

Public Disclosure Authorized

**Republic of Benin**

**BENIN HEALTH SYSTEM ENHANCEMENT (P172940) /  
PROJET D'AMELIORATION DU SYSTEME DE SANTE AU BENIN**

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**PROGRAM-FOR-RESULTS (*PforR*)**

Public Disclosure Authorized

**ENVIRONMENTAL AND SOCIAL SYSTEM ASSESSMENT (ESSA)**

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**Final Report**

**Prepared by**



**April 2021**

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## LIST OF ABBREVIATIONS AND ACRONYMS

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ABE	Beninese Agency for the Environment (Agence Béninoise pour l'environnement)
AISEM	Agency for Health Infrastructure, Equipment and Maintenance
ANDF	National Agency of Property and Land (Agence Nationale du Domaine et du Foncier)
ANSSP	National Primary Health Care Agency (Agence Nationale des Soins de Santé Primaires)
ASCQ	Qualified Community Healthcare Worker (Agent de Santé Communautaire Qualifié)
CCE	Certificate of Environmental Conformity
CoP	Contract Documents
CDQ	Neighborhood Development Committee (Comité de Développement du quartier)
CEGCC	Environment, Gender and Climate Change Unit (Cellule Environnementale, Genre et Changement Climatique)
CFD	Land and Property Code (Code Foncier et Domanial)
CGES	Environmental and Social Management Framework
CISS	Community Initiatives Support Services
CoGeCS	Health Center Management Committee
COUS	Operational Center for Health Emergencies (Centre Opérationnel des Urgences Sanitaires)
CPR	Resettlement Policy Framework
CPS	Center for Social Promotion
CTRSS	Technical Commission in charge of Health Sector Reforms
DAF	Administrative and Financial Department
DDCVDD	Directorate of Living Environment and Sustainable Development
DDS	Departmental Health Directorate
DGEC	Directorate General for the Environment and Climate
DIEM,	Directorate of Infrastructure, Equipment and Maintenance
DNSP	National Directorate of Public Health (Direction Nationale de la Santé Publique)
DPHAB	Directorate for the Promotion of Hygiene and Primary Sanitation (Direction de la Promotion de l'Hygiène et de l'Assainissement de Base)
DPP	Directorate of Planning and Forecasting (Direction de la Planification et de la Prospective)
DPC	Directorate of Cultural Heritage (Direction du Patrimoine culturel)
EAS/HS	Sexual Exploitation and Abuse / Sexual Harassment (Exploitation et Abus Sexuel / Harcèlement Sexuel)
EDS	Demographic and Health Survey
EES	Strategic Environmental Assessment
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ENABEL	Belgian Development Agency
ESSA	Environmental and Social Systems Assessment

EUP	Expropriation for Public Utility
FAP	Women of Childbearing Age
FCFA	Franc de la Communauté Financière Africaine
FIES	Environmental and Social Data Sheet
GBV	Gender-Based Violence
GIRE	Integrated Water Resources Management
GoB	Government of Benin
IDA	International Development Association
IE	Environmental Inspection
MCVDD	Ministry of the Living Environment and Sustainable Development
MTGES	Environmental and Social Management System Technical Manual
MGP	Complaints Management Mechanism
MS	Ministry of Health
PAE	Environmental Action Plan
PAG	Government Action Plan
RAP	Resettlement Action Plan
PA/GES	Environmental and Social Management Action Plan
PGES	Environmental and Social Management Plan
PND	National Development Plan
PNDS	National Health Development Plan
PNUSS	National Platform of Health Service Users
PO	Operational Policy
PforR	Program-for-Results
PTF	Technical and Financial Partners
RC	Community Relays
RGPH	General Census of Population and Housing
SARA	Services Availability and Readiness Assessment
SDGs	Sustainable Development Goals
SGM	General Secretariat of the Ministry
VAC	Violence Against Children
WB	World Bank
WB/GRS	World Bank Grievance Redress Service
WBG	World Bank Group

## EXECUTIVE SUMMARY

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1. This *Environmental and Social Systems Assessment (ESSA)* was undertaken by the World Bank (WB) as part of the preparation of the Program for Results (PforR) financing of the *Benin Health System Enhancement Project (P172940)*.
2. This program, which includes US\$100 million worth of funding, directly contributes to the health sector objectives of Benin National Development Plan (NDP) for 2018-2025 and to the strategic vision of the Ministry of Health (MS).

### PROGRAM OVERVIEW

3. The Program Development Objective (PDO) is to contribute to the enhancement of access to and quality of health services focusing on reproductive, maternal, newborn, child, adolescent health and nutrition (RMNCAH + N) and disease surveillance and control.
4. The proposed PforR project is framed in three components:
  - Component 1: Enhancing the provision of health and quality services in health facilities
  - Component 2: Enhancing leadership and governance of the institutional and management capacities of the project.
  - Component 3: Enhancing the capacity to respond to public health emergencies.
5. The PforR project will be implemented by the Ministry of Health. The project will be managed by a coordinating unit based in the National Primary Health Care Agency (ANSSP).

### ESSA PURPOSES AND APPROACH

6. The ESSA reviews the Country's environmental and social management systems applicable to the Program to assess their compliance with the provisions of the World Bank's PforR Policy. The purpose is to ensure that there are no significant environmental and social risks linked to the program and that the systems in place enable the identification and management of potential risks. Specifically, the ESSA identifies and analyzes any gaps that may exist between country systems and the program's core principles, and recommends actions for enhancing the consistency of environmental and social management systems with the Bank's requirements.
7. Unlike conventional investment programs or projects, the PforR supports a government program, with the following objectives: (i) finance specific program expenditures of the borrower; (ii) link the disbursement of funds directly to the achievement of specific results; (iii) use and, in the event, strengthen systems to ensure the proper use of funds, taking into account, as appropriate, the environmental and social effects of the program; and (iv) build institutional capacity to achieve the expected results.
8. The ESSA is undertaken to ensure the consistency of the PforR with the six core principles of the World Bank Program for Results Financing Policy in order to effectively manage potential program impacts and risks and promote sustainable development. The six core principles are as follows:
  - ▶ **Core Principle 1- Environment:** Promote environmental and social sustainability in Program design; avoid, minimize or mitigate against adverse impacts; and promote informed decision-making relating to a Program's environmental and social effects.
  - ▶ **Core Principle 2- Natural habitats and physical cultural resources:** Avoid, minimize or mitigate against adverse effects on natural habitats and physical cultural resources resulting from Program.

- ▶ **Core Principle 3- Public and worker safety:** Protect public and worker safety against the potential risks associated with: (i) construction and/or operations of facilities or other operational practices developed or promoted under the Program; (ii) exposure to toxic chemicals, hazardous wastes and otherwise dangerous materials dependent on the program; (iii) reconstruction or rehabilitation of infrastructure 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 displacement; and affected people are assisted in improving, or at least restoring, their livelihoods and living standards.
  - ▶ **Core Principle 5- Vulnerable groups:** Give due consideration to cultural appropriateness of, and equitable access to, Program benefits, with special emphasis provided to rights and interests, as well as the needs or concerns of vulnerable groups. Vulnerable groups will include women and people with disabilities.
  - ▶ **Core Principle 6: Social conflict:** Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
9. The WB team will be responsible for preparing the ESSA, while the client (Senegalese counterpart) will be responsible for assessing the effects linked to the activities (eligible investment sub-projects) to be financed under the program.
10. The preparation of the ESSA and the development of measures to enhance environmental and social management systems benefited from a variety of information and a broad consultation process, including: The preparation of the ESSA and the development of measures to enhance environmental and social management systems benefited from a variety of information and a broad consultation process, including:
- ▶ review of available documents and data on national environmental and social assessment and management procedures and related regulatory frameworks
  - ▶ interviews and working meetings on the environmental and social system with representatives of the various state institutions involved in development and implementation process
  - ▶ Discussions with key stakeholder representatives, in particular the local government, the Management Committee of the Central Purchasing Unit for Essential Drugs and Medical Consumables (COGES/CAME), community relays, the Social Promotion Center, and neighborhood/village leaders. The complete list of people met during the preparation of the ESSA is given in Annex 8.
11. Given the current COVID-19 situation, the World Bank team shared the draft ESSA virtually with the relevant stakeholder leaders to seek their opinions and suggestions before preparing the final version.

## **MAJOR ENVIRONMENTAL AND SOCIAL EFFECTS OF THE PROGRAM**

12. At this point, the Program does not have a real “menu” of specific activities, but only general categories, within which potential beneficiaries will be responsible for specifying the nature of the sub-projects they will submit.
13. Globally, the Program will have limited environmental and social effects. This is mainly due to the following aspects:
- ▶ the principle of excluding, by the very nature of a PforR, any investment with major environmental and social risks (i.e., projects rated high risk by the World Bank);
  - ▶ the type and nature of the planned infrastructure, including the rehabilitation of health facilities, which do not represent major environmental and social challenges (especially because they are carried out in existing health facilities);
  - ▶ the restoration and rehabilitation of infrastructure should not trigger major air or noise pollution or significant urban or rural environmental degradation or destruction or reduction of vegetation;

- ▶ the potential risks can be mitigated and monitored through various controllable and effective measures, both during the construction phase and during the operation of the sanitation facilities;
  - ▶ The country has an appropriate institutional and legal framework to effectively manage all aspects of the environmental and social management (ESM) of the Program;
14. The Program's activities will definitely have significant benefits. In fact, they will contribute to :
- ▶ fighting against poverty;
  - ▶ enhancing/increasing access to healthcare services for poor households in rural and urban areas;
  - ▶ enhancing the overall population health, especially in vulnerable groups (women, children, youth, people with low income, people without family support, people affected by Covid 19, migrant workers)
  - ▶ creating jobs;
  - ▶ building capacities of all actors involved in the implementation of the project;
  - ▶ reducing pollution and diseases caused by poor management of hospital waste, especially solid, liquid, biomedical and expired drugs;
  - ▶ enabling the beneficiaries to save on healthcare expenses;
  - ▶ improving the working environment, conditions and means in healthcare facilities.
15. The environmental and social diagnosis of the various investment sub-projects from eligible promoters will enable the identification, by means of a simple and effective screening system, of their potential adverse environmental and social impacts and propose possible risk adjustment or mitigation measures, the required planning tools and simple and effective control and monitoring systems.
16. In conclusion, in light of the above, it can be stated that the Program's risks and adverse environmental and social impacts will be *moderate*, including because of their cumulative aspect, but can be controlled and managed with appropriate measures.

## **ASSESSMENT OF NATIONAL SYSTEMS**

### ***The environmental system***

17. In Benin, environmental protection is one of the sustainable development policy priorities. Several legal and regulatory acts have been adopted:
- ▶ the principle of environmental protection and management is enshrined in the constitutional law
  - ▶ the establishment of a ministry in charge of the environment (since 1990) and its technical bodies in particular the Beninese Agency for the Environment (ABE) (1995)
  - ▶ the framework law on the environment (1992)
  - ▶ the Environmental Action Plan (1993)
  - ▶ the 2021 national Agenda (1997)
18. The *Environmental Action Plan* (PAE) has become the framework document for environmental management in the Republic of Benin. It comprises seven sub-programs planned over an initial 15-year period and with overall objectives relating to (i) national capacity building; (ii) conservation and sustainable use of biological diversity and natural resources; (iii) improvement of the living standards of rural and urban populations; and (iv) enhancement of decision-making and good governance in environmental matters.

### **Legal framework and policies**

19. Benin has an extensive legal arsenal *for environmental management*. Among the legislative instruments, the most relevant are the following:
- ▶ ***Law No. 030-98 of February 12, 1999*** on the framework law on the environment in the Republic of Benin is the basic text of national environmental policy, in that it covers all aspects from the identification of sources of pollution to their control and repression, including environmental



assessments: Strategic Environmental Assessment (SEA); Environmental Impact Assessment (EIA); Environmental Audit (EA); and Environmental Inspection (IE).

- ▶ Key provisions of the framework law on the environment in the Republic of Benin make it mandatory to conduct a *strategic environmental assessment (SEA)* and an *environmental impact assessment (EIA)* before undertaking developments, operations, installations, plans, projects and programs or the construction of any infrastructure.
- ▶ In addition, *Decree No. 2017-332 of July 06, 2017*, on the organization of environmental assessment procedures in the Republic of Benin, replacing Decree No. 2015-382 of July 09, 2015, clarifies the responsibilities and sets the administrative procedure for the issuance of an Environmental Compliance Certificate (ECC) by the Minister in charge of the Environment. Under the provisions of this decree, there are two types of environmental impact studies in Benin, namely:
  - the *Extended Environmental Impact Assessment* (applied to large projects, whose potential impacts are deemed major or medium-sized projects to be built in sensitive ecosystems);
  - the *Simplified Environmental Impact Assessment* (applied to individualized micro-projects and medium-sized projects that are not located in a sensitive ecosystem and certain specific activities);
  - Finally, all very small-scale environmental or social projects that are not located in a sensitive environment *are not subject* to the impact assessment procedure.

20. The main actors involved in environmental management in Benin are as follows:

- ▶ *The Ministry of the Living Environment and Sustainable Development (MCVDD)* is responsible for defining national environmental policy and monitoring its implementation. This policy must be in synergy with sector policies for natural resources management and activities that could potentially cause environmental nuisances (health, industry, agriculture, mining and energy, equipment).
- ▶ *The Beninese Environment Agency (ABE)* is the public body established in 1995, with responsibility for implementing the national environmental policy adopted by the government as part of its development plan (art. 12). The ABE is under the authority of the Ministry in charge of the Environment. As such, it works in collaboration with other sector ministries, local authorities, non-governmental organizations, civil society and the private sector. It also oversees all environmental and social assessment procedures.
- ▶ *The Directorate General for the Environment and Climate (DGEC)* is responsible for developing the national environmental policy and its implementation strategy.
- ▶ *The Environmental and Gender Units* are responsible for ensuring that environmental and social concerns are taken into account in the implementation of sector projects and programs at the ministry level.
- ▶ *The Prefecture* is, under the terms of the decentralization laws, the guarantor of the application of national policies by the municipalities that are assigned to it. Consequently, it is responsible for the implementation of all environmental matters at the decentralized level of the State.
- ▶ *The Municipality* implements its own environmental and natural resource management policy in accordance with national laws and policies. The program is national in scope and will be implemented in the municipalities through institutional mechanisms that ensure community participation at the grassroots level.

### ***Social Management***

21. In terms of land legislation, Benin has an acceptable legal framework for managing mechanisms for land acquisition and for restricting access to private property and assets. The same applies to the management of social risks such as social protection measures for vulnerable people, worker management procedures including measures to protect minors from labor, forced labor, gender-based violence (GBV) and violence against children (VAC) such as sexual exploitation and abuse and sexual harassment (ESA/HS) in the communities living in the work areas.

22. The *Constitution of Benin* states in Article 22 that every citizen has the right to property. No one may be deprived of his/her property except in the public interest and in exchange for fair and prior compensation. This provision of the Constitution ensures the protection of real property, of which land is the fundamental component.
23. Land and property ownership is governed by *Law No. 2013-01 of August 14, 2013* on the Land and Property Code (CFD) its implementing decrees, amended and supplemented by *Law No. 2017-15 of August 10, 2017*. The CFD covers all aspects of land law in Benin, modalities of access to land, institutional organization of the sector and expropriation for public utility. The law recognizes, among other things, all the attributes of property rights for the landowner.
24. The main institutions entrusted with the management of land and property in Benin are:
- ▶ *The National Agency of Property and Land (ANDF)* is a special type public institution with of a technical and scientific nature, created since 2013 (see Article 416 of the CFD). Its activities were officially launched in February 2016. The ANDF is a coordination unit for land and property management invested with a mission to secure land at the national level. Reporting to the Ministry of Economy and Finance (MEF), it is responsible for implementing the land and property policy defined by the State. The Communal Land and Property Offices (BCDF) represent its branches. Its field of intervention covers the entire land sector, whether rural, peri-urban or urban, across the whole of the national territory. On behalf of the State, it carries out the mission of expropriation and resettlement of populations affected by public projects.
  - ▶ *The municipality*, in accordance with the laws of decentralization, is responsible for the management of municipal land. Article 84 of law n°97-029 of January 15, 1999 on the organization of municipalities in Benin gives the municipality powers to draw up planning documents, to issue housing and building permits, and to monitor the conformity of buildings and constructions with the applicable laws. According to article 87: "The municipality initiates acts related to development work, infrastructure and equipment that fall within its property as well as actions related to their management and maintenance (...).

### **Other relevant policies**

#### ***Decentralization***

25. Decentralization, which became effective in Benin in March 2003, now gives the local level very broad responsibilities for environmental management and land use planning. Law 97-029 of January 15, 1999 on the organization of communes in Benin states that the commune is responsible for sanitation, waste management, environmental management and natural resources.

#### ***Legislation concerning child labor***

26. The main provisions concerning child labor (any human being under the age of 18) are contained in *Law No. 2015-08 of January 23, 2015* on the Children's Code in the Republic of Benin (Articles 19, 20 and 39) and Law No. 98-004 of January 27, 1998 on the Labor Code. These laws prohibit, among other things, the exploitation of children and protect them against all forms of economic exploitation or abuse for economic purposes; certain forms of work (debt bondage and serfdom, forced or compulsory labor); all work which, by its nature or the conditions under which it is carried out, is likely to harm the health, safety, education, morals and harmonious development of the child. The law also sets the time limit for the child's work.

#### ***Legislation on gender-based violence (GBV)***

27. *Law n°2011-26 of January 9, 2012* on the prevention and repression of violence against women provides a framework for GBV issues in Benin. It addresses all forms of violence against women that cause or may cause physical, sexual or psychological damage or suffering to women (art. 2).

### *Constitutional appeal bodies*

28. Law No. 2009-22 of August 11, 2009 established the *Mediator of the Republic of Benin*, an independent administrative authority, which does not receive instructions from any political, administrative, legislative or judicial authority, which receives grievances from citizens concerning the functioning of the central administrations of the State, decentralized communities, and public establishments, and examines them in order to provide equitable solutions.
29. There is also the *Beninese Human Rights Committee (CBDH)*, an independent national institution for the promotion and protection of human rights.

### **ADEQUACY OF APPLICABLE SYSTEMS**

30. The strengths, gaps, risks, and opportunities of country systems are presented in light of the Fundamental Principles applicable to the Program-as described in the Bank's Policy and Guidance for Financing Programs for Results (PforR).

#### **➔ Core Principle 1: General principle of environmental and social impact assessment and management.**

This Principle is **applicable** to the Program. In fact, the funded work could result in low to moderate risk adverse impacts. The recommendations of this ESSA will be incorporated into the overall program action plan. Following the principles presented in the ESSA, an ESMP will imperatively be prepared for any sub-project that, according to the initial diagnosis and the screening system put in place, would have a moderate environmental effect.

- ▶ **Strengths:** Benin has adequate regulatory and legal frameworks. The national environmental impact assessment system is based on a well-developed process for diagnosing and assessing the nature of impacts. The responsibilities of the various institutions are well defined.
- ▶ **Weaknesses:** The institutions in charge do not have sufficient human resources or adequate material and financial resources to ensure compliance with the law. Also, some legal provisions are outdated. Awareness of environmental management problems among all actors is low, as is the management of social risks and the consideration of cross-cutting issues.
- ▶ **Opportunities:** Awareness-raising initiatives for all actors and stakeholders will be organized on environmental and social management issues. Capacity building measures for program implementation entities will be initiated to bring them up to date with national systems and the World Bank's PforR requirements.
- ▶ **Risks:** National environmental and social management rules and procedures are not adequately implemented. Current environmental regulations are not enforced in a timely manner and there is a risk that the environmental and social effects of sub-projects are poorly considered and managed

#### **➔ Core Principle 2: Natural Habitats and Physical and Cultural Resources**

This principle is **not applicable** to the Program. In fact, no Program activity will take place in areas where biodiversity is protected. No investment will be eligible if it threatens fragile ecosystems. No investment will be eligible if it directly threatens the cultural and religious heritage of a region.

#### **➔ Core Principle 3: Public and Worker Safety and Health**

This principle is **applicable**. In fact, the rehabilitation work carried out under the Program could have an impact on the safety and health of the public and workers on the sites. Workers on the construction sites could be exposed to work-related accidents/injuries, water pollution, air pollution, poor management of solid waste and toxic or hazardous materials on the site, the spread of diseases including STDs/HIV/AIDS and transmissible diseases such as Covid19, risks of gender-based violence including sexual exploitation and abuse/harassment and

violence against children. The people living in the areas where the sub-projects are implemented could also be exposed to the same hazards.

- ▶ **Strengths:** Benin's legal/regulatory system includes provisions for safety on construction sites. There are national policies and guidelines for public and worker safety and health.
- ▶ **Weaknesses:** The national ESIA system does not include all aspects of public and worker safety. There is a general lack of awareness of public health and safety issues, particularly with respect to exposure to hazardous materials.
- ▶ **Opportunities:** Information and training sessions on construction site safety measures will be conducted for workers, including laborers. Contracts of companies, service providers, and workers will include codes of conduct binding each stakeholder individually and collectively. The labor management procedures for the program's activities will include a complaints management mechanism that will be put in place to anticipate and effectively address all complaints and grievances in the execution of each contract. The level of risk of GBV, EAS/HS and VAC will be assessed during the E&S impact studies and mitigation measures with action plans will be put in place and satisfactorily executed in accordance with national provisions. Finally, in the context of COVID19, all barrier measures will be clearly included in the work planning documents and formally observed during the execution phase of the work.
- ▶ **Risks:** The inability to enforce existing environmental, social and safety regulations in a timely manner when necessary.

➔ **Core Principle 4: Land Acquisition**

This principle is not applicable. Any sub-project that requires acquisition of private land for implementation will be excluded. The rehabilitation works that will be undertaken will be carried out in existing buildings, which are themselves located on public land owned by the Ministry of Health and have a proper title.

➔ **Core Principle 5: Social Considerations: Indigenous Peoples and Vulnerable Groups**

This principle is *applicable* (except that there are no Indigenous Peoples in Benin as defined by the World Bank).

- ▶ **Strengths:** Beninese legislation does not provide for specific measures for vulnerable groups. Actions will be taken to inform and consult the population about the implementation of program activities, particularly the negative E&S risks and adverse impacts, and to seek their opinions, concerns, expectations and observations for the effective management of E&S risks and adverse impacts; information posters are posted in public places for this purpose. The law provides for the services of the Mediator of the Republic in favor of vulnerable people.
- ▶ **Weaknesses:** There is a complaints management mechanism at the local level, but its functioning is uneven in the different health zones of the country.
- ▶ **Opportunities:** Define and implement a robust stakeholder consultation and engagement strategy (awareness raising, consultation, information dissemination and complaints mechanism) as part of the outreach program, targeting vulnerable groups in particular.
- ▶ **Risks:** Lack of clarity and consistency regarding the mechanism for implementing public consultations and stakeholder engagement could disadvantage poor and vulnerable groups.

➔ **Core Principle 6: Social Considerations - Social Conflict**

This principle is *not applicable*. The program is not implemented in conflict areas.

## ENVIRONMENTAL AND SOCIAL MANAGEMENT PROCEDURES

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

### Sub-projects screening

32. In accordance with Benin's environmental assessment procedures and the requirements of the World Bank's PforR financing policy, all sub-projects submitted under the Program will be subject to a screening or selection process, based on the following principles
- a) First, through a **Screening Form** (see Annex 5), the submitted sub-projects will be screened according to their levels of environmental and social risks and impacts, as well as the type of management instrument required (according to both Beninese procedures and Bank policy).
  - a) Based on the screening results:
    - ▶ Any sub-project whose environmental and social risks are deemed significant and whose negative impacts are considered diverse, varied, irreversible and unprecedented (sub-project not eligible under the PforR) **will be excluded**;
    - ▶ For a sub-project with **little or no environmental and social impact**: according to Beninese procedures, this is a category of non-taxable sub-project, for which the preparation of a **simple sub-project form will suffice**.
    - ▶ **For a sub-project with a low environmental and social impact**: according to Beninese procedures, a **simplified EIA** will be prepared, with the submission of the **Impact Statement** and the obtaining of an **Environmental Compliance Certificate**. The EIA will be supplemented by the preparation of a simple **Environmental and Social Data Sheet (ESDS)**, in accordance with the Bank's PforR policy.
    - ▶ **For a sub-project with moderate and medium environmental and social impact**: Benin's procedures must be completed by the preparation of an **Environmental and Social Management Plan (ESMP)** (see Annex 6) in accordance with all the basic principles of the World Bank's PforR policy - especially with regard to public consultations of stakeholders, citizen engagement and complaint management.
    - ▶ **Finally, for a sub-project with a moderate impact on involuntary resettlement**, there will be the preparation of a **Resettlement Action Plan (RAP)** (see Annex 6) in accordance with the World Bank's policy on PforR financing.
33. **Public consultations** on the potential risks and impacts of investment sub-projects should be held in a timely manner, in an accessible location, and in a form and language that is understandable to parties affected by the sub-projects and other interested parties. These consultations should provide valuable input into the development of the design and mitigation measures proposed under the program.
34. The **contract documents (CD)** of the companies responsible for carrying out the infrastructure rehabilitation work will contain all the technical devices and environmental and social mitigation measures planned, as well as a monitoring and control system that complies with the standards in force (including hygiene, health and safety of the workers and local populations, codes of good conduct, issues of GBV, VAC, EAS/HS, child labor and forced labor). Each contractor will be required to prepare an approved Site specific Environmental and Social Management Plan (ESMP-S) prior to the start of any work.
35. All safeguard instruments prepared for moderate risk sub-projects will be subject to **appropriate public disclosure** as part of a full engagement plan.
36. Local beneficiary stakeholders should be informed of the commitments contained in these instruments and have access to a **complaint management mechanism** in case of noncompliance. Each beneficiary commune, supported by civil society organizations, will ensure that this mechanism is implemented as part of a more comprehensive monitoring, evaluation and control system.

## ENVIRONMENTAL AND SOCIAL MANAGEMENT ACTION PLAN (ESMP)

37. With regard to the costs of implementing the ESM Action Plan, it should be noted that:
- Costs related to awareness and training initiatives will be covered by the RPP operating budget (“Training” budget line);
  - Costs related to measures to mitigate risks and negative environmental and social impacts will be included in the budgets of the investment sub-projects themselves;
  - For costs specific to environmental and social management measures, an estimated budget of US\$1,000,000 will be provided.
38. The table below presents the Environmental and Social Management Action Plan (ESMP), which is part of the overall Program Action Plan. The **ESMP** identifies two streams of recommendations, each with distinct and complementary activities.

N°	Actions	Achievement Measures	Responsibles	Time frame	Budget
<b>1. ENHANCEMENT OF THE ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEM</b>					
1.1	<b>Program ESM technical manual</b>	<p>(i) Preparing the ToR and recruiting the consulting firm to prepare the Manual</p> <p>(ii) Preparing a Manual that will be an integral part of the Program Procedures Manual. It will include at least</p> <ul style="list-style-type: none"> <li>• The process for filling out the <i>Subproject Screening Form</i></li> <li>• The process for developing the ESIA in accordance with national procedures (adding sections on the ESMP and public consultations, as well as measures for managing complaints, taking vulnerable groups into account, prevention and management of GBV/EAS-HS/VAC risks, protection against child and forced labor)</li> <li>• The process of developing an <i>Environmental and Social Management Plan (ESMP)</i> for sub-projects with a moderate environmental and social impact</li> <li>• Process for preparing a simple ESMP form for subprojects with low environmental and social impact.</li> <li>• Process for preparing a <i>Resettlement Action Plan (RAP)</i> for a sub-project with moderate social impacts.</li> <li>• Standard elements (environmental and social clauses, minimum staffing levels, headings for price lists) for the contracts of (i) construction companies, (ii) construction supervision offices</li> </ul> <p>(iii) Organizing a Technical Manual validation workshop.</p>	UGP in collaboration with CEGCC/MS and ABE	No later than three (3) months after the program takes effect	30,000

	<b>Implementation Program ESM technical manual</b>	(i) Implementation of the ESMPs and specific plans (GBV risk mitigation plan, EAS-HS, VAC)	UGP in collaboration with CEGCC/MS	Throughout the life cycle of the program	
12	<b>Environmental Strategic Assessment (ESA)</b>	(i) Implementing the ESMP and specific plans (GBV risk mitigation plan, EAS-HS, VAC)  (i) Preparing the ToR of the consulting firms in charge of conducting the SEA  (ii) Conducting the ESA  (iii) Organizing the ESA validation workshop	UGP in collaboration with CEGCC/MS	No later than six (6) months after program start-up	70,000
	<b>ESA implementation</b>	Implementing the developed ESA	UGP with the collaboration of CEGCC/MS	Throughout the life cycle of the program	100,000
13	<b>Development of a guide for the implementation of waste management plans</b>	(i) Preparing the ToR of the consulting firms responsible for developing the various waste management plans  (ii) Developing a solid waste management guide  (ii) Developing a guide for wastewater management in hospitals  (iii) Developing a guide for the management of biomedical waste.  (iv) Developing a guide for the management of mercury-containing waste and other hazardous chemical waste  (v) Organizing workshops to validate the plans.	UGP with the collaboration of CEGCC/MS, DPHAB	No later than 90 days after the program comes into effect	20,000
	<b>Implementation of waste management plans</b>	Implementing management plans	UGP with the collaboration of CEGCC/MS, DPHAB	Throughout the life cycle of the program	
1.4	<b>Complaint management mechanism</b>	Consolidating the PMMs observed in the health sector  Implementing a simple and effective complaint and grievance management system	UGP avec collaboration de la CEGCC/MS	Not later than six (6) months after Program start-up  Throughout the life cycle of the program	20,000
1.5	<b>Citizen Commitment Plan</b>	Developing a citizen commitment plan  Developing a citizen engagement mechanism	UGP with the collaboration of CEGCC/MS	No more than six (6) months after program start-up  Throughout the life cycle of the program	10,000
1.6	<b>UGP / ABE Interagency agreement</b>	Signing of an inter-institutional agreement between UGP and ABE for the study and obtaining of environmental compliance certificates within the deadlines prescribed by Decree No. 2017-332 of July 06, 2017	UGP / ABE	Within the first quarter after program start-up	100,000

2. INSTITUTIONAL CAPACITY BUILDING					
2.1	<b>UGP Human Resources and CEGCC/MS for Environmental and Social Management</b>	<p>Retention of existing specialists within the CEGCC/MS</p> <p><b>Recruitment:</b></p> <p><b>For UGP</b></p> <ul style="list-style-type: none"> <li>- one (01) HSSE specialist with a master's degree</li> <li>- one (01) social development specialist with a master's degree.</li> </ul> <p><b>For CEGCC</b></p> <ul style="list-style-type: none"> <li>- one (01) gender specialist</li> <li>- one (01) social development specialist.</li> </ul> <p>The specialists recruited for the two (02) entities will be employed full time throughout the implementation of the Program.</p>	UGP with the collaboration of CEGCC/MS	<p>TORs available prior to negotiations</p> <p>At the beginning of program implementation</p>	400,000
2.2	<b>Information and awareness</b>	<ul style="list-style-type: none"> <li>- Raising awareness and providing information on the environmental and social issues of the sub-projects</li> <li>- Strengthening citizen commitment and the complaint management mechanism.</li> </ul>	UGP in collaboration with ABE and the environmental units of the Ministry, the Prefectures and the municipalities	Especially in the first year of the program. And for the duration of the program.	100,000
2.3	<b>Specialized trainings</b>	<p>Organizing specialized training sessions for stakeholders directly involved in the implementation of sub-projects. Based on a capacity building plan, these training sessions will focus on the following aspects</p> <ul style="list-style-type: none"> <li>• Initiation to the Beninese legal and regulatory framework for environmental and social management;</li> <li>• mastery of the process of filling in the sub-project screening form</li> <li>• mastery of the development of the ESIA in accordance with national procedures (by adding sections on the ESMP and public consultations as well as measures to manage complaints, consideration of vulnerable groups, prevention and management of GBV/EAS-HS/VCE risks, protection against child labor and forced labor)</li> <li>• Mastery of the development of the Environmental and Social Management Plan (ESMP) for sub-projects with a moderate environmental and social impact</li> <li>• mastery of the preparation of a simple ESMP for sub-projects with low environmental and social impact</li> <li>• Mastery of the preparation and implementation of Resettlement Action Plans (RAP) for each of the sub-projects with moderate social</li> </ul>	UGP in collaboration with CEGCC/MS, ABE, DDS and DDCVDD with specialized external technical assistance	<p>Sessions start in the first half of the year after the program is implemented.</p> <p>Refresher sessions throughout the duration of the program (frequency to be determined)</p>	150,000



		<p>impacts.</p> <ul style="list-style-type: none"> <li>• Mastery of standard elements (environmental and social clauses, minimum staffing, price list headings) for contracts with (i) construction companies, (ii) construction supervision offices</li> <li>• mastery of the waste management plan</li> </ul> <p><b>Staff involved at the level of :</b>  CEGCC/DPP, DDS, AISEM (former DIEM), DPHAB, ANSSP, ABE, ANDF, MCVDD, DDS environmental focal points, Town Hall health focal points, community relays, neighborhood/ village chiefs, Social Promotion Center, Qualified Community Health Agent (ASCQ), COGES, construction companies and construction supervision offices</p>			
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Source: ESSA Development Team, January 2021

The World Bank is responsible for organizing a Public Consultation with representatives of key stakeholders, civil society organizations and the private sector to present and discuss the draft ESSA.

Thereafter, for the duration of the Program, the Benin counterpart will be responsible for organizing consultations on specific activities (investment sub-projects) of the Program.

The final revised version of the ESSA will be publicly disclosed on the World Bank's external website and the Ministry of Health's website.

## SECTION I. INTRODUCTION

### I.1 BACKGROUND

1. This *Environmental and Social Systems Assessment (ESSA)* was undertaken by the World Bank (WB) as part of the preparation of the Program for Result (PforR) for the *Benin Health System Enhancement Project (P172940)*.
2. This Program, which includes funding equivalent to US\$100 million, contributes directly to the health sector objectives of Benin's 2018-2025 National Development Program (PND) and to the strategic vision of the Ministry of Health (MS). The objective of the proposed operation is to strengthen the health system through improvements in quality and access in line with the PND's main health sector objective of reorganizing the health system for more effective health coverage.
3. The coherence between the proposed program objectives and the MS strategic vision is also evident in the prioritization of reform areas that focus on challenges in quality and access to health services.
4. To address these challenges, the Government has rolled out its five-year plan entitled *2016-2021 Government Action Program*, which is based on three pillars, seven strategic axes, and twenty-six major actions. One of the key actions of the program is to reorganize the health system for more effective health coverage. In support of this reorganization, a series of reforms have been identified and are being implemented. These reforms have led to the development of a new National Health Development Plan (PNDS) (2018-2022) which was validated on June 13, 2018.
5. The PNDS is the overall framework within which the "Health System Strengthening Program focused on improving maternal, child health and nutrition" is designed and will be implemented by the government, which has requested support from the World Bank, including its PforR financing instrument. This PforR reflects the government's priorities in terms of improving health outcomes through quality service delivery and increasing accessibility to these services. All PforR activities will be aligned with the Government's reform agenda in these areas.

### I.2 PURPOSES AND APPROACH OF THE ESSA

6. The ESSA reviews the program's environmental and social management systems to assess their compliance with the provisions of the Bank's PforR Policy. The purpose is to ensure that the program does not pose significant environmental and social risks and that the systems in place are adequate to identify and manage potential risks. In particular, the ESSA identifies and analyzes any gaps that may exist between country systems and the program's core principles, and recommends actions for improvement to ensure that environmental and social management systems are consistent with Bank requirements.
7. Unlike conventional investment programs or projects, the RPP supports a government program, emphasizing the following objectives: (i) finance specific program expenditures of the borrower; (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 with adequate consideration of the environmental and social impact of the program; and (iv) build institutional capacity to achieve the expected results
8. The preparation of a PforR requires an Environmental and Social System Assessment (ESSA) applicable to the program to ensure that systems are in place to appropriately identify and mitigate potential risks and impacts, including reporting, verification and disclosure of information related to the potential environmental and social effects of the activities funded under the program. In

particular, the environmental and social systems assessment shall be used to: (i) promote the environmental and social sustainability of a program; (ii) avoid, reduce, or mitigate any adverse environmental and social impacts; and (iii) support informed and participatory decision making.

9. The World Bank's policy for PforR financing describes the basic principles of environmental and social management that must be followed in the ESSA. The consistency of the Program's systems is considered by the Program in terms of: (i) systems defined by laws, regulations, procedures, etc. (*"the system as defined"*); and (ii) systems defined by laws, regulations, and procedures. (*"the system as defined"*); and (ii) the capacity of the Program's institutions to effectively implement the systems (*"the system as applied in practice"*). It identifies and analyzes the gaps between the country systems and the basic principles applying to the Program on the two levels mentioned above. It should be emphasized that, by virtue of the nature of programmatic interventions, the ESSA focuses on the system as such, providing only indications of the type, nature and characteristics of the activities implemented under the Program.
10. This ESSA has been prepared in accordance with the six (06) principles described in the World Bank's PforR financing policy with the objective 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 undesirable impacts, promote information-based decision making about the environmental and social impacts of the program
  - ▶ ***Core Principle 2- Natural Habitats and Cultural Resources:*** Avoid, minimize, or mitigate undesirable impacts to natural habitats and cultural resources resulting from the program.
  - ▶ ***Core Principle 3- Public and Worker Safety:*** Protect the safety of the public and workers from potential hazards associated with: (i) construction and/or work of infrastructure or other program-dependent works; (ii) exposure to toxic chemicals, hazardous wastes, and other hazardous materials dependent on the program; (iii) reconstruction or rehabilitation of infrastructure located in areas subject to natural hazards.
  - ▶ ***Core Principle 4- Land Acquisition:*** Manage land acquisition and loss of access to natural resources in a manner that avoids or minimizes displacement, and assists affected people in promoting, or at least restoring, their livelihoods and living conditions.
  - ▶ ***Core Principle 5- Vulnerable Groups:*** Pay particular attention to the cultural appropriateness of, and equitable access to, program benefits, paying special attention to the rights and interests and needs and concerns of vulnerable groups. Vulnerable groups will include women and people with disabilities.
  - ▶ ***Core Principle 6- Social Conflict:*** Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or disputed territorial areas.
11. The ESSA aims at identifying the strengths and weaknesses as well as the opportunities and risks of the environmental and social system applicable to the program in order to identify the actions needed to improve its performance. Specific actions to address the identified weaknesses or gaps are also proposed in the Environmental and Social Action Plan, which will be part of the coherent Program Action Plan, with a view to improving current practices and procedures to make them more consistent with World Bank policies.

### **I.3 METHODOLOGY**

12. From a methodological point of view, the preparation of the ESSA involved the following aspects:
  - ▶ review of available documents and data on national environmental and social assessment and management procedures and related regulatory frameworks
  - ▶ interviews and working meetings on the environmental and social system with representatives of the various state institutions involved in design and implementation

- ▶ consultations with representatives of key stakeholders, in particular the local government, the Management Committee of the Central Purchasing Unit for Essential Drugs and Medical Consumables (COGES/CAME), community relays, the Social Promotion Center, and neighborhood/village leaders. The complete list of people met during the preparation of the ESSA is given in Annex 8.
13. Given the current COVID-19 context, the World Bank team virtually shared the draft ESSA with the relevant stakeholder leaders to collect their opinions and suggestions before preparing the final version.
  14. The final version of the ESSA will be publicly disseminated through the WB's external website and also the MS website, prior to the Program's submission to the WB's Board of Directors. Public comments will be solicited during the defined period.

## SECTION II. PROGRAM DESCRIPTION

### II.1 BACKGROUND

#### Country overview

15. Benin is a country in the Gulf of Guinea (West Africa) and covers a land area of 114,763 km<sup>2</sup>. It is bordered on the north by Niger, on the northwest by Burkina Faso, on the west by Togo, on the east by Nigeria and on the south by the Atlantic Ocean.
16. The climate is tropical, hot and humid; the average temperature is 25°C and humidity is around 70% across the country. The country is fairly well irrigated with an estimated average annual rainfall of 700 mm in the north and 1300 mm in the south.
17. The country's total population is estimated at 11,857,627 in 2019 according to the results of the General Census of Population and Housing (RGPH4-2013), of which 2,987,900 are women of childbearing age (FAP) and 1,841,621 are children under the age of five. The census natural growth rate is 2.9% and life expectancy at the time of birth is 64.9 years. Benin's population has rapidly grown over the past five decades, from 3,331,210 in 1979 to 11,857,627 in 2019. According to the EDS 5 results, the total fertility rate is 5.7 children per woman. The population breakdown shows that 51% of Benin's population is female, 46.65% are under 15 years of age and 55.43% live in rural areas (RGPH4-2013).
18. The analysis of economic performance in Benin reveals an average economic growth of 6.7% over the 2017-2019 period. The Gross Domestic Product (GDP) is 7,922 billion FCFA in 2018. The Human Development Index (HDI) is 0.520 in 2018 ranking Benin 163rd out of 188 countries.
19. Administratively, the Republic of Benin is subdivided into twelve (12) departments (Atacora, Alibori, Atlantique, Borgou, Donga, Couffo, Collines, Littoral, Mono, Ouémé, Plateau, Zou), seventy-seven (77) communes, five hundred and forty-six (546) arrondissements and 5,290 villages and city districts. The following map shows the division of Benin by department.



## Sector and institutional background

### Organization of the health sector

20. The national health system has a pyramidal structure with three different levels: the central or national level, the intermediate or departmental level and the peripheral level.

- **Central level**

21. This level encompasses the Minister's office, central and technical directorates, agencies, supervised bodies, attached bodies, the National Council for Primary Health Care and the National Council for Hospital Medicine, and the national reference health structures.

- **Intermediate level**

22. This level includes the twelve Departmental Health Directorates (DDS) and the second-level health structures. The DDS are responsible for implementing the health policy defined by the government, planning and coordinating all health service activities, and ensuring epidemiological monitoring in the departments.

- **Peripheral level**

23. The peripheral level forms the base of the health pyramid and has 34 health zones. It is organized in the form of a network of first-contact public services (maternity hospitals and dispensaries alone, health centers) and private health facilities, all supported by a public or private first referral hospital called a zone hospital. Benin currently has 28 zone hospitals and more than 800 primary healthcare centers.

24. Benin also has a private service sector composed of private, associative or religious health institutions.
25. The operation of health facilities in Benin is largely based on fees directly charged to patients. In 2014 and 2015, direct household expenditures accounted for 38.30% and 49% of total health expenditures, respectively, while the state's contribution during the same years was 35.11% and 25.30% of expenditures and the remainder came from technical partners, external donors, insurance companies, businesses and NGOs.
26. Benin implements healthcare activities at the community level. The country has a community health policy with a budgeted 2017-2021 strategic plan that is currently being updated. Currently, seventy-one (71) of the seventy-seven (77) municipalities are covered by community activities. The number of active Community Relays (CR) is estimated at eight thousand and one (8001), which represents a 30% of households coverage. There are some experiences in the country with the use of qualified healthcare workers at the community level.
27. In order to build its capacity to respond to health emergencies and crises, Benin has set up a Health Emergency Operations Center (COUS). The process of making this important unit operational is still underway.
28. Since 2016, Benin has undertaken comprehensive reforms in the health sector with the aim of making it more efficient and reducing financial vulnerability to health needs. Thus, health insurance is being implemented in pilot municipalities to facilitate access to quality healthcare services for the poorest.

### **Maternal and child health situation**

29. Improving maternal and child health is a major concern of the Government of Benin as well as its technical and financial partners. Despite the efforts made over the last few decades, the levels of impact indicators related to maternal, neonatal and infant mortality have remained consistently above the set targets. Thus, according to the fifth edition of the Demographic and Health Survey (EDS 5): (i) approximately one (01) child in 10 dies before reaching the age of 5, i.e., 96 deaths per 1,000 live births, (ii) the maternal mortality ratio is estimated at 391 maternal deaths per 100,000 live births, (iv) the neonatal mortality rate is 30 deaths per 1,000 live births, (v) nearly one-third of children under 5 years of age (32%) are stunted, and (vi) 5% of children under 5 years of age are emaciated.
30. With regard to the use of maternal health services, (i) 52% of pregnant women have made at least four prenatal visits for an initial utilization of 83%, (ii) 78% of deliveries are attended by qualified personnel, (iii) 12% of women use a modern contraceptive method and (iv) 32% of women in union have unmet FP needs.
31. For child health, 51% of children aged 12 to 23 months received all the antigens before their first birthday. According to the same source, among children under 5 years of age who had a fever, advice or treatment was sought in 53% of cases, in 46% of cases for Acute Respiratory Infections (ARI) and in 43% of cases for diarrhea.
32. Non-communicable diseases are also becoming a priority at the national level. Indeed, according to the results of the 2015 STEP survey, 96.2% of people with high blood

pressure do not receive treatment. In addition, 97.6% of those surveyed have at least two risk factors. Similarly, the prevalence of diabetes mellitus was 12.4% in 2015. According to the results of Globocan 2018, the estimated incidence of breast cancer was 783 new cases, with a mortality of 756 deaths. Regarding the consumption of fruits and vegetables and the practice of physical activity, the survey showed that 93.1% of people do not consume the five servings of fruits and vegetables (03 servings of vegetables and 02 servings of fruits) and 15.9% do not engage in physical activity.

33. In the area of gender, inequalities still persist between men and women in terms of access to basic social services (education, health, social action), justice, resources (employment, finance, land, capacity building) and decision-making bodies. The Gender Status Index (GSI) showed only a slight change from 0.596 in 2011 to 0.607 in 2015. There was a deterioration in economic power by 9.6 percent, from 0.732 to 0.662. In addition, violence against women and girls still persists, despite the existence of the legal arsenal to punish the perpetrators of such violence.
34. Between 2015 and 2017, the number of cases related to sexual violence received in the care structures increased by 199. In fact, it gradually increased from 856 in 2015 to 920 in 2016 before reaching 1055 in 2017. In terms of representation in Parliament, the proportion of seats held by women remained stable over the 2015-2017 period. This proportion remains equal to 8.43%. (Report Study on GBV, 2017).
35. At the community level, the motivation of the Relays is often below the retained standards, (causing a resignation rate between 10 and 20%). The collection of health data at the community level, including their exhaustive integration in the SNIGS, remains a challenge.
36. In addition, over the last decade Benin has faced several health crises/emergencies such as floods, fires, epidemics of cholera, measles, meningitis, hemorrhagic fever (LASSA) and since January 2020, the global coronavirus pandemic. Several factors explain the health situation in Benin, including:
  - **The availability and functionality of healthcare services:** Benin's healthcare infrastructure coverage is 96% in 2019. However, the compliance rate is still low. As for the functioning of health facilities, according to the 2018 SARA survey, the general operational capacity of services is estimated at 64% and the service availability index is estimated at 26%.
  - **The number, quality and distribution of health personnel:** according to the 2018 national health personnel accounts, Benin has 10.69 agents in all categories per 10,000 inhabitants. However, when taking into account service providers (doctor, nurse, midwife, laboratory and imaging technician), this ratio drops to 5.47 qualified health workers per 10,000 inhabitants. In addition to this deficit, there is an inequitable distribution of personnel in the country. The shortcomings highlighted are also valid for the network of community agents (RC and ASCQ) as provided for in the national community health policy. In addition, the initial and ongoing training of health workers as conducted is not very effective and does not have a sufficient impact on the quality of care.
  - **Availability of vital products for mothers and children:** according to the results of the 2018 Landscape, the availability of certain vital products at the point of delivery remains a bottleneck for the provision of quality care. Examples include magnesium sulfate



(available in 33% of service delivery points), prenatal corticosteroids (available in 29% of service delivery points), and Misoprostol (available in 10% of service delivery points)

37. In addition to these main factors, there are other gaps that affect the availability of and access to health services. In fact, the overall analysis of the current state of the health system reveals significant gaps that need to be filled or reduced. These gaps are reflected in: (i) insufficient digitalization of the health information management system and insufficient use of statistical data for the availability of complete and reliable information for informed decision-making, (ii) non-existence of an effective equipment maintenance system, (iii) absence or insufficiency of complete and reliable information facilitating decision-making at the level of the drug supply chain.

## II.2 KEY PROGRAM FEATURES

### Program Development Objective

38. The Program Development Objective (PDO) is to contribute to the enhancement of access to and quality of health services focusing on reproductive, maternal, newborn, child, adolescent health and nutrition (RMNCAH + N) and disease surveillance and control.

### Project's areas of intervention and main activities

39. The proposed PforR will be constructed around three intrinsically linked outcome areas from the PNDS. These results areas are aligned with the analysis and conclusions of the work conducted by the Technical Commission on Health Sector Reforms (CTRSS). The conclusions of the work conducted by the CTRSS provided new guidelines for improving the performance of the health system. These new orientations focused on the following three (03) results areas:

- Results Area 1: Access and Quality. Improve demand for health services by improving access and strengthening the delivery of quality sexual, reproductive, maternal, newborn and adolescent health + nutrition services (SRMNAH + N);
- Results Area 2: Leadership and Governance. Strengthen leadership and governance to improve the health of the general population with an emphasis on mothers and children.
- Results Area 3: Public Health Emergency Preparedness and Response to strengthen the capacity of the health system to prepare for and respond to all health emergencies.

40. These three results areas represent the three components around which the PforR is constructed and which cover the pillars of the health system according to the World Health Organization (WHO).

41. Four indicators will be used to measure development objectives, namely:

- (i) *For quality* - Percentage of pregnant women who receive four antenatal care consultations (ANC)
- (ii) *For access* - Percentage of pregnant women of childbearing age who have access to health facilities for reproductive health consultations
- (iii) *For leadership and governance* - Percentage of health facilities (public and private) accredited according to the strategy/protocol established by the government.
- (iv) *For emergency preparedness and response* - The country has activated its public health emergency operations center or coordination mechanism

Component 1: Strengthening the provision of quality health services in healthcare facilities aims at:

- Developing and implementing high-impact interventions through a minimum package of health services that aim to improve RMNCAH + N results including capacity building, training, supervision and coaching of health facility providers to deliver a set of services.
- Developing and deploying a quality management system in the health sector to provide better quality health services in the facilities by strengthening the functionality of the Health System Regulatory Authority; implementing the quality approach in all health facilities; strengthening the referral and counter-referral systems; and institutionalizing the certification and accreditation of health facilities
- Strengthening the operational capacity of health facilities by providing them with bio-medical equipment, protection devices (protection and stability of electrical energy) and consumables; rehabilitating existing infrastructure to meet standards (solar panels in primary health centers, wells, etc.); the construction of infrastructure (medicalization of 20 health centers in 4 departments), the development of a hospital network for the availability of a reference health care offer with a sub-regional vocation, the reinforcement of medical waste management; the reinforcement of the preventive and curative maintenance mechanism; the reinforcement of the HAB system and prevention of nosocomial infections.
- The availability of medicines and basic products at the last mile, particularly in rural and remote areas, and the implementing an integrated logistics management system and a functional computer system.
- Improving and equitable distributing qualified human resources for health in rural and remote areas through the implementation of the reform program (human resource deployment), technical assistance to nursing schools to align with the human capital agenda; increasing teaching capacity and funding to recruit and train additional health professionals

Component 2: Strengthening leadership and governance of institutional and project management capacities. This component aims at strengthening the overall governance and management of the health sector by:

- Strengthening the capacity of the Ministry of Health in its governance function through the development of sector strategies, broader health policies and plans (financing policy, human resource development and deployment program, public-private partnership framework to further involve the private sector, strategic program to improve the quality of care) Strengthening capacity at central and peripheral levels to address low efficiency in the management of public resources, transparency and accountability.
- Promoting research and use of health research results: Generating evidence to improve decision making and support resource mobilization;
- Strengthening the health information and management system with the inter-operationalization of the various health systems with DHIS-2; strengthening the monitoring and evaluation system, technical assistance and studies to support the health reform program, including operational research in the health sector.

Component 3: Public Health Emergency Response Capacity Building.

Activities under this component will contribute primarily to

- Strengthening capacities to detect epidemics or other health events;
- Identifying and promoting measures to prevent health emergencies and crises;
- Computerizing the management of epidemiological surveillance data

- Developing health research (clinical trials, therapeutics, etc.);
- Strengthening the capacity of human resources specialized in epidemic management, including the laboratory and the community level

**Table 1: Summary of Disbursement Linked Indicators (DLIs)**

DLIs	Description
DLI 1	Proportion of potential emergency obstetric and neonatal care (EmONC) facilities offering EmONC
DLI 2	Birth control prevalence (modern method)
DLI 3	Full immunization coverage (12-23 months children)
DLI 4	Proportion of health facilities that have not experienced a shortage of critical maternal and child health commodities over the past three months
DLI 5	Existence of an up-to-date public health crisis/epidemic preparedness and response plan

### **Institutional Arrangements**

42. The implementation bodies will be composed of two entities:

- *the Steering Committee*, which will be responsible for providing guidance on the implementation of the project and for monitoring it. It brings together all the stakeholders, including representatives of the Ministry of Health, the Ministries in charge of Planning and Finance, the President of the Regulatory Authority, the Lead Partner of the TFPs and the project's Technical and Financial Partners.
- *the Project Coordination Unit, under the supervision of the MS, ensures the management of the PPR.* The Project Coordination Unit (PCU). This unit, which is responsible for the proper execution of the program, will be composed essentially of a coordinator, a financial management manager provided by the DAF of the MS, a procurement manager represented by the Person in Charge of Public Procurement (PRMP), an environmental monitoring manager and a social monitoring manager.

## **SECTION III. IDENTIFICATION OF ENVIRONMENTAL AND SOCIAL EFFECTS OF THE PROGRAM**

### **III.1 ENVIRONNEMENTAL AND SOCIAL DIAGNOSIS**

43. The environmental and social diagnosis of the various investment sub-projects from eligible promoters will enable the identification, by means of a simple and effective screening system, of their potential adverse environmental and social impacts and propose possible risk adjustment or mitigation measures, the required planning tools and simple and effective control and monitoring systems.

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

44. The potential environmental and social risks of the Program and the corresponding mitigation measures are summarized in Tables 2 and 3. The elements of these tables will then be taken up and elaborated upon in the ESMPs that will be prepared for each investment sub-project, in particular with regard to the level of risks and negative impacts, the identification of those responsible for the implementation of the various mitigation measures, and the modalities for follow-up and monitoring. In addition, the ESMPs will specify the monitoring indicators for these measures.

### **III.2 GLOBAL IMPACTS OF THE PROGRAM**

45. At this stage, the Program does not have a real "menu" of specific activities, but only general categories. The activities planned under the Program will focus on the following aspects:

- ▶ Health promotion through the consolidation of the ARCH program;
- ▶ Promotion of child nutrition and family services;
- ▶ Promotion of health surveillance through support to COVID 19 response efforts;
- ▶ repairing and/or rehabilitating health infrastructures;
- ▶ the organization of the hospital waste management system, particularly solid, liquid, biomedical and expired drugs.

39. Les Program activities will have a major beneficial impact on the biophysical and human environments (improved/increased access to health services for poor households in rural and urban areas). The project will:

- Improve the overall health of the population, especially vulnerable groups (women, children, youth, people with low incomes, people without family support, people affected by Covid 19, migrant workers);
- Create jobs;
- Strengthen the capacity of all actors involved in the implementation of the project;
- Reduce pollution and diseases caused by poor management of hospital waste, especially solid, liquid, biomedical and expired drugs;
- To allow the beneficiaries to save on health expenses;
- Improve the working environment, conditions and means in the health facilities.

These positive effects are numerous and should be maintained over the long term.

40. *Adverse environmental and social impacts* associated with program activities are considered to be of low to medium significance in accordance with the World Bank's OP 9.00 on Programs for Results. These impacts are expected to be reversible, easily controllable, manageable, and easily prevented and minimized through proposed good environmental and social practices and effective mitigation measures. The environmental and social risks associated with the program are considered low to moderate. They will be relatively easy to identify in advance, prevent and minimize with simple good practices and effective mitigation measures.

41. The environmental and social screening of the different sub-projects that will be submitted to the program for financing will allow to identify both the nature and the scope of the possible direct and indirect negative impacts associated with the planned activities and to determine the required planning tools, as well as the necessary control and monitoring systems (through a simple and effective screening system).

**III.3 POTENTIAL ENVIRONMENTAL AND SOCIAL EFFECTS OF THE PROGRAM**

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

- ▶ the principle of excluding, by the very nature of an PforR, any investment with major environmental and social risks (i.e., projects rated as high risk by the World Bank) (see Box 1);

**Box 1 : Excluded Investments**

<p>According to the World Bank's PforR financing policy, all investments that may involve:</p> <ul style="list-style-type: none"> <li>• significant conversion or degradation of critical natural habitats or critical cultural heritage sites;</li> <li>• Air, water, or soil contamination resulting in significant adverse effects on the health or safety of individuals, communities, or ecosystems;</li> <li>• working conditions that expose workers to significant health and personal safety risks;</li> <li>• land acquisition and/or resettlement of a scale or nature that will have significant adverse effects on affected people, or the use of forced evictions;</li> <li>• Large-scale changes in land use or access to land and/or natural resources;</li> <li>• adverse E&amp;S impacts covering large geographic areas, including transboundary impacts, or global impacts such as greenhouse gas (GHG) emissions;</li> <li>• Significant cumulative, induced or indirect impacts;</li> <li>• Activities that involve the use of forced or child labor;</li> <li>• Marginalization, discrimination against or conflict within or between social groups (including ethnic and racial).</li> </ul>
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- ▶ The type and nature of the planned infrastructure, in particular the repair and rehabilitation of health facilities that do not represent major environmental and social challenges (because they are carried out in existing health facilities); the installation of the planned health equipment; the improvement of the performance of maternal and child health care and nutrition services; the organization of the management of solid, liquid and biomedical waste, as well as expired medicines; the nature of the planned

activities, based on the results of prior diagnostic studies, according to specific social, economic and environmental parameters;

- ▶ The repair and rehabilitation of infrastructures must not generate major cases of air or noise pollution or significant degradation of the urban or rural environment or destruction or reduction of vegetation;
- ▶ The rehabilitation of the infrastructures must not generate major cases of air or noise pollution or significant degradation of the urban or rural environment or destruction or reduction of vegetation;
- ▶ The existence of various controllable and effective measures to mitigate possible risks and ensure impact monitoring, both during the construction phase and during the operation of the sanitary infrastructures
- ▶ The existence of institutions/structures capable of managing most of the environmental and social aspects of the program
- ▶ The existence of an appropriate institutional and legal framework to effectively manage all aspects of the environmental and social management (ESM) of the Program.

### **III.3.1 Potential positive environmental effects**

43. Without a doubt, the Program's investments will have a positive environmental impact - both directly and indirectly, temporarily and permanently - on the environment and the population. Indeed, the Program's sub-projects will contribute, in part, to:

- ▶ improve/increase access to health services for poor households in rural and urban areas;
- ▶ Improve the overall health of the population, especially vulnerable groups (women, children, youth, low-income earners, people without family support, people affected by Covid 19, migrant workers);
- ▶ Create jobs and subsequently improve income for employees;
- ▶ build the capacity of all actors involved in the implementation of the project;
- ▶ reduce pollution and diseases caused by poor waste management, especially biomedical waste
- ▶ improve the working environment, conditions and means of work in hospitals;
- ▶ improve the quality of life and living conditions of the population: hygiene, health, safety;
- ▶ fight against poverty;
- ▶ improve the institutional capacity of actors involved in the delivery of health services;
- ▶ Establish regular interactions between the population and health officials to encourage the latter to improve their performance, particularly in the area of health care;
- ▶ better manage hospital waste, especially solid and liquid waste, biomedical waste and expired medicines.

### **III.3.2 Potential Adverse Environmental and Social Impacts**

#### **Potential adverse environmental impacts**

44. During the preparation stage, the main risk is the neglect of environmental and social aspects in the preparation of tender documents and/or their poor consideration in the preparation of technical studies and/or the preparation of unsatisfactory studies. This risk can be aggravated in cases where technical alternatives for project design have not been

considered rigorously and aspects relating to public information and participation are not taken into account in a culturally appropriate and socially acceptable way.

- ▶ The main mitigation measures recommended during this phase consist mainly of *screening all program sub-projects* according to agreed parameters, as well as the introduction of an E&S impact assessment form for activities before they are carried out and the inclusion of a section on compliance with environmental (including hygiene, health and safety on construction sites) and social clauses in the tender specifications, strict monitoring of the implementation of mitigation measures prescribed in the ESMPs and, where applicable, the RAPs.

45. During the construction stage, with the opening of work sites, activities could generate solid waste (bags of cement and other types of packaging, material residues, workers' household waste, etc.), involve nuisances associated with vehicles and machinery (dust, noise, emissions and accidental spills of hydrocarbons and used oils).

46. Although they are not permanent (since they cease with the closure of the work sites), the effects of these impacts may nevertheless persist (particularly the effects of solid waste and probable accidental spills of hydrocarbons and used oil and grease from the machines) if the conduct and closure of the work sites are not accompanied by environmental compliance procedures. In particular:

- ▶ the repair and rehabilitation work on the health facilities will involve excavation, especially in the case of rehabilitation for the construction of poles
- ▶ the construction equipment could create noise pollution for the health care personnel, the users of the health facilities and the workers on the construction sites;
- ▶ the circulation of machinery and vehicles for the supply of materials (sand, gravel) could produce relatively significant atmospheric pollution (linked to dust emissions and GHG emissions linked to exhaust gases);
- ▶ Failure to follow safety instructions on the work sites could cause accidents for workers and staff as well as for users of the health facilities;
- ▶ Excavations and inappropriate storage of materials (such as cement), the movement and use of materials (cement) could also emit dust that is harmful to the health of health care personnel, users of health facilities and workers on the construction sites;
- ▶ The work may produce large quantities of excavated material and generate waste that may temporarily degrade the landscape and the living environment of the population;
- ▶ Some works may involve cutting down trees or uprooting vegetation - especially rehabilitation works;
- ▶ Increased risk of STI/HIV/AIDS prevalence and COVID 19.

47. The mitigation measures that accompany this phase of work consist of the rigorous implementation of measures proposed in the ESMPs that have been elaborated and the regular monitoring of the application of work site instructions as defined in the specifications of the companies awarded the rehabilitation work, the establishment of non-conformities and the identification of corrective measures as well as the monitoring of their implementation.

Finally, *during the operation phase*, the negative environmental and social effects could be linked to a lack of awareness and information among the population, a lack of maintenance and upkeep of the infrastructure and facilities, inadequate use and degradation of the infrastructure and equipment, insufficient application of health and safety measures at the health facilities, causing the spread of infections and accidents among the users of the health facilities and among the community as a whole:

- risks of fire and explosion of sanitary equipment due to short-circuiting;
- the risk of work accidents related to the maintenance of sanitary infrastructures and equipment;
- risks of electrocution by direct contact with undervoltage conductors (operation of certain equipment);
- health safety problems, especially for health facility staff and people living near health facilities (microbiological and chemical risks);
- risks related to obsolete sanitary equipment;
- infectious risks;
- the operation of health facilities will produce hospital waste of all kinds which, if poorly managed, could be a source of health risks and environmental pollution;
- poorly canalized runoff and wastewater management can lead to nuisances such as overflowing water and environmental erosion (flooding or overflowing, soil erosion, etc.).

48. The environmental monitoring system that will accompany the operation phase will have to identify these malfunctions in real time in order to make the necessary corrections.

### **Potential adverse social impacts**

The proposed program activities will not result in land acquisition or land use restrictions or physical displacement.

However, the repair and/or rehabilitation of health facility buildings may result in:

- ▶ The risk of gender-based violence (GBV), sexual exploitation and abuse (SEA) and sexual harassment (SH) of women and girls around the construction sites and the location of construction site workers
- ▶ the risk of child labor and forced labor
- ▶ the risk of conflict between workers and local populations regarding the relationship between workers and women and girls in the areas surrounding the construction sites or the rental of construction site workers
- ▶ the risk of conflict between workers and local populations due to the non-payment of debts contracted by construction workers
- ▶ the risk of propagation of STI/HIV/AIDS and COVID 19 due to the influx of construction workers
- ▶ the risk of exclusion of certain categories of beneficiaries from health services.



### III.3.3 Main environmental and social risks and mitigation measures

49. Tables 2 and 3 summarize the potential environmental and social risks/impacts associated with the program, their respective levels, and the key mitigation measures that will need to be considered.

**Table 2: Key environmental risks/impacts and mitigation measures**

Type of risks/impacts	Assessment	Level of risk/impact	Mitigation measures
<b>1. Call for proposals (preparation phase)</b>	Disregard for environmental aspects	Low to moderate	Preparation of appropriate Terms of Reference.
<b>2. Destruction of vegetation cover</b>	Need to cut or destroy vegetation (trees, shrubs) to set up	Low	<ul style="list-style-type: none"> <li>- Avoid and/or minimize tree removal and limit to the right-of-way;</li> <li>- Carry out/plan compensatory reforestation;</li> <li>- Pay special attention to endangered tree species,</li> <li>- Avoid open burning of plant material.</li> </ul>
<b>3. Poor solid waste management (including glassware, plastic containers, take away etc.)</b>	<p>Repair and rehabilitation of health facilities</p> <p>Various wastes produced on the construction sites</p> <p>Functioning/operation of health facilities</p>	Moderate	<ul style="list-style-type: none"> <li>- Develop and implement a solid waste management plan in accordance with national policies, standards and guidelines as well as international standards, including World Bank environmental, health and safety guidelines</li> <li>- Develop an information and awareness program and training on potential negative impacts, health and safety risks, and good solid waste management practices</li> </ul>
<b>4. Poor management of liquid waste (wastewater)</b>	Functioning/operation of health facilities	Moderate	<ul style="list-style-type: none"> <li>- Develop and implement a hospital wastewater management and disposal guide in accordance with national policies, standards and guidelines as well as international standards, including World Bank environmental, hygiene, health and safety guidelines</li> <li>- Develop an information, awareness and training program for health workers on potential negative impacts, hygiene, health and safety risks and good liquid waste management practices</li> </ul>
<b>5. Poor management of biomedical waste</b>	- Functioning/operation of health facilities	Moderate	<ul style="list-style-type: none"> <li>- Develop and implement an integrated biomedical waste management plan in health facilities for safe disposal in accordance with national policies, standards and guidelines as well as international standards, including World Bank environmental, hygiene, health and safety guidelines</li> <li>- Train all health actors/agents at the level of the whole healthcare level (department, health zones, communes, etc.), beneficiaries and other parties involved in the healthcare system in the safe and sound handling and management of biomedical waste.</li> <li>- Identify, acquire, and install appropriate incinerators (efficiency, durability, and neighborhood protection)</li> </ul>
<b>6. Noise production</b>	Increase of noise pollution	Low	<ul style="list-style-type: none"> <li>- Maintain work equipment and vehicles in good condition and according to manufacturers' standards;</li> <li>- Avoid noisy work during rest hours;</li> <li>- Provide workers with adequate PPE and require that they wear it.</li> </ul>

<p><b>7. Air pollution</b></p>	<p>Open construction sites could contribute to increased air pollution, dust generation.</p> <p>Increased pollution and inappropriate storage of materials and movement and use of materials (cement, sand, iron, ...)</p> <p>Degradation of air quality</p> <p>Dust and exhaust emissions from vehicles.</p>	<p>Low to Moderate</p>	<ul style="list-style-type: none"> <li>- Adhere to strict safety standards in areas near work sites.</li> <li>- Use techniques to mitigate this risk at construction sites</li> <li>- Organize public awareness and information campaigns</li> <li>- Periodically water access roads and work areas to avoid or minimize dust emissions</li> <li>- Provide site workers with the appropriate PPE program and require that they wear it</li> <li>- Regularly maintain vehicles and machinery.</li> <li>- Install windbreaks at material stockpiles, especially sand and soil subject to wind</li> </ul>
<p><b>8. Surface and Groundwater Pollution</b></p>	<p>Possible pollution of surface water</p> <p>Groundwater contamination (accidental spills of hydrocarbons and lubricating oils and chemical/toxic products -paints, thinners-)</p> <p>Contamination of groundwater by liquid hospital waste</p>	<p>Low</p>	<ul style="list-style-type: none"> <li>- Build waterproof surfaces for the maintenance of the Equipment</li> <li>- Build watertight pits in compliance with the prescribed standards to avoid infiltration</li> <li>- Build watertight surfaces for areas dedicated to the distribution of hydrocarbons and lubricating oils</li> <li>- Implement waste management plans (solid, liquid, biomedical, etc.)</li> </ul>
<p><b>9. Pollution and soil erosion</b></p>	<p>Accidental spills of hydrocarbons and lubricating oils, and chemical/toxic products (paints, thinners)</p> <p>Excavations for foundations during rehabilitation</p>	<p>Low</p>	<ul style="list-style-type: none"> <li>- Constructing watertight surfaces for equipment maintenance</li> <li>- Construct waterproof surfaces for areas dedicated to the distribution of hydrocarbons and lubricating oils, and chemical/toxic products (paints, thinners)</li> <li>- Immediately compact disturbed soils during site preparation.</li> </ul>
<p><b>10. Accident risks</b></p>	<p>Hygiene, Health and Safety at Work</p> <p>Workplace accidents on construction sites</p> <p>Road accidents due to work</p>	<p>Moderate</p>	<ul style="list-style-type: none"> <li>- Ensure and require the use and mandatory wearing of PPE in compliance with international standards</li> <li>- Carry out regular checks on the use and availability of PPE and other protective tools and materials by personnel at all stages of the sub-project and sanction any deficiencies.</li> <li>- Authorize the use of machinery and equipment only by competent workers and personnel in order to reduce accidents.</li> <li>- Prohibit access to the site by outsiders during construction and post warning and prohibition signs to inform them.</li> <li>- Train and sensitize staff and the surrounding community on fire precautions and reflexes,</li> <li>- Develop a worker health and safety manual and all workers should be aware of how to respond in case of an accident.</li> <li>- Establish and maintain operational codes of good conduct in the management of the contract of each</li> </ul>

			contractor (companies and workers)
<b>11. Fire and explosion hazards</b>	Operation and functioning of sanitary facilities	Low	<ul style="list-style-type: none"> <li>- Provide all health facilities with firefighting equipment that meets recommended standards and at key strategic points. This should include, at a minimum, portable fire extinguishers, among others.</li> <li>- Have and post a fire evacuation plan, including procedures to follow when a fire is reported, at various points in the facility.</li> </ul>
<b>13. Health risks</b>	Sexually Transmitted Infections (STI)  HIV AIDS  COVID 19 Pandemic	Moderate	<ul style="list-style-type: none"> <li>- Educate clients and staff on good practices and preventive methods for STI and drug control;</li> <li>- Provide staff with condoms and appropriate protective equipment.</li> <li>- Equip workers with Personal Protective Equipment (PPE) and ensure that they are worn.</li> <li>- Observe all barrier procedures and have handwashing facilities with soap and water on all work sites and health facilities.</li> </ul>
<b>14. Risks to the safety of construction site workers and health facility staff and users</b>	Work-related accidents	Low to moderate	<ul style="list-style-type: none"> <li>- Require contracting companies to draw up and implement Health, Safety and Security Plans on worksites;</li> <li>- Provide for Health, Safety and Environment personnel in the supervisory staff of prime contractors and companies for the implementation of safety and personnel protection measures</li> </ul>

**Table 3: Main social risks/impacts and mitigation measures**

Type of impact	Assessment	Level of impact	Mitigation measures
<b>1. Risks to the safety of construction site workers and health facility staff and users</b>	Construction site workers and health facility staff and users are not well aware of the risks they are exposed to as a result of the work	Low to moderate	<ul style="list-style-type: none"> <li>• Requiring contractors to draw up and implement Health, Safety and Security Plans on worksites;</li> <li>• Provide for Health, Safety and Environment personnel in the supervisory staff of prime contractors and companies for the implementation of safety and personnel protection measures;</li> <li>• Informing/training workers on the risks they run as a result of the work</li> <li>• Strict control of the adherence to the instructions and protection rules by the workers</li> <li>• Insurance of workers by the service providers</li> <li>• Information for staff and users of health facilities and posting of information on the work areas</li> </ul>

<p><b>2. Communication, consultation, information sharing and grievance management of community health organizations</b></p>	<p>The community organizations benefiting from the work are not consulted and do not have all the necessary information concerning the benefits of the work and the associated risks/impacts.</p>	<p>Low to moderate</p>	<ul style="list-style-type: none"> <li>• Information and public awareness initiatives on the characteristics of the program and its impacts by the RCs, the COGES and the CQ/CV, CPS, the focal points of the town halls and the ASCQ.</li> <li>• Use of the channel of civil society associations, neighborhood associations and community radios to disseminate information and encourage their participation in options and possible decisions.</li> <li>• Holding public consultation meetings.</li> <li>• Participation in consultation meetings with representatives of civil society organizations and district associations and neighborhood associations.</li> <li>• Consolidation of the Complaints Management and Citizen Engagement System</li> </ul>
<p><b>3. Gender-Based Violence, Sexual Exploitation and Abuse/Sexual Harassment, Violence Against Children and Conflict</b></p>	<p>The presence of foreign workers on construction sites can lead to increased violence and sexual harassment of women and children</p>	<p>Low to moderate</p>	<ul style="list-style-type: none"> <li>• Respect of safety rules and good conduct for workers.</li> <li>• Public consultations</li> <li>• Management of complaints and grievances from the population</li> <li>• Sensitization of the community, especially the women vendors and women and girls in general</li> <li>• Information, training and individual signature of the code of conduct by workers and all other service providers</li> <li>• Respect for legal provisions.</li> </ul>
<p><b>4. Risks of spreading STIs/HIV/AIDS/COVID 19</b></p>	<p>The presence of foreign workers on construction sites can cause an increase and STI/HIV AIDS and COVID 19</p>	<p>Low to moderate</p>	<ul style="list-style-type: none"> <li>• Insertion of rules and behavior to be respected in the codes of conduct</li> <li>• Awareness raising, posting of leaflets</li> <li>• Regular verification of the respect of barrier gestures and other rules and instructions</li> </ul>
<p><b>5. Child labor</b></p>	<p>Children of less than 18 years old can be used for some work</p>	<p>Low to moderate</p>	<ul style="list-style-type: none"> <li>• Compliance with the provisions of Beninese policies and legislation</li> <li>• Information, training and individual signature of the code of conduct by workers and all other service providers</li> <li>• Application of control measures and monitoring of companies</li> <li>• Awareness and information</li> </ul>
<p><b>6. Risks of exclusion of vulnerable people from health services</b></p>	<p>Some vulnerable people may be disadvantaged in accessing health services</p>	<p>Low to moderate</p>	<ul style="list-style-type: none"> <li>• Establish a clear strategy, disclose and monitor the implementation of the strategy to promote access to the benefits of the Project for vulnerable people</li> </ul>

### III.4 OVERVIEW

50. In light of the elements in the previous subsections, it can be emphasized that the Program will have limited to moderate environmental and social impacts. This is essentially due to the fact that *the Program has been designed as a PforR*: this excludes, as a matter of

principle, any investment involving major environmental and social risks (i.e., activities classified as Category A requiring an in-depth ESIA according to Benin's nomenclature).

➔ Thus, in accordance with this policy, the program ***will automatically exclude any activity that poses a potentially significant environmental and social risk and significant, diverse, irreversible and unprecedented adverse impacts.***

51. Therefore, will be ***considered ineligible*** any sub-project concerning:

- ▶ the rehabilitation of health infrastructure that would require high social risks, i.e., significant physical displacement of people or acquisition of large areas of private land or demolition of a large number of private properties and assets, or significant restrictions on access to economic resources;
- ▶ the rehabilitation or upgrading of infrastructure that could exacerbate existing social conflicts over land;
- ▶ the works that have a high and irreversible impact on any area classified as a site of biological or ecological and cultural interest.

52. Various controllable and effective measures will make it possible to mitigate the possible risks of the eligible sub-projects, and to monitor their impact, both during the works phase and during the operation of the health infrastructure. These measures correspond to those generally implemented in the monitoring of construction sites and will be included in the specifications of the contracting companies and their application will be monitored using appropriate tools developed (monitoring sheets).

53. From this point of view, Benin has both an appropriate legal arsenal and specialized institutions capable of effectively managing all aspects of the environmental and social management of the Program.

54. Finally, it is worth recalling that the World Bank's policy (OP 9.00) for RforRs also excludes works/works whose estimated cost could exceed specific amounts (high value contracts) and which would require a mandatory review by the World Bank's *Operations Procurement Review Committee* (OPRC).

55. Promotion of gender equity

All program activities will be in line with the *National Gender Promotion Policy (2008)* developed by the Ministry of Family and National Solidarity in 2008, which aims to correct imbalances in gender relations and will serve as a reference framework for strategies and actions designed to reduce or even eliminate disparities between men and women by 2025. The activities will also be in line with the World Bank Group's Strategy ("*Gender Equity, Poverty Reduction and Inclusive Growth*"), in particular to combat any negative impact on women's social and economic status and to prevent any form of sexual and gender-based violence and sexual harassment (SGBV) and undermining women's security and safety.

#### ***About potential social conflicts***

56. The Program does not operate in a conflict-affected context. Nevertheless, the program design, and in particular the enhancement of citizen engagement and participation, is aimed at enabling citizens (including women, youth and the most vulnerable populations)

to have access to information and benefits of the program, to be consulted and to have easy access to appropriate complaint management mechanisms.

#### CONCLUSION

57. In conclusion, based on the above, it can be stated that the risks and negative environmental and social effects of the Program will be moderate, including their cumulative aspect, but controllable and manageable through appropriate measures.

## **SECTION IV. DESCRIPTION OF THE NATIONAL ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEM**

### **IV.1 ENVIRONMENTAL MANAGEMENT SYSTEM**

58. In Benin, environmental protection is one of the priority axes of policies that should contribute to the achievement of sustainable development objectives. Several legal and regulatory texts have been adopted.

#### **IV.1.1 National legal framework for environmental management**

59. Following the *1990 National Conference*, which marked the return to pluralist democracy and the open market economy, a clear direction for environmental management was adopted. This orientation is observed through:

- ▶ the inclusion of the principle of protection and management of the environment in the constitutional law;
- ▶ the institutionalization of a ministry in charge of the environment (since 1990) and its technical structures, in particular the *l'Agence Béninoise pour l'Environnement* (Beninese Agency for the Environment) in 1995;
- ▶ the adoption of the Environmental Action Plan (1993);
- ▶ the adoption of the national Agenda 21 (1997).

60. The *Environmental Action Plan (EAP)* has since become the framework document for environmental management in the Republic of Benin. It comprises seven sub-programs planned over an initial 15-year period, with overall objectives relating to (i) national capacity building; (ii) conservation and sustainable use of biological diversity and natural resources; (iii) improvement of the living environment of the population in both rural and urban areas; and (iv) improvement of decision-making and good governance in environmental matters. The EAP was revised in 2001 after five years of implementation. The various objectives of the EAP remain the environmental benchmarks for any sectoral policy, program or environmental support program at national and local levels.

61. In addition, the *Growth and Poverty Reduction Strategy Document (GPRS)* and the *Government Action Program (GAP)* all incorporate the specific objectives of the *National Environmental Management Program (NEMP)*, thus demonstrating Benin's political will to make the environment one of the key pillars of sustainable development. This will is also evident in the country's adherence to the *Millennium Development Goals (MDGs)*, for which the first national report was published in July 2001 in order to better target and orient national investments. Finally, the share of the environment in the general state budget has increased significantly in recent years.

62. Several other actions complement the above-mentioned political efforts and make it compulsory to take the environment into account in development actions. These include, for instance:

- ▶ 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 for the Fight against Air Pollution;
- ▶ the preparation of the Integrated Water Resources Management (IWRM) strategy;
- ▶ the preparation of the national wetlands management strategy;
- ▶ the development of a National Pollution Control Plan (PNLPo).

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

## IV.1.2 National legal framework

64. **The Constitution of December 11, 1990** already stipulates in its article 27 that: "*Everyone has the right to a healthy, satisfactory and sustainable environment and has the duty to defend it. The State ensures the protection of the environment*". Other articles of the constitution raise environmental violations to the rank of a crime of high treason for which the President of the Republic should be answerable.
65. Benin has an extensive legal arsenal for environmental management (see Annex 2). Among the legislative texts, the most relevant are the following:
- ▶ **Law No. 030-98 of February 12, 1999** on the framework law on the environment in the Republic of Benin includes provisions relating to the clarification of concepts, sanctions, protection and development of receiving environments, protection and development of the natural and human environment, pollution and nuisances, impact studies, public hearings on the environment, emergency plans and incentives. This law is the basic text of the national environmental policy, in that it covers all aspects from the identification of sources of pollution to their control and repression, including environmental assessments: Strategic Environmental Assessment (SEA); Environmental Impact Assessment (EIA); Environmental Audit (EA); and Environmental Inspection (IE).
  - ▶ **Law No. 87-015 of September 21, 1987** on the public hygiene code of the Republic of Benin: it legislates on housing, noise, water, pollution of the natural environment, industrial facilities, beaches, classified establishments, and health police.
  - ▶ **Law n° 2010-44 of October 21, 2010** on water management in the Republic of Benin: it advocates Integrated Water Resources Management (IWRM) as the basic principle for water management in Benin.
  - ▶ **Law n°2002-016 of October 18, 2004** on wildlife management in the Republic of Benin: it establishes provisions for the rational and participatory management of wildlife and its habitats, the creation and management of protected areas, the protection of threatened, vulnerable or endemic species, and finally, offenses and penalties.
  - ▶ **Law No. 93-009 of July 2, 1993** on the forest regime in the Republic of Benin: it sets out provisions on "the management, protection, exploitation of forests, trade and industry of forest and related products. The forest code defines the different types of forest regime (state, private, community, classified), their management mode as well as wildlife reserves and hunting issues. The provisions for the repression of offenses related to poaching and irrational logging; Article 11 includes one of the provisions favorable to the Project in that it states that "[...] the forests necessary [...] for the preservation of sites and the conservation of nature" may be classified;
  - ▶ **Decree 2019-430 of October 02, 2019** defining the standard structure of ministries
- Article 4:** The Minister directs all the structures of the department for which he is responsible and which he represents within the Government. He has the political and institutional leadership of his sector and permanently ensures the quality of governance and the effectiveness of public action in the areas of competence of the ministry.
- ▶ **Decree No. 2020-078 of February 19, 2020** on the attributions, organization and functioning of the Ministry of Health.



- ▶ *Decree N° 2006-087 of 08-03-2006* approving the national hospital hygiene policy document in the Republic of Benin.
- ▶ *Decree N°2011-281 of April 02, 2011* on the Creation, Attributions, Organization and Functioning of Environmental Units in the Republic of Benin;
- ▶ *Decree No. 2001-294 of August 08, 2001* on the regulation of noise in the Republic of Benin;
- ▶ *Decree n° 2001-110 of April 04, 2001* on air quality standards in the Republic of Benin;
- ▶ *Decree No. 97-624 of December 31, 1997* on the structure, composition and operation of the Health Police;
- ▶ *Decree n° 2001-096 of February 20, 2001* on the creation, attributions, organization and functioning of the Environmental Police;
- ▶ *Decree n° 2003-332 of August 27, 2003* on solid waste management in the Republic of Benin,
- ▶ *Decree n°2003-330 of August 27, 2003* on the management of used oils in the Republic of Benin
- ▶ *Decree n°2002-484 of November 15, 2002* on the rational management of biomedical waste in the Republic of Benin;
- ▶ *Decree No. 2001-109 of April 4, 2001* on wastewater quality standards in the Republic of Benin;
- ▶ *Ministerial Order No. 0410 MS/DC/SGM/CTJ/DAF/DPMED/SA/00996616 of November 28, 2016* on the procedure for declaration and destruction of pharmaceutical waste in the Republic of Benin.

All of the above should be followed and respected in the implementation of the Benin Health System Improvement Project.

66. These constitutional provisions are reinforced by the international commitments made by Benin through the adoption of almost all the international conventions and agreements on the environment <sup>1</sup>. (see Annex 3)

#### **IV.1.3 Other relevant policies**

##### ***Decentralization***

67. Decentralization has been effective in Benin since March 2003. It now gives the local level very broad responsibilities for environmental management and land use planning. *Law 97-029 of January 15, 1999* on the organization of communes in Benin states that the commune is responsible for sanitation, waste management, environmental management and natural resources. It is at this level that all national strategies relating to the protection of the environment and natural resources within its jurisdiction should be implemented. In addition, "the commune draws up and adopts its development plan. It ensures its execution in harmony with national guidelines in order to provide the best living conditions for the entire population. Within this framework, the commune develops the necessary planning documents, notably:

- ▶ the master plan for the development of the municipality
- ▶ the economic and social development plan
- ▶ urban development plans in built-up areas;
- ▶ the rules regarding the use and allocation of land;
- ▶ detailed plans for urban development and subdivisions.

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<sup>1</sup> -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 Annex 2.

The Commune issues residence permits and building permits; it ensures the permanent control of the conformity of achievements and contributions with the regulations in force.

68. The application of environmental regulations, negotiations for possible compensation, monitoring of the quality of the water supplied to the population, etc., therefore involve the participation of the mayors of the municipalities in the implantation zone.

### ***Intercommunity***

69. ***Law no. 2009-17 of August 13, 2009*** on the modalities of inter-municipality in the Republic opens up the possibility of concerted management between communes with a view to pooling resources and improving efficiency in the areas where this provision is applicable. In this case, inter-municipality is essential in the management of sanitation and land use planning.

### ***Fighting against poverty***

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

71. An analysis of these different forms of poverty, according to place of residence, shows that poverty is more prevalent in rural areas. An analysis of the factors that explain the persistence of poverty, entry into and emergence from poverty shows the importance of the quality of health, the level of education, the branch of activity, access to credit, basic infrastructure, and initial income as factors that favor the reduction of and exit from poverty.

On the other hand, the size of the household (8 persons or more) appears to be a factor that limits the reduction of poverty and the exit from it.

72. In this respect, the Government intends to implement accelerated economic growth and redistribution policies likely to lead to a significant reduction in poverty and to give impetus to Benin's progress towards achieving the Millennium Development Goals (MDGs), in particular through:

- ▶ the promotion of the local economy in order to reduce poverty in rural areas
- ▶ control of population growth, in connection with the strong correlation between poverty and high household size
- ▶ the reduction of gender inequalities;
- ▶ strengthening social protection, especially for the elderly
- ▶ strengthening basic infrastructure; and
- ▶ strengthening the microcredit policy in order to give the poor, in this case women, access to credit.

#### IV.1.4 Legal framework for environmental assessment in Benin

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

- ➔ “No one may undertake developments, operations, installations, plans, projects and programs or the construction of works without following the *environmental impact assessment procedure* when required by laws and regulations” (Article 88). This article therefore makes the *strategic environmental assessment* (SEA) and the *environmental impact assessment* (EIA) mandatory.
- ➔ “Anyone intending 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 is part of the documents to be submitted to the supervisory authority for a final decision on the carrying out of the proposed activity” (Article 89).

74. Another provision of the same law sets out the penalty for any offender in the environmental impact assessment process: "Anyone found to have falsified the result of an impact assessment or altered the parameters for conducting an impact assessment shall be punished by a fine of five million (5,000,000) to twenty-five million (25,000,000) francs and imprisonment of one (1) to three (3) years, or by one of these penalties only. The use of the falsified or altered result of an impact study mentioned in the previous paragraph is punishable by the same penalties" (Art. 122).

75. **Decree No. 2017-332 of July 07, 2017** concerns 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 in charge of the environment. Under the provisions of this decree, there are two types of environmental impact assessment in Benin. One is the *thorough environmental impact assessment* (applied to large projects whose potential impacts are deemed major or medium-sized projects to be built in sensitive ecosystems) and the other is the *simplified environmental impact assessment* (applied to individualized micro-projects and medium-sized projects that are not built in a sensitive ecosystem and certain specific activities).

76. Finally, all very small-scale environmental or social projects that do not take place in a sensitive environment *are not subject* to the impact assessment procedure.

77. A series of related decrees that are useful in their own right and complement the EIE decree have already been issued and are gradually becoming operational:

- ▶ **Decree No. 2001-110** on the determination of air quality standards in the Republic of Benin;
- ▶ **Decree No. 2011-281 of April 2, 2011** on the Creation, Attributions, Organization and Functioning of Environmental Units in the Republic of Benin;
- ▶ **Decree N° 91-13 of January 24, 1991** on the regulation of the importation of products of dangerous nature for the human health and the security of the State;
- ▶ **Decree N° 92-258 of September 18, 1992** determining the modalities of application of the law N° 91-004 of February 11, 1991.

### IV.1.5 Actors involved in the environment management

78. The Administration of the Environment in Benin is overseen by the Ministry of the Living Environment and Sustainable Development (MCVDD). An analysis allows us to consider several key institutional actors and their departments involved in the implementation of program activities. These institutions will support the program and the implementation structure, which is the Ministry of Health/PMU, in monitoring the implementation of activities. The main institutional actors involved in environmental and social management in Benin are: the National Assembly, state institutions and agencies in charge of the environment (ABE, DGEC, ACVDT, DD/CVDD, sectoral environmental units), the ANDF of the Ministry of Finance, and the decentralized territorial authorities (prefectures and communes) Table 4 below in the Appendix provides details of these actors.

79. The main actors involved in environmental management in Benin are as follows:

- ▶ *The Ministry of the Living Environment and Sustainable Development (MCVDD)* is responsible for defining national environmental policy and monitoring its implementation. This policy must be in synergy with sector policies for natural resources management and activities that could potentially cause environmental nuisances (health, industry, agriculture, mining and energy, equipment).
- ▶ *The Beninese Environment Agency (ABE)* is the public body established in 1995, with responsibility for implementing the national environmental policy adopted by the government as part of its development plan (art. 12). The ABE is under the authority of the Ministry in charge of the Environment. As such, it works in collaboration with other sector ministries, local authorities, non-governmental organizations, civil society and the private sector. It also oversees all environmental and social assessment procedures.
- ▶ *The Directorate General for the Environment and Climate (DGEC)* is responsible for developing the national environmental policy and its implementation strategy.
- ▶ *The Environmental and Gender Units* are responsible for ensuring that environmental and social concerns are taken into account in the implementation of sector projects and programs at the ministry level.
- ▶ *The Prefecture* is, under the terms of the decentralization laws, the guarantor of the application of national policies by the municipalities that are assigned to it. Consequently, it is responsible for the implementation of all environmental matters at the decentralized level of the State.
- ▶ *The Municipality* implements its own environmental and natural resource management policy in accordance with national laws and policies. The program is national in scope and will be implemented in the municipalities through institutional mechanisms that ensure community participation at the grassroots level.

## IV.2 SOCIAL MANAGEMENT SYSTEM

### IV.2.1 National Legal Framework

80. The legal and regulatory context is related to land legislation (texts applicable to land, land status), aspects related to social inclusion, taking into account vulnerable groups, prevention and management of GBV/EAS-HS/VCE, public participation in Benin, mechanisms for land acquisition, resettlement and land restructuring. Other social aspects

such as the social protection of vulnerable people against abuse, the management of workers and the child labor will be considered.

81. Benin's land tenure system is based on the following main legal texts:

- ▶ **the constitution of the Republic of Benin;**
- ▶ **Law No. 2017-15** amending and supplementing **Law No. 2013-01 of August 14, 2013** on the land and property code in the Republic of Benin and its implementing decrees; and
- ▶ **the civil code.**

82. The foundations of the Beninese land tenure system. The land tenure system of the Republic of Benin is characterized by the confirmation of land rights determined by the provisions of Title III of the Land Tenure Code. It governs all rural, peri-urban and urban land and is based on a contradictory procedure for the confirmation of land rights that leads to the issuance of a land title (new Article 4, of Law No. 2013-01 of August 14, 2013 on the Land and Property Code in the Republic of Benin, amended and supplemented by Law No. 2017-15 of August 10, 2017).

83. This procedure for confirming land rights is focused:

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

84. The documents of presumption of ownership registered in the Land and Property Code (CFD) are the following:

- ▶ Certificate of customary ownership
- ▶ Certificate of resettlement
- ▶ Tax notices for the last three years
- ▶ Certificate of registration
- ▶ Administrative certificate; and
- ▶ Rural land certificate.

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

### ***Scope of the CFD***

86. The provisions of the CFD apply to:

- ▶ public and private property of the State and local authorities
- ▶ the real property of private persons and
- ▶ the organization and operation of the land and property tenure system in the Republic of Benin (Article 3 of the CFD).

87. The Real property of the State and of the territorial authorities comprises the public and private property of the State and the public and private property of the territorial authorities. It's comprises all the State's land and real estate assets, classified or delimited,

whether or not they are assigned to public use. It includes the natural public domain and the artificial public domain.

#### **IV.2.2 National Land Management System**

88. The National Land and Property Agency (ANDF) manages the State's private real estate and also conducts the process of expropriation in the public interest for national projects in conjunction with the ministerial department(s) concerned. In this case, the municipalities where the project is carried out accompany it in its activities.

89. In the case of projects that are not national in character, the ministry concerned, in conjunction with the territorially competent municipalities, manages the expropriation process. The commune has a department in charge of land affairs and not a communal office for confirmation of land rights.

#### ***Expropriation Law in the Public Interest***

90. The main reference in land and property matters in the Republic of Benin is Law No. 2013-01 of August 14, 2013 on the land and property code in the Republic of Benin, amended and supplemented by Law No. 2017-15. It repeals all previous texts and provisions.

91. If Article 42 of the CFD, which stipulates that "the right of ownership confers on its holder the use, enjoyment and free disposal of the property which is its object, in the most absolute manner, provided that he does not make use of it in a manner prohibited by the laws and regulations," characterizes the right of ownership, Article 43 rules on the conditions of infringement of this right: "no one may be deprived of his property except for reasons of public utility and against just and prior compensation," which confirms Article 22 of the Constitution of December 1990.

#### ***Expropriation of private property.***

92. Expropriation for public utility (EUP) is triggered by the State's infringement of private property rights (property of natural and legal persons). Title IV of the CFD deals with infringements of property rights: "the right to property is infringed by seizure of property, by any other legal means and when the general interest so requires" (article 205 of the CFD). Article 210 specifies that this infringement may consist of a limitation of ownership for urban or rural development purposes and the enactment of public utility easements. The CFD grants the communes the right to exercise encroachments on property rights, provided that they comply with the provisions of Section I of Chapter II of Title IV (Expropriation for public utility) of the CFD.

93. In the ordinary procedure, for operations of a national or regional nature, the EUP is triggered by the President of the Republic, or the competent regional authority, who may delegate his power to a Minister. For local operations, the declaration of public utility is the responsibility of the municipality.

94. The President of the Republic may also submit the declaration of public utility to the National Assembly, in an emergency procedure.

The act declaring the public utility is therefore a law, a decree or an order, depending on whether it is issued by the President of the Republic, a Minister, a regional authority or a Mayor.

From the publication of the declaration of public utility, the period within which the expropriation must be carried out cannot exceed twelve (12) months in the ordinary procedure. However, there is the possibility of extending the 12-month period by renewing the act of declaration of public utility.

### **Withdrawal and compensation of individuals' property**

95. As soon as the declaration of Expropriation for Public Utility (EUP) is published, a commission whose composition is determined by decree of the Council of Ministers goes to the site to conduct an inquiry: this is the *commodo et incommodo* inquiry. The resulting report identifies (i) the parcels of land and all real estate rights to be expropriated, (ii) their owners and all persons likely to claim compensation, (iii) the provisional general plan of the properties. From this act no construction may be erected, no permanent planting or improvement may be made on the land within the area covered by the act.

96. The report is published and filed. The other steps involved in issuing the deed (order or decree) of transferability (if applicable) are: publication of the act in the Nation Official Journal, evaluation by a commission assisted by an expert surveyor of the expropriation compensation ("the compensation awarded must cover the entire direct, material and certain loss caused by the expropriation", Article 234 of the CFD) and the value of the buildings likely to be subject to the surplus value fee, submission of the evaluations to the communal council or to the Minister of Finance, drawing up of the minutes of the agreement or disagreement on compensation, taking of possession by the expropriator. Disagreement on compensation does not stop the procedure. This situation puts an end to the amicable procedure and triggers the judicial procedure.

### ***Disposal of state and municipal property***

97. The CFD provides for the management of the state domain, and the land and real estate in the state's private domain may be assigned to a legal person under public law (Article 299).

98. The alienation of property by the commune is subject to the conditions laid down in the regulations applicable to similar operations carried out by the State (Article 293 of the CFD).

### ***Legislation concerning child labor***

99. The main provisions concerning child labor are contained in **Law No. 2015-08 of January 23, 2015**, on the Children's Code in the Republic of Benin. These include the following:

- ▶ Article 210 prohibits the exploitation of children and protects them from all forms of economic exploitation or abuse.

Abuse includes: the weight of the work in relation to the child's age; the time and duration of the work; inadequate or no remuneration; interference with the child's access to education and

with the child's physical, mental, moral, social and spiritual development; and the employment of the child in an enterprise before the age of 14.

- ▶ Article 212 prohibits certain forms of labor, including the following
  - ▶ All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children for armed conflict;
  - ▶ any use, procuring or recruiting of a child for illicit activities, including the production and trafficking of drugs;
  - ▶ all work which, by its nature or the conditions under which it is carried out, is likely to harm the health, safety, education, morals or harmonious development of the child.
- ▶ Article 213 establishes the time limit for children's work: children cannot work more than four hours a day without rest; and article 214 prohibits night work.

### ***Legislation on gender-based violence (GBV)***

The law **n°2011-26 of January 9, 2012** on the prevention and repression of violence against women frames the issues of GBV/EAS-HS/VCE in Benin. This law covers physical, moral, sexual and psychological violence within the family, communities, intimidation at work, in educational institutions and other public places.

Measures are foreseen to detect, prevent and punish any prejudicial act in families and communities, in the media, in the health sector and in the workplace. They are reinforced by provisions introduced in the new code of criminal procedure.

## **IV.3 CONSTITUTIONAL APPEAL BODIES**

### ***Mediator of the Republic***

100. **Law No. 2009-22 of August 11, 2009** established the Mediator of the Republic of Benin:

- The Mediator of the Republic is an independent administrative authority, which does not receive instructions from any political, administrative, legislative or judicial authority.
- He receives grievances from citizens concerning the functioning of the central administrations of the State, decentralized communities, and public establishments, and studies them in order to find equitable solutions (article 8).
- Any natural or legal person who feels that a matter concerning him or her has been brought to the attention of the Mediator of the Republic may submit an individual written complaint (article 11).

### **National Advisory Council on Human Rights**

101. Since the 1990 Conference of the Living Forces of the Nation, human rights have been at the center of Benin's democracy. At that time, all rights and freedoms were reaffirmed.



102. The Beninese Human Rights Commission, which was created in 1988, has been replaced by the National Advisory Council on Human Rights, which is attached to the Ministry of Justice. It is responsible for validating reports on human rights in Benin to be transmitted to the United Nations. Civil society, particularly NGOs that are active in the area of human rights protection and that are registered with the National Advisory Council on Human Rights, are invited to meetings and participate in the validation of reports.

## **ANNEXES**

### **Table 4: Institutional Actors and Responsibilities**

<b>Actors involved in ESA</b>	<b>Roles and responsibilities</b>
<i>The National Assembly</i>	In accordance with the provisions of Article 79 of the Constitution of 11 December 1990, the National Assembly votes on laws (particularly those relating to the environment and social matters) and monitors government action
<i>Ministry of Living Environment and Sustainable Development (MCVDD)</i>	Defines national environmental policy and monitors its implementation. This policy must be in synergy with the sector policies for the management of natural resources and those for activities that are potential sources of environmental pollution (health, industry, agriculture, mines and energy, equipment).
<i>Directorate General for the Environment and Climate (DGEC)</i>	Responsible for the development of national environmental policy and its implementation strategy
<i>Beninese Agency for the Environment (ABE)</i>	A public institution created in 1995, it is responsible for implementing the national environmental policy adopted by the government as part of its development plan (art. 12). It is placed under the supervision of the minister in charge of the environment. As such, it works in collaboration with other sectoral ministries, local authorities, non-governmental structures, civil society and the private sector. It also manages all environmental assessment procedures;
<i>Agency of the Living Environment and Development of the Territory (ACVDT)</i>	Ensures the responsibilities of Delegated Project Management (MOD). This agency was created to manage the major urban projects of the Government Action Program (PAG).
<i>Environmental sector units</i>	Established by the above-mentioned decree, these are functional units created at the level of the ministries. The functionality of these units varies from case to case. These units promote awareness of environmental and social issues among sector technicians, and above all facilitate the dissemination of environmental management tools;
<i>National Agency of Housing and Land (ANDF)</i>	A public establishment of a technical and scientific nature of a specific type created since 2013. It is a coordination unit for land and property management with a mission to secure land at the national level. ANDF is in charge of implementing the land and property policy defined by the State. Placed under the supervision of the Ministry of Economy and Finance (MEF), the Communal Land and Property Offices (BCDF) constitute its branches. Its field of intervention covers the entire rural, peri-urban and urban land sector throughout the national territory. It carries out on behalf of the State the mission of expropriation and resettlement of populations affected by public projects. It also implements the Resettlement Action Plans (RAP)
<i>Prefecture</i>	Considering the provisions on decentralization, this body is the guarantor of the application of national orientations taken by the communes that are part of the territorial jurisdiction of its department. It is thus the representation of each individual minister and of the government as a whole. The Prefecture is therefore responsible for the implementation of all environmental issues at the decentralized level of the State
<i>Municipality</i>	It implements its own environmental and natural resource management policy in accordance with national laws and guidelines. The project will be implemented in the communes following institutional mechanisms that guarantee the participation of the communities at the grassroots level
<i>Civil society</i>	NGOs and associations: community development, environmental management, social intermediation, etc.

## SECTION V. INSTITUTIONAL CAPACITY AND PERFORMANCE ASSESSMENT

103. The strengths, weaknesses and gaps, actions and opportunities, and risks of the country system are presented in Table 5 below, in light of the key principles that are applicable to the program, and as described in the World Bank's policy and guidance for Program for Results funding.

104. The main constraints at the level of the local authorities, particularly in relation to environmental and social management, reveal numerous blocking factors, due in part to

the fact that the transfer of certain competencies for the management of social concerns has not been accompanied by appropriate information and capacity building initiatives in terms of coordinating environmental and social monitoring activities in particular (child labor, forced labor, consideration and management of vulnerable groups, prevention and management of GBV, EAS/HS, VAC, complaint management, etc.).

- ▶ In the communes, in terms of information, *public consultations and the management of grievances and complaints*, the mechanisms for citizen participation that have been put in place have been restructured and need to be improved. Despite the insistence on community consultations and the holding of public hearings, the populations are not always consulted about the projects planned in their respective localities, which makes it difficult to appropriate them. This is a handicap for the sustainability of investments.
- ▶ Furthermore, the lack of a communication and information strategy on citizen involvement and participation in municipal investment and development activities is also reflected in the absence of clearly defined *complaint resolution mechanisms*.

105. In general, at the level of implementation of activities, a major weakness could be the lack of an *environmental and social monitoring and control system*. The national and prefectural institutions, as well as the local authorities, lack technical staff capable of ensuring this system effectively; they can only call on external offices, but this does not ensure consistency and continuity in the system.

106. In addition, beyond the limits of human resources, these institutions do not have a real guide to the social and environmental management of local investments. Clearly, there is no manual of procedures at the communal or regional level to organize the optimal management of environmental and social concerns related to investments.

107. Finally, in terms of social management, despite some similarities between the national legal framework and OP 9.00, there are also differences, particularly with respect to the eligibility for compensation of a person affected by a project/program (Principle 4) and Beninese law is similar with respect to who can be displaced. But Beninese law is more restrictive in that it focuses on formal rights holders, whereas the World Bank's policy is protective and includes people with no formal right or title to the land they occupy and vulnerable groups more broadly. The WB's PforR policy considers not only formal landowners, but also customary landowners and those without any ownership rights to the land they occupy.

108. In addition, Benin's legislation is not up to date in terms of compensation calculation guidelines. The texts governing compensation scales are very often obsolete and the prices indicated rarely reflect market prices. The WB's policy for PforRs in these principles considers that the evaluation of losses should be based on the market price. From this point of view, affected people may be harmed if these provisions should conform to national practice.

**Table 5: Core Principles**

<b>Core Principle 1: General Principle of Environmental and Social Assessment and Management</b>	
<p>Bank policy for RforP financing: environmental and social management procedures and processes are designed to (a) promote environmental and social sustainability in program design (b) avoid, minimize or mitigate undesirable impacts; and (c) promote decision-making on the environmental and social effects of the program</p>	<p>The Bank's guidelines for PforR financing: program procedures will :</p> <ul style="list-style-type: none"> <li>• Operate within an adequate legal and regulatory framework to guide the program-wide environmental and social assessment. The exclusion principle will be followed to clearly indicate activities with major E&amp;S risks that will not be included in the program.</li> <li>• Incorporate best practice elements of environmental and social assessment including (i) preliminary screening of potential effects; (ii) consideration of policy and technical implications, as well as, potential cumulative and transboundary impacts (iii) identification of measures to mitigate undesirable environmental and social impacts that cannot be avoided or minimized; (iv) clear articulation of institutional responsibilities and resources to support implementation of plans; and (v) responsiveness and accountability through stakeholder consultation and periodic reporting on the program,</li> <li>• The establishment of a conflict management mechanism that focuses on: (i) conflict resolution, (ii) systematic recording of grievances through appropriate channels; (iii) periodic reporting on the status of grievance management - specifying the nature of resolved grievances and the status of unresolved grievances and reasons for unresolved,</li> <li>• The development and implementation of a citizen engagement strategy to better engage stakeholders, particularly local actors, in E&amp;S risk management.</li> </ul>
<p><b>Applicable :</b> The work funded under the Program could indeed result in low to moderate risk adverse impacts.</p> <p>The ESAS has been prepared and its recommendations will be incorporated into the overall program action plan.</p> <p>Following the principles presented in the ESAS, an ESIA/ESMF will be prepared for any investment project that, according to the initial diagnosis and the screening system put in place, would have a moderate impact by integrating all social issues.</p>	
<p><b>STRENGTHS</b></p> <ul style="list-style-type: none"> <li>▶ The country has adequate regulatory and legal frameworks to adequately manage the environmental and social impacts of the program.</li> <li>▶ The national environmental impact assessment system is based on a well-established process for diagnosing and assessing the nature of the impacts.</li> <li>▶ The responsibilities of the various institutions are well defined.</li> <li>▶ The country's executives have good experience in environmental and social assessment of projects and programs according to the World Bank's requirements, as well as in the health sector.</li> <li>▶ The country has had good experience in implementing projects that meet the Bank's environmental and social requirements with the participation of all stakeholders (sector ministries, ABE and local authorities).</li> </ul> <p><b>WEAKNESSES AND GAPS</b></p> <ul style="list-style-type: none"> <li>▶ Despite the existence of a regulatory framework, the institutions in charge do not have sufficient human or financial resources to enforce the laws. Thus, some legal provisions are outdated and need to be reviewed.</li> <li>▶ Overall, awareness of environmental management issues among state and non-state actors is low.</li> </ul> <p><b>ACTIONS AND OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>▶ Organizing awareness raising initiatives for all potential affected actors and stakeholders on environmental and social safeguard issues.</li> <li>▶ Implementing measures to more effectively build the capacity of central and local officials to update them on national and World Bank PforR arrangements.</li> <li>▶ Raising awareness about the system and procedures of the Mediator of the Republic to enable affected</li> </ul>	

<p>persons to benefit from his services.</p> <ul style="list-style-type: none"> <li>▶ Informing individuals and communities who believe they have been harmed as a result of the Program about the procedure for accessing the existing national recourse mechanism or the World Bank's Grievance Redress Service (GRS) - so that their complaints can be addressed promptly to address relevant concerns.</li> </ul> <p><b>RISKS</b></p> <ul style="list-style-type: none"> <li>▶ Poor implementation of environmental and social management rules and procedures.</li> <li>▶ The rigor of enforcing current environmental regulations in a timely manner.</li> </ul>
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<b>Core Principle 2 : Natural Habitats and Physical Cultural Resources</b>	
<p>The Bank's Policy for PforR financing: Environmental and social management procedures and processes are designed to avoid, minimize or reduce undesirable impacts on Natural Habitats and Cultural Resources resulting from the Program.</p>	<p>The Bank's guideline for financing PforRs as relevant to be supported by the program:</p> <ul style="list-style-type: none"> <li>• exclude all activities with substantial to major risks and impacts related to safeguarding standards on Natural Habitats and Cultural Physical Resources</li> <li>• include appropriate measures for the identification and screening of potentially significant biodiversity resources and cultural sites</li> <li>• Support and promote the conservation, maintenance and rehabilitation of natural habitats;</li> <li>• Avoid significant conversion or degradation of critical natural sites and if not technically feasible, include measures to mitigate the impacts of program activities;</li> <li>• Consider potential adverse effects on physical cultural property and, if justified, take appropriate measures to avoid, minimize or mitigate such effects.</li> </ul>
<p><b>Not applicable</b> : No program activities carried out within biodiversity areas. No investment will be eligible if it threatens fragile ecosystems. No investment will be eligible if it directly threatens the cultural and religious heritage of a region.</p>	

<b>Key Principle 3: Public and worker safety</b>	
<p>Bank policy for PforR financing: Environmental and social management procedures and processes are designed to ensure public and worker safety from potential hazards associated with:</p> <p>(a) construction and/or management of facilities or other operational practices developed under the program;</p> <p>(b) exposure to chemical materials or hazardous waste; and</p> <p>(c) reconstruction or rehabilitation of infrastructure located in areas near natural hazard zones</p>	<p>World Bank guidelines on Programs for Results financing:</p> <ul style="list-style-type: none"> <li>• exclude all activities with substantial risks and impacts related to the safeguarding of the health and safety of local communities and workers.</li> <li>• promote community, individual, and worker safety through proper design, safe construction and maintenance of infrastructure and activities that may depend on such infrastructure, and inspection or remediation of associated work as necessary;</li> <li>• promote the use of good practices in the production, management, storage, transportation and disposal of hazardous materials from construction or program operations;</li> <li>• promote the adoption of integrated pesticide management practices to manage or reduce disease vectors; provide training to workers involved in the production, supply, storage, transport, use and disposal of hazardous chemicals in accordance with international guidelines and conventions;</li> <li>• Incorporate measures to avoid, minimize, or reduce community, individual, or worker risks when program activities are located in natural hazard areas such as floods, hurricanes, earthquakes, and other severe weather or climate</li> </ul>

	events.
<p><b>Applicable.</b> The rehabilitation works undertaken under the Program could have an impact on the health and safety of the public and workers on the construction sites. Workers on the construction sites and local populations living near the construction sites could be exposed to accidents, noise, water pollution, air pollution, poor management of solid and liquid waste and toxic or dangerous materials used on the sites, the spread of diseases including STDs/HIV/AIDS and transmissible diseases such as Covid-19 , and the risk of gender-based violence including sexual exploitation and abuse/harassment and violence against children. The populations living in the areas where the sub-projects are implemented could also be exposed to the same dangers.</p>	
<p><b>STRENGTHS</b></p> <ul style="list-style-type: none"> <li>▶ Benin's legal/regulatory system includes provisions for safety on construction sites.</li> <li>▶ There are national policies and guidelines for public and worker safety and health. These cover a range of key aspects, including environmental pollution control; labor laws; occupational health and safety regulations; and standards for emissions and discharges into the work environment.</li> </ul> <p><b>WEAKNESSES AND GAPS</b></p> <ul style="list-style-type: none"> <li>▶ The national ESIA system does not include all aspects of public and worker health and safety.</li> <li>▶ There is a general lack of awareness of public health and safety issues, particularly with respect to exposure to toxic and hazardous materials or occupational safety aspects.</li> </ul> <p><b>ACTIONS AND OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>▶ Requirement for contracting companies to develop and implement Specific Waste Management Plans for all work sites to be opened and Health and Safety Plans</li> <li>▶ Requirement of the contracting companies to recruit personnel assigned to Health, Safety and Environment for the implementation of safety measures on the construction sites;</li> <li>▶ Information and training on safety measures on the worksites.</li> <li>▶ Development and implementation of measures to manage these risks</li> <li>▶ Inclusion of codes of good conduct binding each stakeholder individually and collectively in the contracts of companies, service providers and workers.</li> <li>▶ Inclusion of a complaint management mechanism in labor management procedures</li> <li>▶ Assessment of the level of risk of GBV, EAS/HS and ECV during E&amp;S impact studies and mitigation measures with action plans in accordance with national provisions.</li> <li>▶ Inclusion of all COVID-19 barrier measures in the work planning documents and formal compliance during the execution phase of the work.</li> </ul> <p><b>RISKS</b></p> <ul style="list-style-type: none"> <li>▶ Lack of rigor in the application of current environmental, social and safety regulations in a timely manner.</li> </ul>	

<b>Core Principle 4: Land acquisition</b>	
<p>The Bank's PforR financing policy: Land acquisition and loss of access to natural resources are managed in a way that avoids or minimizes displacement, and ensures that affected people are assisted in improving or ultimately restoring their livelihoods and living conditions</p>	<p>The Bank's guidelines for PforR financing: if relevant to be supported by the Program:</p> <ul style="list-style-type: none"> <li>• Exclude all activities with substantial risk and impact related to safeguard standards on land acquisition, land use restrictions and involuntary resettlement</li> <li>• Avoid or minimize land acquisition and associated adverse impacts;</li> <li>• Develop and implement resettlement plans as needed to manage adverse social and economic impacts caused by land acquisition, land use restrictions, or involuntary resettlement (taking into account affected populations who may not have legal rights to the assets or resources they use or occupy);</li> <li>• provide sufficient compensation to purchase replacement assets of equivalent value to those lost and to cover any transitional expenses paid prior to land acquisition or access restriction;</li> <li>• take additional measures to improve or restore livelihoods if the land acquisition caused the loss of income-generating opportunities (e.g., the loss of crop production, or</li> </ul>

	<p>employment); and</p> <ul style="list-style-type: none"> <li>• restore or replace public infrastructure or community services that would be affected.</li> </ul>
<p><b>Not applicable.</b> Any sub-project that requires the acquisition of private land for its implementation will be excluded. The rehabilitation work that will be undertaken will be carried out in existing buildings, themselves installed on public land owned by the Ministry of Health and having a formal title.</p>	

<p><b>Core Principle5 : Social Considerations: Aboriginal Peoples and Vulnerable Groups</b></p>	
<p>The Bank's PforR financing policy: Adequate attention to cultural relevance, and equitable access to program benefits, with special attention to the rights and interests and concerns of vulnerable groups previously identified under the program.</p>	<p>The Bank's directive for PforR financing: if relevant to be supported by the Program:</p> <ul style="list-style-type: none"> <li>• engage in free, prior, and informed consultation if vulnerable groups are potentially affected (positively or negatively) to determine if the program has a comprehensive component to support vulnerable groups;</li> <li>• Ensure that indigenous peoples can participate in defining the opportunities they can benefit from the exploitation of customary resources or endogenous knowledge</li> <li>• Give attention to vulnerable, disadvantaged, or challenged groups, including, as appropriate, the poor, the disabled, women and children, the elderly, or marginalized ethnic groups.</li> <li>• Where necessary, special measures will be taken to promote equitable access to program benefits.</li> </ul>
<p><b>Applicable</b> (with the exception that there are no Indigenous Peoples in Benin).</p>	
<p><b>STRENGTHS</b></p> <ul style="list-style-type: none"> <li>▶ Surveys are conducted to inform the population about the project and to gather their comments; information posters are posted in public places for this purpose.</li> <li>▶ The law provides for the services of the Mediator of the Republic and the Beninese Committee for Human Rights in favor of vulnerable people.</li> </ul> <p><b>WEAKNESSES AND GAPS</b></p> <ul style="list-style-type: none"> <li>▶ Beninese legislation does not provide for specific measures for vulnerable groups.</li> <li>▶ There is a system for managing complaints and grievances at the local level, but it operates unevenly in the different areas of the country.</li> </ul> <p><b>ACTIONS AND OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>▶ Define and implement a robust stakeholder engagement strategy (awareness and consultation, information dissemination and grievance mechanism) as part of the outreach program, targeting vulnerable groups in particular.</li> </ul> <p><b>RISKS</b></p> <ul style="list-style-type: none"> <li>▶ Lack of clarity and consistency regarding the mechanism for implementing public consultations and stakeholder engagement could disadvantage poor and vulnerable groups.</li> </ul> <p><b>ACTIONS AND OPPORTUNITIES</b></p> <p>Define and implement a robust stakeholder engagement strategy (outreach and consultation, information dissemination, and grievance mechanism) as part of the outreach program, targeting vulnerable groups in particular.</p> <p><b>RISKS</b></p> <p>Lack of clarity and consistency in the mechanism for implementing public consultations and stakeholder engagement could disadvantage poor and vulnerable groups.</p>	

<b>Key Principle 6 : Social Considerations - Social Conflict</b>	
The Bank's policy for Program for Results financing: Avoiding the exacerbation of social conflict, especially in fragile states, post-conflict areas or areas subject to territorial disputes	The Bank's guidelines for Program for Results (PforR) financing : <ul style="list-style-type: none"> <li>• Pay particular attention to conflict risks including distributional equity and cultural sensitivities.</li> </ul>
<b>Not applicable.</b> The program is not implemented in a conflict zone.	

## SECTION VI. ENVIRONMENTAL AND SOCIAL MANAGEMENT PROCEDURES

### ENVIRONMENTAL AND SOCIAL MANAGEMENT TOOLS

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

#### Sub-projects screening

110. In accordance with Benin's environmental assessment procedures and the requirements of the World Bank's RPP financing policy, all sub-projects submitted under the Program will be subject to a screening or selection process, based on the following principles

- a) Based on the screening results:
  - ▶ Any sub-project whose environmental and social risks are deemed significant and whose negative impacts are considered diverse, varied, irreversible and unprecedented (sub-project not eligible under the PforR) *will be excluded*;
  - ▶ For a sub-project with *little or no environmental and social impact*: according to Beninese procedures, this is a category of non-taxable sub-project, for which the preparation of a *simple sub-project form will suffice*.
  - ▶ *For a sub-project with a low environmental and social impact*: according to Beninese procedures, a *simplified EIA* will be prepared, with the submission of the *Impact Statement* and the obtaining of an *Environmental Compliance Certificate*. The EIA will be supplemented by the preparation of a simple **Environmental and Social Data Sheet (ESDS)**, in accordance with the Bank's PforR policy.
  - ▶ *For a sub-project with moderate and medium environmental and social impact*: Benin's procedures must be completed by the preparation of an *Environmental and Social Management Plan (ESMP)* (see Annex 6) in accordance with all the basic principles of the World Bank's PforR policy - especially with regard to public consultations of stakeholders, citizen engagement and complaint management.
  - ▶ *Finally, for a sub-project with a moderate impact on involuntary resettlement*, there will be the preparation of a *Resettlement Action Plan (RAP)* (see Annex 6) in accordance with the World Bank's policy on PforR financing.

**Public consultations** on the potential risks and impacts of investment sub-projects should be held in a timely manner, in an accessible location, and in a form and language that is understandable to parties affected by the sub-projects and other interested parties. These consultations should provide valuable input into the development of the design and mitigation measures proposed under the program.

The **Terms of Reference (ToR)** of the companies responsible for carrying out the infrastructure rehabilitation work will contain all the technical devices and environmental and social mitigation measures planned, as well as a monitoring and control system that complies with the standards in force



(including hygiene, health and safety of the workers and local populations, codes of good conduct, issues of GBV, VAC, EAS/HS, child labor and forced labor). Each contractor will be required to prepare an approved Site specific Environmental and Social Management Plan (ESMP-S) prior to the start of any work.

All safeguard instruments prepared for moderate risk sub-projects will be subject to *appropriate public disclosure* as part of a full engagement plan.

Local beneficiary stakeholders should be informed of the commitments contained in these instruments and have access to a *complaint management mechanism* in case of noncompliance. Each beneficiary commune, supported by civil society organizations, will ensure that this mechanism is implemented as part of a more comprehensive monitoring, evaluation and control system.

## SECTION VII. ENVIRONMENTAL AND SOCIAL MANAGEMENT ACTION PLAN

111. The Program will support specific measures to improve conditions regarding the performance of the environmental and social management system in the implementation and monitoring of Program activities. These measures are proposed within the framework of an *Environmental and Social Management Action Plan (ESMP)* which is part of the overall Program Action Plan. The *ESMP* identifies two (2) streams of recommendations, each with distinct and complementary activities.

▶ *First component of the ESMP: Enhancing the environmental and social management system of the Program's investments.* This component includes the following elements:

▶ **Technical manual.** Preparation of a technical Manual for Environmental and Social Management (MTGES) in hospitals. This manual will be used to implement the program. It will be consistent with both national environmental and social assessment procedures and the provisions of the World Bank's policy on RPP financing. In particular, the manual will present procedures and tools for the preparation of an Environmental and Social Impact Assessment (ESIA) for health sector sub-projects with moderate environmental risks and a Resettlement Action Plan (RAP) for sub-projects with moderate social risks.

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

- the process of filling out the Subproject Screening Form;
- The process of developing the ESIA in accordance with national procedures (adding sections on the ESMP and public consultations, as well as measures for managing complaints, taking vulnerable groups into account, prevention and management of GBV/EAS-HS/VAC risks, and protection against child and forced labor);
- the process of developing an Environmental and Social Management Plan (ESMP) for sub-projects with a moderate environmental and social impact;
- the process of preparing a simple ESMP form for sub-projects with low environmental and social impacts;
- the process of preparing a Resettlement Action Plan (RAP) for a sub-project with moderate social impacts;
- Standard elements (environmental and social clauses, minimum staffing levels, headings for price lists) for contracts with : (i) construction companies, (ii) construction supervision offices.

The manual will be prepared for use by the implementing structures (Environmental Unit/DPP, DIEM/AISEM, DPHAB, ANSSP, DDS) as well as all community stakeholders (COGES, Community relays, Chief of District/Village, Town Hall Focal Point, Social Promotion Center, Qualified Community Health Agent), who will be involved at the national, regional, and local levels in the implementation of the Program, to ensure that environmental and social management procedures are properly understood, appropriate, and followed.

- ▶ **Environmental Strategic Assessment (ESA).** The health sector needs an environmental quality assessment. Strategic orientations and axes should be defined to allow the environment to be taken into account at all levels of the health pyramid. Thus, the realization of an ESA will make it possible to propose these orientations and strategic axes in order to achieve the objectives.
  
- ▶ **Management plan for household and similar waste (general waste):** During the various phases of implementation of the program (renovation activities, rehabilitation, operation of various structures), various more or less dangerous solid waste will be produced, in particular glassware, rubble, packaging (paper and plastic) and construction materials and remaining cement, chemicals (paint, thinner, etc.). A waste management plan will be developed to ensure the efficient management and safe disposal of waste generated during the construction and operation of the rehabilitated infrastructure and equipment acquired in and around the program sites, particularly on the rehabilitation or refurbishment sites and in the health facilities.
  
- ▶ **Hospital Wastewater Management Guide.** Anatomical fluids from laboratory reagents, ordinary wastewater... will be generated during the different phases of the program implementation. Currently, the management of liquid waste is a serious problem. They are drained into pits sometimes not far from water points or houses. A guide for wastewater management in the health sector will be developed to allow for the effective management and safe disposal of liquid waste in hospitals in the program sites
  
- ▶ **Biomedical waste management plan development guide.** Benin has a biomedical waste management plan, but it is poorly implemented in health facilities. The country's health officials have decided that to ensure effective and efficient management of this waste, a biomedical waste management plan should be developed for each health facility in the project's intervention zone, which would commit the project to its implementation.
  
- ▶ **Mechanism for citizen engagement and complaint management mechanism (CMM):** In addition to the existing CMM at the Ministry level, some projects with the support of the TFPs have set up complaint management mechanisms. All of these overlapping mechanisms will be consolidated into a single CMM for the health sector. The citizen engagement mechanism and the complaints and grievances management mechanism (including procedures for submitting grievances to the Mediator of the Republic and the Beninese Human Rights Committee) will be developed to ensure the effectiveness of the program's social management in accordance with national provisions and the World Bank's PforR financing policy.

- ▶ **Inter-institutional Agreement UGP/MS - ABE** An inter-institutional agreement between UGP/MS and ABE. The content of this agreement will establish the conditions of collaboration for the rapid review and certification of the program's sub-project reports, including the facilitation of the diligent issuance of environmental compliance certificates and the environmental and social monitoring of the implementation of safeguard documents. It will also take into account institutional support and capacity building aspects.

*Second component of the ESMP: Institutional capacity building of key actors and stakeholder representatives of the Program. This component includes two distinct types of activities:*

- **Human resources of the environmental, gender and climate change unit for the Environmental and Social Management of the Ministry of Health (CEGCC/MS).** For effective implementation of the program, the UGP must have a specialist in HSSE (health and environment) and a specialist in social development (human and social sciences). This staff will support the Ministry of Health's environmental unit in recruiting additional staff and maintaining an available and permanent team. The environmental unit is under the DPP/MS and includes an environmentalist holding a Master's degree level, head of the unit; an environmentalist at the Bachelor's level; a geographer who deals with climate change issues; a gender focal point who is an administrative secretary at the DPP; (CEGCC: 01 head of the unit and 04 executives) whose missions are to reduce the negative impacts of the Ministry's activities on the environment and to take up the challenges imposed by the changes by ensuring that the environment and the social aspects are taken into account in all the programs and regular activities. It has expressed a need for the recruitment of one (01) specialist in social development and one (01) specialist in gender.

These specialists of the unit will be responsible for ensuring, in close collaboration with the UGP and all stakeholders: (i) the coordination and monitoring of the implementation of all actions related to the environmental and social management of the Program, including the realization and monitoring of the implementation of the required environmental and social safeguards instruments; (ii) the organization of all training, information and awareness-raising initiatives on the environmental and social risks of the Program; (iii) the collection and centralization of all information related to the monitoring of mitigation measures; (iv) the monitoring-evaluation of the implementation of mitigation measures and the integration of data in the information system (in accordance with the principles described and presented in the MEMS); and (v) the preparation of reports on the environmental and social management aspects of the Program.

- ▶ **Information and awareness:** Information and awareness campaigns will be organized to strengthen Environmental and Social Management. They will target institutional actors and stakeholders involved in the implementation of the program. These campaigns will focus on:
  - the environmental and social issues of the sub-projects
  - strengthening citizen engagement and the complaints and grievances management mechanism.

- ▶ **Specialized trainings:** A dissemination and training program will be developed for the application of the MTGES and the waste management plans as soon as they are adopted for the various stakeholders involved in the implementation of the Program, namely:

- Staff of CEGCC/DPP, DDS, AISEM (ex DIEM), DPHAB, ANSSP, BAE, ANDF, MCVDD, Environmental Focal Points at the DDS level, Health Focal Points of the Town Halls, Community relays, District Chiefs/Village Chiefs, Social Promotion Center, Qualified Community Health Agents (ASCQ), COGES,
- Construction companies and construction supervision offices.

This program will mainly include : (i) understanding of the TMGES including its procedures and practices; mastery of environmental and social management tools, namely: Screening Form, ESIA, ESMP and Resettlement Action Plan (RAP), which will be prepared for the sub-projects, according to the scope of their respective environmental and social risks, and (ii) the content of the Waste Management Plans (solid, liquid, biomedical) in accordance with the national arrangements and the World Bank's policy on PforR financing.

1. The table below summarizes all the elements of the ESM Action Plan, which is an integral part of the overall Program Action Plan:

- ▶ All the costs of these elements of the ESM Action Plan will be integrated into the global budget of the Program.
- ▶ However, the costs of the environmental and social corrective measures will be integrated into the budgets of the investment sub-projects themselves.

## COST ESTIMATES

112. With regard to the costs of implementing the ESM Action Plan, it should be noted that:

- Costs related to awareness and training initiatives will be covered by the RPP operating budget (“Training” budget line);
- Costs related to measures to mitigate risks and negative environmental and social impacts will be included in the budgets of the investment sub-projects themselves;
- For costs specific to environmental and social management measures, an estimated budget of US\$1,000,000 will be provided.

**Table 6: Benin Health System Enhancement Program ESM Action Plan**

N°	Actions	Achievement Measures	Responsibles	Timeframe	Budget
<b>1. ENHANCEMENT OF THE ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEM</b>					
1.1	<b>Program ESM technical manual</b>	(i) Preparing the ToR and recruiting the consulting firm to prepare the Manual  (ii) Preparing a Manual that will be an	UGP in collaboration with CEGCC/MS and ABE	No later than three (3) months after the program takes effect	30,000

		<p>integral part of the Program Procedures Manual.</p> <p>It will include at least</p> <ul style="list-style-type: none"> <li>• The process for filling out the <i>Subproject Screening Form</i></li> <li>• The process for developing the ESIA in accordance with national procedures (adding sections on the ESMP and public consultations, as well as measures for managing complaints, taking vulnerable groups into account, prevention and management of GBV/EAS-HS/VAC risks, protection against child and forced labor)</li> <li>• The process of developing an <i>Environmental and Social Management Plan (ESMP)</i> for sub-projects with a moderate environmental and social impact</li> <li>• Process for preparing a simple ESMP form for subprojects with low environmental and social impact.</li> <li>• Process for preparing a <i>Resettlement Action Plan (RAP)</i> for a sub-project with moderate social impacts.</li> <li>• Standard elements (environmental and social clauses, minimum staffing levels, headings for price lists) for the contracts of (i) construction companies, (ii) construction supervision offices</li> </ul> <p>(iii) Organizing a Technical Manual validation workshop.</p>			
	<b>Implementation Program ESM technical manual</b>	(i) Implementation of the ESMPs and specific plans (GBV risk mitigation plan, EAS-HS, VAC)	UGP in collaboration with CEGCC/MS	Throughout the life cycle of the program	
12	<b>Environmental Strategic Assessment (ESA)</b>	<p>(i) Implementing the ESMP and specific plans (GBV risk mitigation plan, EAS-HS, VAC)</p> <p>(i) Preparing the ToR of the consulting firms in charge of conducting the SEA</p> <p>(ii) Conducting the ESA</p> <p>(iii) Organizing the ESA validation workshop</p>	UGP in collaboration with CEGCC/MS	No later than six (6) months after program start-up	70,000
	<b>ESA implementation</b>	Implementing the developed ESA	UGP with the collaboration of CEGCC/MS	Throughout the life cycle of the program	100,000
13	<b>Development of a guide for the implementation of waste management plans</b>	<p>(i) Preparing the ToR of the consulting firms responsible for developing the various waste management plans</p> <p>(ii) Developing a solid waste management guide</p> <p>(ii) Developing a guide for wastewater</p>	UGP with the collaboration of CEGCC/MS, DPHAB	No later than 90 days after the program comes into effect	20,000

		<p>management in hospitals</p> <p>(iii) Developing a guide for the management of biomedical waste.</p> <p>(iv) Developing a guide for the management of mercury-containing waste and other hazardous chemical waste</p> <p>(v) Organizing workshops to validate the plans.</p>			
	<b>Implementation of waste management plans</b>	Implementing management plans	UGP with the collaboration of CEGCC/MS, DPHAB	Throughout the life cycle of the program	
1.4	<b>Complaint management mechanism</b>	Consolidating the PMMs observed in the health sector	UGP with the collaboration of CEGCC/MS	Not later than six (6) months after Program start-up	20,000
		Implementing a simple and effective complaint and grievance management system		Throughout the life cycle of the program	
1.5	<b>Citizen Commitment Plan</b>	Developing a citizen commitment plan	UGP with the collaboration of CEGCC/MS	No more than six (6) months after program start-up	10,000
		Developing a citizen engagement mechanism		Throughout the life cycle of the program	
1.6	<b>UGP / ABE Interagency agreement</b>	Signing of an inter-institutional agreement between UGP and ABE for the study and obtaining of environmental compliance certificates within the deadlines prescribed by Decree No. 2017-332 of July 06, 2017	UGP / ABE	Within the first quarter after program start-up	100,000
<b>2. INSTITUTIONAL CAPACITY BUILDING</b>					
2.1	<b>UGP Human Resources and CEGCC/MS for Environmental and Social Management</b>	<p>Retention of existing specialists within the CEGCC/MS</p> <p><b>Recruitment:</b></p> <p><b>For UGP</b></p> <ul style="list-style-type: none"> <li>- one (01) HSSE specialist with a master's degree</li> <li>- one (01) social development specialist with a master's degree.</li> </ul> <p><b>For CEGCC</b></p> <ul style="list-style-type: none"> <li>- one (01) gender specialist</li> <li>- one (01) social development specialist.</li> </ul> <p>The specialists recruited for the two (02) entities will be employed full time throughout the implementation of the Program.</p>	UGP with the collaboration of CEGCC/MS	<p>TORs available prior to negotiations</p> <p>At the beginning of program implementation</p>	400,000
2.2	<b>Information and awareness</b>	<ul style="list-style-type: none"> <li>- Raising awareness and providing information on the environmental and social issues of the sub-projects</li> <li>- Strengthening citizen commitment and the complaint management mechanism.</li> </ul>	UGP in collaboration with ABE and the environmental units of the Ministry, the Prefectures and the municipalities	Especially in the first year of the program. And for the duration of the program.	100,000

2.3	<b>Specialized trainings</b>	<p>Organizing specialized training sessions for stakeholders directly involved in the implementation of sub-projects. Based on a capacity building plan, these training sessions will focus on the following aspects</p> <ul style="list-style-type: none"> <li>• Initiation to the Beninese legal and regulatory framework for environmental and social management;</li> <li>• mastery of the process of filling in the sub-project screening form</li> <li>• mastery of the development of the ESIA in accordance with national procedures (by adding sections on the ESMP and public consultations as well as measures to manage complaints, consideration of vulnerable groups, prevention and management of GBV/EAS-HS/VCE risks, protection against child labor and forced labor)</li> <li>• Mastery of the development of the Environmental and Social Management Plan (ESMP) for sub-projects with a moderate environmental and social impact</li> <li>• mastery of the preparation of a simple ESMP for sub-projects with low environmental and social impact</li> <li>• Mastery of the preparation and implementation of Resettlement Action Plans (RAP) for each of the sub-projects with moderate social impacts.</li> <li>• Mastery of standard elements (environmental and social clauses, minimum staffing, price list headings) for contracts with (i) construction companies, (ii) construction supervision offices</li> <li>• mastery of the waste management plan</li> </ul> <p><b>Staff involved at the level of :</b> CEGCC/DPP, DDS, AISEM (former DIEM), DPHAB, ANSSP, ABE, ANDF, MCVDD, DDS environmental focal points, Town Hall health focal points, community relays, neighborhood/ village chiefs, Social Promotion Center, Qualified Community Health Agent (ASCQ), COGES, construction companies and construction supervision offices</p>	UGP in collaboration with CEGCC/MS, ABE, DDS and DDCVDD with specialized external technical assistance	<p>Sessions start in the first half of the year after the program is implemented.</p> <p>Refresher sessions throughout the duration of the program (frequency to be determined)</p>	150,000
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Source : ESES Development Team, January 2021

The World Bank is responsible for organizing a Public Consultation with representatives of key stakeholders, civil society organizations and the private sector to present and discuss the draft ESSA.

Thereafter, for the duration of the Program, the Benin counterpart will be responsible for organizing consultations on specific activities (investment sub-projects) of the Program.

The final revised version of the ESSA will be publicly disclosed on the World Bank's external website and the Ministry of Health's website.



## ANNEXES

### Annex 1: Capacities of Institutions Responsible for Implementing Mitigation Measures

Actors	Capacities		Recommendations
	Assets	Limits	
<p><b>MINISTRY OF HEALTH</b></p> <p>(SGM, DNSP, DDS, CEGCC/DPP, AISEM (ex DIEM), DPHAB, ANSSP, ABE, ANDF, MCVDD,</p>	<ul style="list-style-type: none"> <li>- Experience in the management of WB projects (IPF)</li> <li>- Good coverage of the national territory</li> <li>- Has competent technical staff</li> <li>-Has the technical means to manage the program</li> <li>- Has a light organization and transparent and fast procedures</li> <li>-Has an operational Gender and Climate Change Environmental Unit</li> <li>- Establishes a Program Management Unit with specialists in environmental and social protection</li> </ul>	<ul style="list-style-type: none"> <li>First experience with this type of PforR program</li> <li>Non-finalization of the restructuring of certain institutions of the MH (e.g. AISEM ex DIEM, DPHAB, ANSSP etc.)</li> <li>Insufficient number of staff</li> <li>Outdated texts, particularly the Public Health Code (1987)</li> <li>Non-formalized structure and non-uniform operation of the complaints management mechanism throughout the country</li> <li>No ESA to guide environmental and social management activities</li> <li>Weak management of waste, particularly wastewater and biomedical waste</li> </ul>	<ul style="list-style-type: none"> <li>Recruit and train staff to strengthen environmental and social management capacity.</li> <li>Finalize the restructuring of some of the MH institutions</li> <li>Update relevant legislation</li> <li>Take waste management concerns into account during rehabilitation and during the acquisition of new equipment</li> <li>Structure and standardize the CMM and ensure its proper functioning</li> <li>Conduct a strategic environmental assessment of the health sector</li> </ul>
<p><b>Agence Nationale du Domaine et du Foncier : ANDF</b></p> <p>(National Agency of Property and Land)</p>	<ul style="list-style-type: none"> <li>- Capacity and experience in managing expropriation for public utility</li> <li>- Capacity and experience in managing compensation and resettlement of people affected by public projects</li> <li>- In addition to national management, has operational and sustainable regional structures</li> <li>- Expertise in the implementation and monitoring of RAPs</li> </ul>	<ul style="list-style-type: none"> <li>-Limited personnel resources</li> <li>-Limited financial resources</li> <li>- The process of creating Communal Land and Property Offices (BCDF) has not been completed (14 BCDFs created)</li> <li>- Non-updating of the application decrees of the new 2017 law on land and property</li> <li>- Artisanal management of PAP complaints (no specific mechanism for managing complaints during expropriation and compensation work)</li> </ul>	<ul style="list-style-type: none"> <li>Update the decrees implementing the land and property code</li> <li>Expand the Agency's decentralization</li> </ul>
<p><b>Agence Béninoise pour l'Environnement (ABE)</b></p> <p>(Benin Agency for Environment)</p>	<ul style="list-style-type: none"> <li>- Expertise in the validation of Environmental and Social Impact Assessment reports and RAPs</li> <li>- Expertise in monitoring the implementation of ESMPs</li> <li>- Facilitation of the issuance of Environmental Compliance Certificates (ECC)</li> <li>- Expertise in environmental and social assessment training</li> <li>- Creation of a branch in Parakou (in the</li> </ul>	<ul style="list-style-type: none"> <li>- Insufficient personnel</li> <li>- Limited financial resources</li> <li>- Non updated decree related to organizing environmental assessment procedures in Benin</li> <li>- Validation system for environmental assessment reports concentrated at ABE</li> <li>- Non dissemination of the new decree on environmental assessment</li> </ul>	<ul style="list-style-type: none"> <li>Update the application order of the new environmental assessment decree</li> <li>Finalize the implementation of the mechanism of certification of experts, review of reports by a panel of experts, validation by an interministerial</li> </ul>

	process of being finalized)	- No update to the General Guide and technical guides for Environmental Assessment	committee, validation at the Parakou office) to ensure the quality and speed of the review of safeguard documents  Strengthen the capacities of the actors (ABE, experts, partner organizations (ABPEE)
<b>Communes</b>  Community relays, district chiefs/neighborhood chiefs/village chiefs, Social Promotion Center (SPC), Qualified Community Health Agent (QCHA), COGES	- Equipped with technical staff trained in environmental management  - The communal councils have an environment commission  - Sit in the validation commissions of the environmental and social impact study reports at ABE	-Existence of communes without environmental and social units -Insufficient expertise and confirmed experience in environmental and social protection -Insufficient means to ensure their mission - Insufficient information for elected officials on the environmental and social issues of programs/projects -Weak involvement in the monitoring of programs/projects - Elimination of maternity units in community centers (devices to reach vulnerable people)  - Non-compliance with the decision to provide assistance to selected vulnerable people	- Provide communes that do not have environmental and social specialists - Strengthen the communes' human resources in charge of environmental and social monitoring - Strengthen the training of personnel in charge of environmental and social monitoring on environmental and social management tools, including ESMPs and RAPs, GBV, EAS/HS, VCE - Reinforce the actors involved in community health management - To provide support to the actors involved in community health management - Strengthen the mechanisms for reaching the most vulnerable people - Respect and apply decisions to assist selected vulnerable people

## Annex 2: Environmental laws and regulations in force in Benin

REFERENCES	DATE	TITLE
Law n° 98-030	February 12, 199	Framework law on the environment in the Republic of Benin
Law n° 87-015	September 21, 1987	Public Hygiene Code
<i>Law n° 2010-44</i>	October 21, 2010	Water management in the Republic of Benin
Decree n° 2001-094	February 20, 2001	Drinking water quality standards in the Republic of Benin
Decree n° 2017-332	July 07,2017	Organization of environmental assessment procedures in the Republic of Benin
Decree n° 2001-095	February 20, 2001	Creation, attributions, organization and functioning of environmental units in the Republic of Benin
Decree n° 2001-294	August 08, 2001	Noise regulation in the Republic of Benin
Decree n° 2001-109	April 04, 2001	Wastewater quality standards in the Republic of Benin

Decree n° 2001-110	April 04, 2001	Air quality standards in the Republic of Benin
Decree n° 2001-096	February 20, 2001	Creation, attributions, organization and functioning of the Environmental Police
Decree n° 2003-332	August 27, 2003	Solid waste management in the Republic of Benin
Decree n° 2003-330	August 27, 2003	Waste oil management in the Republic of Benin
Inter-ministerial Order n° 069	MISAT/MEHU/MS/DC/DE/DATC/DHAB – 1995	Regulation of the collection, evacuation, treatment and disposal of sewage materials in Benin
Inter-ministerial Order n° 136	MISAT/MEHU/MS/DC/DE/DATC/DHAB – 1995	Regulation of solid waste collection, evacuation, treatment and disposal activities in the Republic of Benin
Ministerial Order n°0002	MEHU/DC/DUA of February 07, 1992	Areas unfit for habitation
General Order n°5926 TP	October 28, 1950	Regulation of the interior layout of bulk hydrocarbon deposits
Decree n°2001-092	February 20, 2001	Classification of roads of economic, tourist or strategic interest

### Annex 3: Ratified multilateral conventions/agreements of direct or indirect relevance to the program

N°	Conventions / agreements	Description	Date of ratification
01	African Convention on the Conservation of Nature and Natural Resources	It is the only regional African Convention of general scope in terms of nature and natural resource protection. It unquestionably laid the foundations for the fundamental principles that govern Biosphere Reserves today, namely <ul style="list-style-type: none"> <li>- the taking into account of customary rights and uses</li> <li>- the conservation of natural resources as an integral part of development plans</li> <li>- the obligation of impact studies;</li> <li>- Inter-African cooperation in the field of natural resource conservation and management.</li> </ul>	2016
02	United Nations Framework Convention on Climate Change	This convention establishes a global framework agreement for intergovernmental efforts to address the challenge of climate change. It recognizes that the climate system is a shared resource whose stability can be affected by industrial and other emissions of carbon dioxide and other ESMs.	June 30, 1994
03	Convention on Biological Diversity and the Sustainable Use of its Components	This convention, in its article 8d, promotes sustainable and environmentally sound development in areas adjacent to protected areas in order to strengthen the protection of the latter.	June 30, 1994
04	Convention on Wetlands, Waterfowl Habitat - Ramsar Convention	The Convention's mission is "the conservation and wise use of wetlands through local, regional and national actions and international cooperation, as a contribution to achieving sustainable development worldwide".	January 20, 2000
05	Kyoto Protocol to the United Nations Framework Convention on Climate Change	This protocol supports the UNFCCC and promotes low-carbon development and other greenhouse gases.	February 25, 2002
06	Vienna Convention for the Protection of the Ozone Layer	This agreement stipulates specific obligations regarding the control and disposal of Ozone Depleting Substances (ODS).	March 22, 1985
07	Montreal Protocol on Substances that Deplete the Ozone Layer and its amendments	This protocol governs the statutory and regulatory provisions for the implementation of the Vienna Convention.	October 21, 1988
08	Stockholm Convention on Persistent Organic Pollutants (POPs)	The main objective of this convention is to protect human health and the environment from	May 2001

N°	Conventions / agreements	Description	Date of ratification
		persistent organic pollutants (POPs).	
09	Minamata Convention on Mercury	The objective of the Minamata Convention is to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.	2016

**Annex 4: Selected articles of the Land and Property Code n°2013-01 of August 14, 2013 amended and completed by Law n° 2017-15 of August 10, 2017**

ARTICLES	CONTENT	OBSERVATIONS
Article 4 new	1-The land tenure system in force in the Republic of Benin is that of the confirmation of land rights	(See provisions of Title III) Recognition of customary ownership
	2-states the contradictory procedure for confirming land rights and issuing the land title	The term " <b>Certificat de Propriété Foncière</b> " (CPF) <i>Certificate of Land Ownership</i> ) has been replaced by " <b>Titre Foncier</b> ". <i>Land Title</i>
	3-confirmation procedure is focused : - in urban or peri-urban areas on the documents of presumption of land ownership or a court decision -in rural areas on the documents of presumption of land ownership, the cadastre of the rightful owners of the rural land plan or a court decision	
	4- Three documents of presumption of ownership have been added (certificate of registration, administrative certificate, rural land certificate) in addition to the 03 referred to in the former Act (certificate of customary ownership, certificate of resettlement, tax notice of the last three years).	
Article 112 new	Only the land title confers full ownership in the Republic of Benin. All the attributes of property rights are attached to it. All land not covered by a land title is under the rule of presumed rights. The State issues land titles to holders of a residence permit on a building belonging to it under the conditions laid down by decree issued by the Council of Ministers.	The following sentence has been added: The State issues land titles to the holders of a residence permit on a building belonging to it under the conditions set by decree taken in the Council of Ministers.
Article 238 new	The competent judge seized, in an emergency procedure, after having verified the regularity of the procedure, fixes, within thirty (30) days after the filing of the file, the expropriation compensation in accordance with the provisions of this code and orders the expropriator to take possession.	The judge has been substituted for the magistrate
Article 240 new	An expert opinion should be ordered if requested by one of the parties. It must be conducted by an approved expert, appointed by the court. In any event, the expert must submit his report within a time limit set by the judge, failing which the judge will assess the situation and take coercive measures if necessary, by setting a new time limit or imposing fines.	The new law has reduced the number of certified experts from three to one. It also assigned deadlines for ordering the expertise.
Article 517 new	(...) Land titles, registration certificates, administrative certificates, rural land certificates issued in execution of previous texts in force have the same value as land titles as well as their copies established by application of the present code.	Recognition of customary ownership
Article 520 new	Rural land certificates issued before the entry into force of this code shall be transformed into a land title upon simple presentation by the holder, in accordance with the provisions of Article 116 of Law No. 2013-01 of August 14, 2013 on the land and property code in the Republic of Benin.	
Article 522-1	Privately owned land and real estate located in the border	Addition of provisions that will cause

	area are automatically declared to be of public utility. The State shall take the appropriate measures for their progressive incorporation into its public patrimony.	expropriations for public utility
Article 522-3	The State shall take all necessary measures to progressively ensure the compensation of all the lands constituting the border area, except those which are already part of the public or private domain of the State or of the territorial communities. This compensation is not subject to any time limit. However, dispossession shall only take place after fair and prior compensation.	Confirmation of the principle of compensation in the context of expropriation in the public interest

## Annex 5: Simplified Socio-Environmental Screening Form

This screening form has been designed to assist in the initial selection of program sub-projects to be implemented in the field. The environmental and social safeguard specialists of the PCU/MH complete this form. It is then forwarded to ABE for validation in accordance with Beninese legislation (Decree No. 2017-332 of July 07, 2017, General EIA Guide).

Environmental and social selection form		
1	Name of the community where the project will be carried out	
2	Name of the person to contact	
4	Name of Approving Authority	
Date :		Signatures :

### PART A

#### Brief description of the sub-project

*The description of the sub-project must provide all specific details relating to the implementation of the sub-project (geographical location, characteristics, approximate size of the total area to be occupied, status of the site (public or private, existence of a land title), scope of the construction and operation works*

### Part B

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

##### 1. Natural environment

(a) Describe the soil type and topography of the area, the vegetation present on the site and the surrounding area.

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(b) Estimate and indicate the vegetation that may be impacted, the number and types of trees that may be cut.

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##### 2. © Are there any environmentally sensitive areas or endangered species. River and lake ecology

Will implementation of the subproject adversely affect the ecology of rivers or lakes in the receiving environment? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, specify: (Accidental spillage of oil, hydrocarbons, chemicals, toxic products, etc.)

- Water quality Yes\_\_\_\_\_ No\_\_\_\_\_
- Water quantity Yes\_\_\_\_\_ No\_\_\_\_\_
- Aquatic vegetation Yes\_\_\_\_\_ No\_\_\_\_\_
- Aquatic animal species Yes\_\_\_\_\_ No\_\_\_\_\_

**Comments:** -----

**3. Protected areas**

Is the sub-project site within or adjacent to any government-designated protected areas (national park, national reserve, world heritage site, sacred place, etc.)? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, specify the type of protected areas. Comments –

If the sub-project site is outside of a protected area (or in its vicinity), is it likely to adversely affect the ecology of the protected area (e.g., interference with mammal or bird migration routes)?

Yes\_\_\_\_\_ No\_\_\_\_\_

If Yes, Comments

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 -----  
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**4. Geology and Soils**

Are there areas of possible geological or soil instability (susceptibility to erosion, landslides, subsidence) in the vicinity of the subproject site? Yes \_\_\_\_\_ No\_\_\_\_\_

If Yes, Comments –

**5. Landscape/Aesthetics**

Will implementation of the subproject adversely affect the aesthetics of the local landscape? (tree cutting, clearing, etc.)

Yes\_\_\_\_\_ No\_\_\_\_\_

If Yes, Comments –

**6. Historical, archaeological or cultural heritage site.**

Based on available sources, consultations with local authorities, local knowledge and/or observations, could the subproject have an impact on historical, archaeological or cultural heritage sites? Yes\_\_\_\_\_ No\_\_\_\_\_

If Yes, Comments --

**7. Destruction of vegetation**

Will the implementation of the subproject result in the destruction of vegetation Yes\_\_\_\_\_ No\_\_\_\_\_

If yes

- Estimated area of vegetation (grasses, shrubs, trees) to be cleared -----

- Number of trees to be removed (Specify species) -----

**8. Sensitive areas**

Could implementation of the subproject adversely affect environmentally sensitive areas or endangered species specified above?

- Intact natural forests Yes\_\_\_\_\_ No\_\_\_\_\_

Rainforests Yes\_\_\_\_\_ No\_\_\_\_\_

Wetlands (lakes, rivers, seasonally flooded areas) Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, specify type of wetland and approximate distance from sub-project

**9. Air Pollution**

Will the implementation of the sub-project result in dust (and machinery exhaust) emissions?

Yes\_\_\_ No\_\_\_\_\_

If Yes, Comments –

**10. Noise Pollution**

Will the implementation of the sub-project cause noise pollution that may result in significant impacts on the surrounding population (i.e. will it exceed acceptable noise limits/standards)? Yes\_\_\_ No\_\_\_\_\_

If Yes, Comments –

**11. Solid or Liquid Waste**

Would implementation of the subproject generate solid or liquid waste? Yes\_\_\_ No\_\_\_

If Yes, Comments --

If "Yes", does the subproject have a plan for their collection and disposal? Yes\_\_\_ No\_\_\_.

Describe -----  
-----  
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**12. Health and safety of workers and the surrounding population**

Will the implementation of the subproject result in health and safety risks for workers and the surrounding population?

Yes\_\_\_ No\_\_\_

If Yes, Observations:

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**13. Use of local resources**

Will the implementation of the sub-project require the use of large volumes of construction materials (sand, gravel, water etc.)? Yes\_\_\_ No\_\_\_

If Yes, Comments –

**14. Could the implementation of the subproject result in:**

- **Accidents to workers and local people?** Yes\_\_\_ No\_\_\_\_\_

If Yes, Comments --

- **Depravity of morals/social deviation?** Yes\_\_\_ No\_\_\_\_\_

If Yes, Comments --

- **Gender-based violence.** Yes\_\_\_ No\_\_\_\_\_

If Yes, Comments --

- **Child labor and forced labor?** Yes\_\_\_ No\_\_\_\_\_

If Yes, Comments --

- **Conflicts/complaints/grievances?** Yes\_\_\_ No\_\_\_\_\_

If Yes, Comments --

- Other: specify -----

**Part C**

**1- Brief description of the social environment and identification of social impacts.**

**Displacement of People and/or Goods**

Will the implementation of the subproject result in involuntary physical or economic displacement of people and/or property? Yes\_\_\_ No\_\_\_

If Yes, Comments

**2. Land Acquisition**

Will implementation of the subproject result in the denial or restriction of access to fields, concessions or other economic resources? Yes\_\_\_\_\_ No\_\_\_\_\_

If Yes, Comments --

Si Non, Observations-----  
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**3. Loss of land**

Will the implementation of the subproject result in the loss of land? Yes\_\_\_ No\_\_\_\_\_ (to see if there is occupancy)

If Yes, will the loss be permanent or temporary? -----

Comments : -----  
-----  
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**4. Loss of housing**

Will the implementation of the subproject result in the loss of housing? Yes\_\_\_ No\_\_\_\_\_

If yes, will the loss be total or partial? -----

Comments : -----  
-----  
-----

**5. Loss of infrastructure (buildings, schools, soccer field, etc.):**

Will implementation of the subproject result in the loss of infrastructure? Yes\_\_\_ No\_\_\_\_\_

If yes, will there be a total or partial loss? -----

Comments: -----  
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**6. Loss of income**

Will the implementation of the sub-project result in the loss of income generating activities (economic activities, livelihoods, production methods)? Yes\_\_\_ No\_\_\_\_\_

If Yes, will the loss be permanent or temporary? -----

Comments: -----  
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**7. Loss of crops or fruit trees**



Will the implementation of the sub-project result in the loss of crops (corn, millet, cotton, etc.), utility trees (fruit, shade, ornamental, etc.)? Yes\_\_\_ No\_\_\_\_\_

If yes, estimate the number/quantity for each type if possible

Comments: -----  
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**8. Public consultation**

Was the consultation and participation of the stakeholders (Beneficiaries, local population, communal and local authorities) done? Yes\_\_\_ No\_\_\_

**If Yes, Observations :** -----  
-----  
-----

**If No, Observations**-----  
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**Part D**

**Recommendations**

**4. Environment**

**Environmental assessment required:**

- No environmental work
- Elaboration of an Environmental and Social Impact Notice
- Elaboration of a Simplified Environmental and Social Impact Assessment



**5. Social**

**Required Social Evaluation:**

- No social work (but clearly indicate if specific measures or requirements will be capitalized in the ESMP)
- Development of a Resettlement Action Plan



**Form completed by:**

- **Surname :** \_\_\_\_\_
- **First name :** \_\_\_\_\_
- **Address :** \_\_\_\_\_
- **Signature :** \_\_\_\_\_

*Done at .....the ..... /... /202.....*

**List of the team that filled out the form**

N°	Surname et Name	Position	Duty (in the team)	Signature


**Environmental Safeguarding Specialist's Compliance Approval**

Signature  
 First and last name  
 Position  
 Tel  
 On ...../...../202.....

**Social Safeguarding Specialist's Compliance Approval**

Signature  
 First and last name  
 Position  
 Tel  
 On ...../...../202.....

**National Environmental Assessment Authority Compliance Approval (ABE)**

Signature  
 First and last name  
 Position  
 Tel  
 On ...../...../202.....

**Annex 6: Environmental and Social Management Plan and Resettlement Action Plan.  
 Environmental and Social Management Plan (ESMP)**

An *Environmental and Social Management Plan (ESMP)* is a document that allows each sub-project proponent with significant environmental and/or social effects to integrate environmental and social dimensions into the process of designing, planning, managing and implementing activities.

An ESMP establishes the procedures and measures relevant to the mitigation of their environmental and social impacts based on the procedures and mechanisms defined in the Technical Manual.

An ESMP includes, in particular, the following aspects:

- Establishment of a complete sub-project sheet
- Preparation of environmental and social control/ review forms
- Establishment of work supervision mechanisms
- Documentation of public consultations conducted for the ESMP
- Establishment of a simple and efficient system for managing requests and complaints
- Establishment and monitoring of the implementation and evaluation of all planned mitigation and compensation measures
- Definition of the environmental and social reporting system
- Public disclosure of the ESMP for each of the selected sub-projects
- Consideration of aspects relating to the prevention and management of GBV/SHA/HS/VCE, consideration of vulnerable groups and the management of complaints,

A **Resettlement Action Plan (RAP)** is a document that allows any subproject proponent requiring physical displacement of people, loss of property and assets, acquisition of land, and/or loss of access to natural resources or economic assets to assess the social impacts associated with the temporary or permanent resettlement of people and to propose a specific plan to compensate for the losses and support the restoration of livelihoods, based on the procedures and mechanisms defined in the Technical Manual, in particular with respect to the following aspects:

- Definition and implementation of procedures for involuntary resettlement
- Clearly defining resettlement measures
- Documentation of public consultations conducted for the RAP
- Establishment of a simple and effective system for handling requests and complaints
- Establishment of a system for monitoring potential land acquisition procedures
- Establish and monitor the implementation and evaluation of all planned compensation and livelihood restoration measures.

### **Annex 7: List of Main Documents Consulted**

1. WB, 2015 Bank Policy : Program for Results financing
2. WB, 2015. Bank Directive : Program for Results financing
3. WB/, 2018 Environmental and social systems assessment (ESSA) for the Ethiopia electrification program (ELEAP) Program-for-Results
4. Bénin, Plan national de développement 2018-2025, 300 pages
5. Bénin, Plan national de développement sanitaire 2018-2022, 82 pages
6. Ministère de la Santé, Bénin (2008) Manuel de formation des membres des comités de gestion des centres de santé, 82 pages
7. Ministère de la Santé, Bénin, 2009. Politique Nationale de Santé, 26 pages
8. Ministère de la Santé, Bénin Plan de réhabilitation des formations sanitaires du Bénin (CS, HZ, CHD) draft, fichier excel
9. WB, 2018. Program concept note, Ethiopia electrification program (ELEAP) Program-for-Results Federal democratic Republic of Ethiopia
10. WB/Rép du Bénin, 2018 Evaluation des systèmes environnementaux et sociaux (ESES) pour le Programme pour l'accès universel à l'eau potable en milieu rural. Programme pour les résultats (*PPR*)
11. WB, 2020. PCN for Benin health system enhancement (P 172940) 28 pages, 23 Novembre 2020
12. Ministère de la Santé, Bénin, 2020. Projet de renforcement du système de santé axé sur l'amélioration de la santé de la mère, de l'enfant et la nutrition au Bénin (BEN-RSS/MEN) 2021-2025, 62 pages, septembre 2020
13. WB, 2019. Environmental and Social System Assessment, Romania health program for results (p169927), 88 pages
14. Project Concept Note Ben-n - P173749\_April 14 2020BM/Rép Sénégal, 2017. Programme d'appui aux communes et aux agglomérations au Sénégal (PACASEN) : Evaluation du système environnemental et social
15. BM/Tunisie, 2014 Programme de Développement Urbain et de Gouvernance Locale (PDU L): Évaluation des Systèmes Environnementaux et Sociaux (ESES)
16. BM/Maroc, 2014. Prêt-Programme axé sur les résultats (PR). Transport urbain au Maroc : Evaluation des Systèmes environnementaux et sociaux ESES)

17. BM/UGANDA, 2012. Uganda support to municipal infrastructure development project (USMID) as a program-for-results (PforR) operations: environmental and social system assessment (ESSA) report
18. DGE/MMEE, 2008, Intermédiation sociale pour les Ouvrages simples Guide à l'usage des communes
19. Concept Stage Program Information Document +PID for Energy PforR Ben-n - P173749
20. ABE, 201: Guide général de réalisation d'une étude d'impact sur l'environnement. Agence Béninoise pou' l'Environnement: 76 p, février 2001.
21. ABE, 203: Guide sectoriel d'étude d'impact su' l'environnement des projet' d'électrification. Agence Béninoise pou' l'Environnement, 29 p.
22. Banque Mondiale, 1999. Manuel d'évaluation environnementale. Edition française. Vol 1, 2 et 3.
23. ECVR2 (2001). Profil de la pauvreté rurale et caractéristique socio-économiques des ménages du département de l'Atacora. Cotonou.
24. Répertoire des indicateurs de suivi environnemental et de développement durable au Bénin. MEHU/ABE, 224 p
25. Profil de la pauvreté rurale et caractéristique socio-économiques des ménages ruraux. Cotonou, 324 p.
26. Loi N° 2017-15 modifiant et complétant la loi N° 2013-01 du 14 août 2013 portant code foncier et domanial en République du Bénin
27. Décret 2017-332 du 06 juillet 2017 portant organisation des procédures de l'évaluation environnementale en République du Bénin
28. Décret N° 2015-010 du 29 janvier 2015 portant attribution, organisation et fonctionnement de l'Agence nationale du Domaine et du foncier

## Annex 8: List of people consulted in the preparation of the ESSA

### Consultations with institutional actors

N°	Name & Firstname	Titre/Entities	Contact/ email
01	DJIBRIL A. Moussa-Fils	DGA/ANDF	95451156 moussafils@gmail.com
02	KEDOWIDE Francois Corneille.	DG/ABE	66142746 Francoiscorneille.kedowide@yahoo.fr
03	DEGILA Hermione	CS/CEGCC	97901818
04	AGOSSOU Marius	AISEM ex DIEM	97573515
05	AFFODJETO Hyacinthe	CS/AISEM ex DIEM	96324131
06	AKIBOU OSSENI Moukim	Dir/DPHAB	95957968
07	TOTIN Isidore	Ass Dir/DPHA	
08	SONOU AGOSSOU Sabas	Sp social / BM	66540373
09	BACHABI ALIDOU Abdoul'Ganyi	Sp Environnement / BM	97764676

### Consultations (VC) with the Departmental Health Directors (DDS)

N°	Nom et Prénoms	Titre/Structure	Email / Contacts
1	IMOROU BAH CHABI Ali	SGM- MS	<a href="mailto:aimoroubahchabi@gouv.bj">aimoroubahchabi@gouv.bj</a>
2	Dr. SALIFOU Sourakatou	DNBP- MS	<a href="mailto:sosalifou@gouv.bj">sosalifou@gouv.bj</a>
3	PEDRO Eunice	MS	<a href="mailto:epedro@gouv.bj">epedro@gouv.bj</a>
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5	NAMBONI M. Pakidaba Jacob	DDS ATACORA	95024130
6	DAHO Jean Yaovi	DDS COUFFO	97887484
7	COCOUI Victor Emmanuel Anani	DDS ATLANTIQUE	97581930 <a href="mailto:vecocouvi@gmail.com">vecocouvi@gmail.com</a>
8	DANDONOUGBO Codjo	DDS COLLINES	97872321
9	TOKPLONOU Evariste	DDS ZOU	96002535
10	TOKPO Simplicie	DDS OUEME	97125184
11	MAMA ADAMOU Bouraïma	DDS ALIBORI	95279542
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13	Dr ZONGO Mahamoud	DONGA	97244401
14	FATEMBO Hyppocrate Valère Babatoundé	PLATEAU	97127178
15	IMOROU KARIMOU Yacoubou	BORGOU	97272592
16	MAMA Cissé		
17	YOROU Cob		
18	SALAMI Lamidhi		
19	SONOU AGOSSOU Sabas	Sp social / BM	66540373
20	BACHABI ALIDOU Abdoul'Ganyi	Sp Environnement / BM	97764676

### Community Stakeholder Consultations

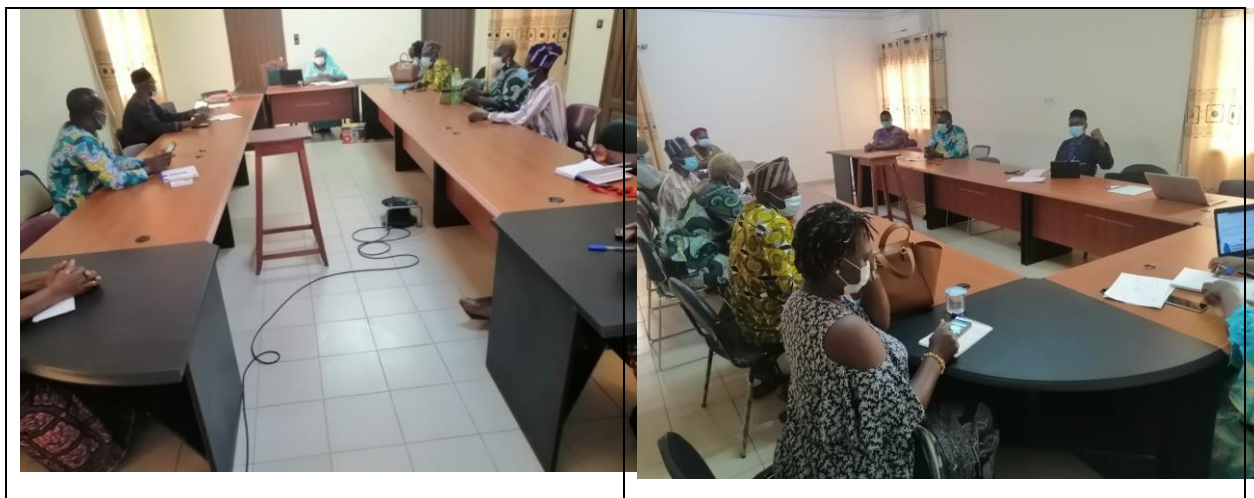
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04	SAHGUI Rodrigue	C/CPS Ahouansori	97355057
05	DODJI A. Edwige	R/Chef CPS Xwlacodji	67482984
06	AGBOZOGNIGBE T. Didier	MCZS Cotonou 6	97728423
07	TOVITCHEDE D. Landège	Pdt COSA Cotonou 2 et 3	96524750
08	ABLIBA Christophe	Vérificateur / COGES CS Houénoussou	95055222
09	SEWA Armel Florent	Chef quartier Ahouansori	97197922
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11	HOUNKPATIN Urbain	Pdt des CQ 12ème arrondissement	97980098
12	GNANADJO S. Prosper	Rpt CQ de 15ème circonscription (ZS Cotonou 2 et 3)	97440238
13	ASSOU F. Valère	Rpt des CQ ZS Cotonou 5	97408388
14	SONOU AGOSSOU Sabas	Sp social / BM	66540373
15	BACHABI ALIDOU Abdoul'Ganyi	Sp Environnement / BM	97764676
<b>DDS Atlantique</b>			
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02	ADJIGNON Assogba Bienvenu	Relais Communautaire / Ganvié	97762589
03	FASSINOU Célestin	CV Ahlokpo	97818007
04	KOUHOUEYOU Florent	Vérificateur COGES / Sô Ava	97268678
05	HOUSSE Irénée Y	DHPAB/ DDS Atlantique	97717030
06	SONOU AGOSSOU Sabas	Sp social / BM	66540373
07	BACHABI ALIDOU Abdoul'Ganyi	Sp Environnement / BM	97764676
08	ABBECY Allougba Victorine	CQ Togoudo-Godomey	95569354 / 66535331
09	GBODOGBE Gisèle	Relais Communautaire / Sokan- Zinvié	97528387
10	AHO GLELE Aline	COGES Cococodji	97640263
11	AGBALI Julienne	Point Focal /Santé MAirie Abomey Calavi	97219748

### **Pictures, working session with community stakeholders DDS Littoral**



**Pictures, working session with community stakeholders DDS Atlantique.**



**Annex 9: Minutes of the National Workshop for the Restitution/Validation of the ESSA Report**

<b>Mission</b>	<b>Environmental and Social Systems Assessment (ESSA) Report Restitution/Validation Workshop</b>
Activity Responsible Body	SGM/MS
Involved entities	AISEM, DPP, ANSSP DDS, Environmental Focal Points, Community Relais and other community representatives, World Bank
Mission reference	
Period	March 25, 2021
Mission description	<p>After the opening of the workshop by the Secretary General of the Ministry who welcomed the participants and thanked them for their availability, the consultants presented the project, its environmental and social effects, both positive and negative, and the proposed environmental and social management action plan. The participants then asked some questions for clarification and made their comments on the document, which was considered to be of good quality by all the participants.</p> <p>Apart from the rephrasing and various contributions made by the participants in response to the changes, the comments mainly concerned the list of abbreviations to be expanded upon, the legal framework to be updated and expanded upon, the need not to focus on menstrual waste, a type of waste that is not dominant in hospitals and that can be classified as biomedical waste, the need to take better account of environmental focal points, and the need to specify the source of the indicators.</p>
Recommendations	<p>The main recommendations included:</p> <ul style="list-style-type: none"> <li>- Participants to send their comments to the consultants and the CCE by Friday, March 26;</li> <li>- CCE to synthesize the comments for the Bank;</li> <li>- CCE to write a paragraph on the management of expired drugs for the Bank;</li> <li>- The Consultants to include the comments to the extent possible.</li> </ul>

**DEGILA Hermione**



**Annex 10: List of Participants in the National Feedback Workshop  
/ Validation of Benin environmental and social safeguards systems assessment: Cotonou,  
March 25, 2021**

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	AGOSSOU		Bm		
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