval of the Social Safeguard Specialist of the project

Dated/...../201.....

Compliance approval of ABE

Dated/...../201.....

Form Code:

CC:

Annex 6: Environmental and Social Management Plan and Resettlement Action Plan

1. Environmental and Social Management Plan (ESMP)

An *Environmental and Social Management Plan* (ESMP) is a document that enables the promoter of each sub-project that has significant environmental and/or social effects, to incorporate environmental and social dimensions to the activity design, planning, management, and implementation process.

An ESMP lays down the relevant procedures and measures for the mitigation of their impacts on the environment and social setting, based on the procedures and mechanisms defined in the *Technical Manual*.

An ESMP especially includes the following aspects:

- Drawing up of a full Sub-project Sheet
- Preparation of an environmental and social control/review form
- Setting up of works supervision mechanisms
- Documentation of the public consultations conducted for the ESMP
- Setting up of a simple and effective system for request and claim management
- Setting up and monitoring of the implementation and assessment of all planned mitigation and compensation measures
- Definition of the environmental and social reporting system
- Public disclosure of the ESMP of each of the selected sub-projects
- Etc.

2. Resettlement Action Plan

A *Resettlement Action Plan* (RAP) is a document that enables the promoter of any sub-project that requires the physical resettlement of people, causes the loss of property and assets, involves the acquisition of land and/or the loss of access to natural resources or economic assets, to assess the social impacts associated with the temporary or permanent resettlement of people and propose a specific plan for loss compensation and support to the restoration of livelihoods, based on the procedures and mechanisms defined in the *Technical Manual*, especially as regards the following aspects:

- Definition and implementation of procedures applicable to involuntary resettlement
- Documentation of the public consultations conducted for the RAP
- Setting up of a simple and effective system for request and claim management
- Setting up of a monitoring system for land acquisition procedures, if any
- Setting up and monitoring of the implementation and assessment of all planned livelihood compensation and restoration measures

Annex 7: List of key references

1. WB, 2015 Bank Policy: Program for Results financing
2. WB, 2015. Bank Guideline: Program for Results financing
3. WB/Rep Senegal, 2017. Programme d'appui aux communes et aux agglomérations au Sénégal (PACASEN): Evaluation du système environnemental et social
4. WB/Tunisia, 2014 Programme de Développement Urbain et de Gouvernance Locale (PDUGL): Évaluation des Systèmes Environnementaux et Sociaux (ESES)
5. WB/Morocco, 2014. Prêt-Programme axé sur les résultats (PPR); Transport urbain au Maroc: Evaluation des Systèmes environnementaux et sociaux ESES)
6. WB/UGANDA, 2012. Uganda support to municipal infrastructure development project (USMID) as a program-for-results (PforR) operation: environmental and social system assessment (ESSA) report
7. MEEM/ANAEPMR, 2017. Plan directeur de développement du sous-secteur de l'approvisionnement en eau potable en milieu rural du Bénin. Master Plan Report; IGIP Africa
8. MEEM/ANAEPMR, 2017. Plan directeur de développement du sous-secteur de l'approvisionnement en eau potable en milieu rural du Bénin. Final Assessment Report; IGIP Africa
9. Agence Nationale de l'Eau Potable en Milieu rural, 2017. Feuille de route de l'approvisionnement en eau potable en milieu rural (presentation document)
10. DGE/MMEE, 2007 Intermédiation sociale spécifique aux Adductions d'Eau Villageoises: Guide des animateurs
11. DGE/MMEE, 2008 Intermédiation sociale spécifique aux Adductions d'Eau Villageoises: Guide à l'usage des communes
12. DGE/MMEE, 2008, Intermédiation sociale pour les Ouvrages simples Guide à l'usage des communes
13. Program Concept Note for Water PforR Benin P164186
14. Concept Stage Program Information Document +PID for Water PforR Benin - P164186
15. ABE, 2001: Guide général de réalisation d'une étude d'impact sur l'environnement. Agence Béninoise pour l'Environnement: 76 p, February 2001.
16. ABE, 2003: Guide sectoriel d'étude d'impact sur l'environnement des projets d'électrification. Agence Béninoise pour l'Environnement, 29 p.
17. World Bank, 1999. Manuel d'évaluation environnementale. French edition. Vol 1, 2, and 3.
18. ECVR2 (2001). Profil de la pauvreté rurale et caractéristique socio-économiques des ménages du département de l'Atacora. Cotonou.
19. Répertoire des indicateurs de suivi environnemental et de développement durable au Bénin. MEHU/ABE, 224 p.
20. Profil de la pauvreté rurale et caractéristique socio-économiques des ménages ruraux. Cotonou, 324 p.
21. 7. Aide-mémoire conjoint du Ministère de l'Eau, du Ministère de la Santé et des partenaires techniques et financiers issu de la revue sectorielle eau et assainissement, gestion 2014, tenue à Cotonou les 18 et 19 juin 2015 revue sectorielle eau et assainissement gestion 2014
22. 8. Rapport d'exécution du budget programme par objectif 2014 de l'approvisionnement en eau potable en milieu rural et de la gestion des ressources en eau; DGE, June 2015

23. Act #2017-15 amending and complementing Act #2013-01 dated August 14, 2013 on land tenure in the Republic of Benin
24. Decree 2017-332 dated July 06, 2017 on the organization of environmental assessment procedures in the Republic of Benin
25. Decree 2015-010 dated January 29, 2015 on the roles and responsibilities, organization, and operation of the National Land Tenure Agency

Annex 8: List of people met during the preparation of ESSA

Consultation: Institutional stakeholders

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Consultation : Stakeholders of Communes

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05	MADJI Isaac	FERMIER	95-79-03-42
06	AMOUZOUN Robert	COLL SAE	96-97-62-55
07	TCHAKADAÏ Marcel	PDT/ACEP DOGBO	96-24-11-08
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12	WOUISOIU J. Eustache	COLL/DRFM	66-11-94-10
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Annex 9: Report on consultations with institutions and communes

REPORT ON CONSULTATIONS OF INSTITUTIONAL AND MUNICIPAL ACTORS IN THE CONTEXT OF THE ESES REPORT OF THE PROGRAM AQUA VIE BENIN

1. Objective

The program AQUA vie Benin will be implemented mainly in 74 rural communes out of the 77 existing in the Republic of Benin. It was therefore necessary to consult the strategic actors involved in the program. These included, in addition to ANAEPMR, the national environmental and social management institutions, namely the Ministry in charge of the environment (DC/ MCVDD), the Benin Environmental Agency (ABE), the National Agency of State Property and Land Tenure (ANDF), the services of communes (technical, environment, public affairs, water), mixed bodies (devolved services, populations, municipal technical services) in charge of land management (SVGF, COGEF), and Drinking Water Consumers' Associations (ACEP). Since the program's performance will be largely reliant on the capacity of these actors, the objective was to identify the environmental and social issues associated with the program, to assess the capacities of these actors, and to make recommendations to fill possible gaps, as needed.

2. Methodological approach

As for institutional actors, iterative in-depth interviews were held with each of them. For stakeholders in the communes, public meetings were held at seven (7) communes in Benin, namely, in the north, Karimama, Gogounou, and Materia; in the center, Dassa-Zoumè; and in the south, Sakete, Zogbodomey, and Dogbo.

The participatory approach allowed for presenting the program to the various actors, for collecting their expectations, opinions and concerns, for understanding procedures, and for assessing their capacity to take part in the program.

Consultations with institutional actors took place from December 18 to 29, 2017 and consultations with municipal actors from February 9 to 18, 2018.

3. Actors' concerns

The actors' concerns that came out of the consultations are summarized in the table below.

Table 1: Summary of the expectations and concerns of institutional and municipal actors involved in the program AQUA VIE Benin.

Actors	Concerns
MCVDD	Need a specific agreement with the ABE for the review of the reports of projects under the Government Action Plan, including the program AQUA VIE Benin
ABE	Order implementing the new decree on environmental assessment not updated Environmental assessment guides not updated Reduced staff Need for capacity building of actors (ABE, experts, partner organizations - ABPEE) Inadequate rolling stock Inadequate IT equipment and materials
ANDF	Implementing decrees associated with the new Land Tenure Code not updated Partial deconcentration of the Agency
Communes	COGEF members having poor control of their responsibilities

	Some Village-level Land Management Structures (SVGF) not in place No environmental specialist available in some communes Lack of or inadequate human resources in charge of environmental and social monitoring Poor training on environmental management tools among staff in charge of environmental and social monitoring Lack of travel means to follow-up on complaints in the field Insufficient means for Water and Sanitation Managers to follow-up on complaints Delays observed in the setting up of COGEFs in some communes Lack of or inadequate experience in implementing ESMPs and RAPs Lack of IT resources for the functioning of the services in charge of land and environmental and social aspects Land tenure not secure or inadequately secure for drinking water systems
Farmers	Water treatment not routinely performed due to remote laboratories and high cost of analyses Repeated refusal by some communities to pay the price set for water
ACEP	Confusion on their duties and roles Lack of resources to exercise their powers of social intermediation and citizen control

4. Actors' recommendations

Further to the consultations, the actors expressed recommendations that are presented in the table below.

Table 2 : Summary of recommendations of institutional and municipal actors involved in the program Aqua Vie Benin

Actors	Recommendations
MCVDD	Negotiate with ABE to reach an agreement that is different from those signed with private entities in terms of speed and amount of fees
ABE	Update the implementing order the new decree on environmental assessment Set up a mechanism (certification of experts, review of reports by a panel of experts, validation by an interministerial commission, validation at departmental level by DD/MCVDD) to ensure quality and speed of the review of safeguard documents Provide capacity building for actors (ABE, experts, partner organizations - ABPEE) Strengthen ABE through provision of rolling stock Strengthen ABE's computer equipment and materials
ANDF	Update the implementing decrees of the new Land Tenure Code Broaden the deconcentration of the Agency
Communes	Set up Village-level Land Management Structures (SVGF) in the communes concerned Accelerate the setting up of COGEFs in the communes concerned Train COGEF members on their responsibilities Provide communes without environmental and social specialists Strengthen communes with human resources in charge of environmental and social monitoring Strengthen the training on environmental and social management tools (including ESMPs and RAPs) for the staff in charge of environmental and social monitoring Provide REA and IMS agents with means to travel to follow-up on complaints in the field

	Strengthen the services in charge of land tenure, environmental and social aspects with computer equipment and operating resources Ensure land tenure security for existing drinking water systems as well as for new ones
Farmers	Water treatment not routinely performed due to remote laboratories and high cost of analyses Continue awareness-raising with the communities
ACEP	Strengthen the training of ACEPs on their responsibilities and on action strategies Support or strengthen ACEPs with material means to enable them to exercise their powers of social intermediation and citizen control

5. Conclusion on public consultations

The World Bank evaluation team Bank warmly thanks ANAEPMR and its team for their support during the preparation of this document. The team also thanks all the actors we met for their availability, suggestions and feedback.

Photos of consultations with municipal actors



View of a part of the consultation session with municipal actors in Karimama



View of a part of the consultation session with municipal actors in Gogounou



View of a part of the consultation session with municipal actors in Matéri



View of a part of the consultation session with municipal actors in Dassa Zoumè

Annex 10 : Minutes of the National Consultation

TO BE DONE