

# Environmental and Social Monitoring Report

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Semi Annual Report  
December 2020

## VAN: Energy Access Project

Prepared by the Vanuatu Project Management Unit for the Vanuatu Government and the Asian Development Bank.

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## ACRONYMS

ADB	Asian Development Bank
AP	Affected Persons
BHP	Brenwe Hydropower Plant
CPP	Community Consultation and Participation
CEMP	Construction Environmental Management Plan
CLTA	Customary Land Tribunal Act No. 7 (2001)
COTA	Custom Owners Trust Account
DEPC	Department of Environmental Protection and Conservation
DOL	Department of Lands
DOE	Department of Energy
DSC	Design and Supervision Consultant (Stantec)
EPC	Engineer Procure Construct
ESS	Environment and Social Safeguards
IEE	Initial Environmental Examination
GoV	Government of Vanuatu
LARP	Land Acquisition and Resettlement Plan
MIPU	Ministry of Infrastructure and Utilities
MFEM	Ministry of Finance and Economic Management.
MLNR	Ministry of Land and Natural Resources
MOA	Memorandum of Agreement
RP	Resettlement Plan
RF	Resettlement Framework
SPS	Safeguard Policy Statement

USD	United States Dollars
VEAP	Vanuatu Energy Access Project
VPMU	Vanuatu Project Management Unit

# 1 INTRODUCTION

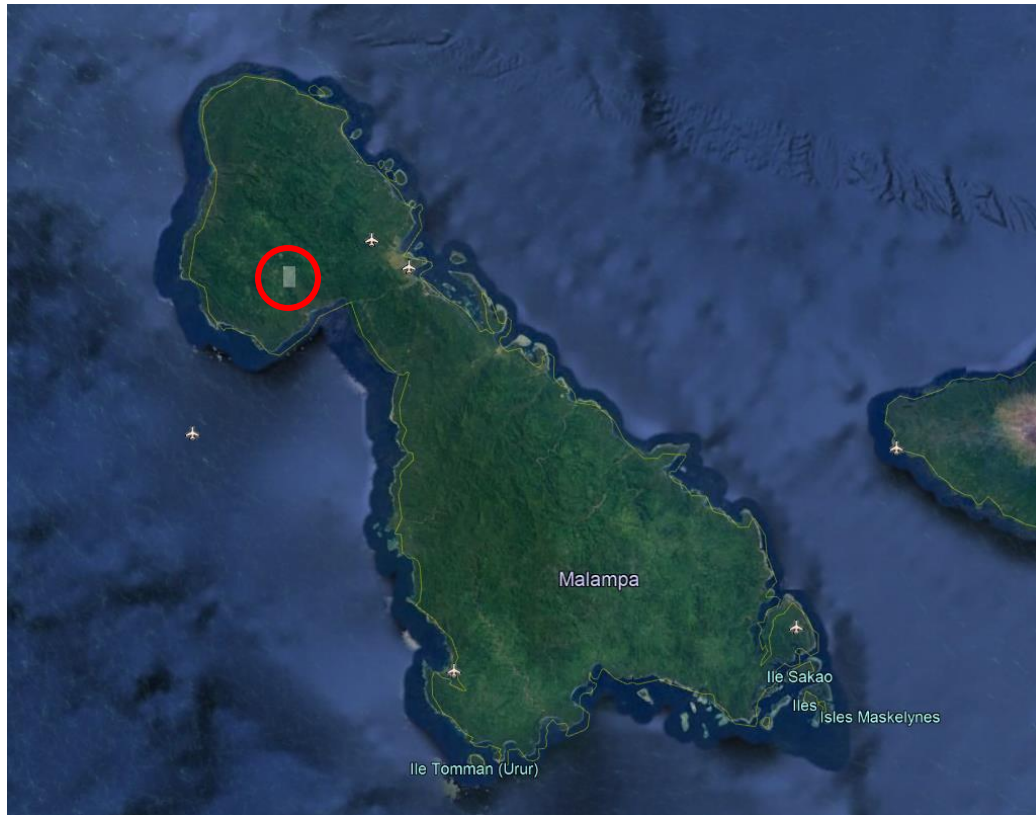
## 1.1 Background and Purpose of the Report

1. The Vanuatu Energy Access Project (VEAP) under the ADB Loan: LOAN 3572 VAN was approved by the Asian Development Bank (ADB) and Government of Vanuatu (GoV) in October 2017. Stantec New Zealand (Stantec) has been appointed in July 2018 to the role of design and supervision consultants (DSC) to provide support to the Vanuatu Project Management Unit (VPMU) in the delivery of VEAP.
2. The present report is the third Semi-annual Environmental and Social Safeguards Monitoring Report prepared for the VEAP. It also complies with the ADB Safeguard Policy Statement (2009) and Access to Information Policy 2018 and government requirements for projects, with regards to implementation, monitoring and information disclosure.
3. This report has been prepared by VPMU on behalf of the GoV to document progress of the social and environmental safeguard requirements to be undertaken during implementation of the project. Over the reporting period the project was in its Pre-Construction phase.
4. Implementation progress during the reporting period has been significantly affected by the Covid 19 pandemic. The impact of the pandemic on the project is explained in section 3.1.2.

## 1.2 Description of the Project

5. The VEAP comprises three infrastructure components:
  - Brenwe hydropower plant (BHP) construction, commissioning and transmission Line – the BHP is envisaged to provide in excess of 90% of the total generated energy for the Malekula grid through to 2040.
  - Transmission line and distribution grid extensions in north-west Malekula. The transmission line will connect BHP to the existing Lakatoro distribution grid on Malekula.
  - Distribution grid extensions from Luganville to Port Olry on Espiritu Santo.
6. **Brenwe hydropower plant** the 400kW, run-of-river BHP currently consists of the following elements:
  - Intake weir structure.
  - Headrace canal.
  - Forebay/surge structure
  - Penstock.
  - Turbine powerhouse, switchgear and transformer.
  - Tailrace.
  - Access roads (from the public highway to project site).

7. **Other components** Linking the BHP to the existing power generation at Lakatoro and the east coast distribution grid will consist of the following elements:
- Transmission line (20 kilovolts to Lakatoro)
8. BHP is located on the River Brenwe in north-west Malekula.



The infrastructure was partially constructed in the 1990's by China Chang Jiang Energy Corp (CCJEC), however construction was never completed. The location of the new BHP is envisaged to be at the same location as the earlier abandoned BHP. To facilitate construction, access roads will need to be rehabilitated and constructed to the different areas of the project site. The powerhouse access road is currently envisaged from the North West Malekula Highway, along the west (true right) bank of the R. Brenwe. Access to the penstock and forebay construction area on the east bank of the river will be via a new road from the NW Malekula Highway. The current envisaged construction layout for the project site is below:



### 1.3 Project Safeguard Requirements

9. The project safeguard requirements include compliance with both the GoV country safeguard system (CSS) and ADB SPS. The key documents of the CSS relevant to environmental aspects of the project include the need for an Environment Permit (EP) from the Department of Environmental Protection and Conservation (DEPC) and a Water Works Permit from the Department of Water Resources (DoWR). The project must also comply with a range of statutory requirements pertaining to land acquisition. A list of the key legislation related to the country safeguard system is provided in Annex 1.
10. ADB's requirements include compliance with the approved updated Initial Environmental Examination (IEE) and associated Environmental Management Plan (Feb 2019) included in the projects contract documents and the approved project Resettlement Plan.
11. VPMU and Department of Energy (DoE) are responsible on behalf of the GoV to ensure that all the requirements of the CSS and ADB SPS as specified in ADB Loan: LOAN 3572 VAN (the Loan Agreement) are properly implemented throughout project implementation.
12. In respect to the Loan Agreement, the Project Administration Manual (PAM) outlines under Safeguards Monitoring and Reporting that "The VPMU will prepare quarterly monitoring reports.

which will provide information necessary to update ADB's project performance reporting system", including

- Project Performance Monitoring - The quarterly monitoring reports will include environmental and social safeguard monitoring reports.
- Land Acquisition/Resettlement - Semi-annual monitoring reports will be submitted to ADB which includes reporting on progress of activities in the implementation of the Resettlement Plan (RP) with particular focus on public consultations, land acquisition, payment of compensation, and level of satisfaction among affected persons.; and
- Environment –
  - i. Before commencing civil works, the contractor will prepare a site specific EMP (SEMP) which will establish how the contractor will comply with the EMP safeguard requirements. Monitoring of the Contractor's works will be undertaken by the resident engineer with assistance of the PMU's safeguards officer and supported by the DSC. Monitoring will also be carried out independently by the Department of the Environmental Protection and Conservation (DEPC), as well as ADB missions.
  - ii. Semi-annual safeguard monitoring reports will be submitted to ADB which will cover a summary of the Contractor's monthly reports, details of monitoring data collected, and analysis of monitoring results, recommended mitigation measures, environmental training conducted, and environmental regulatory violations.

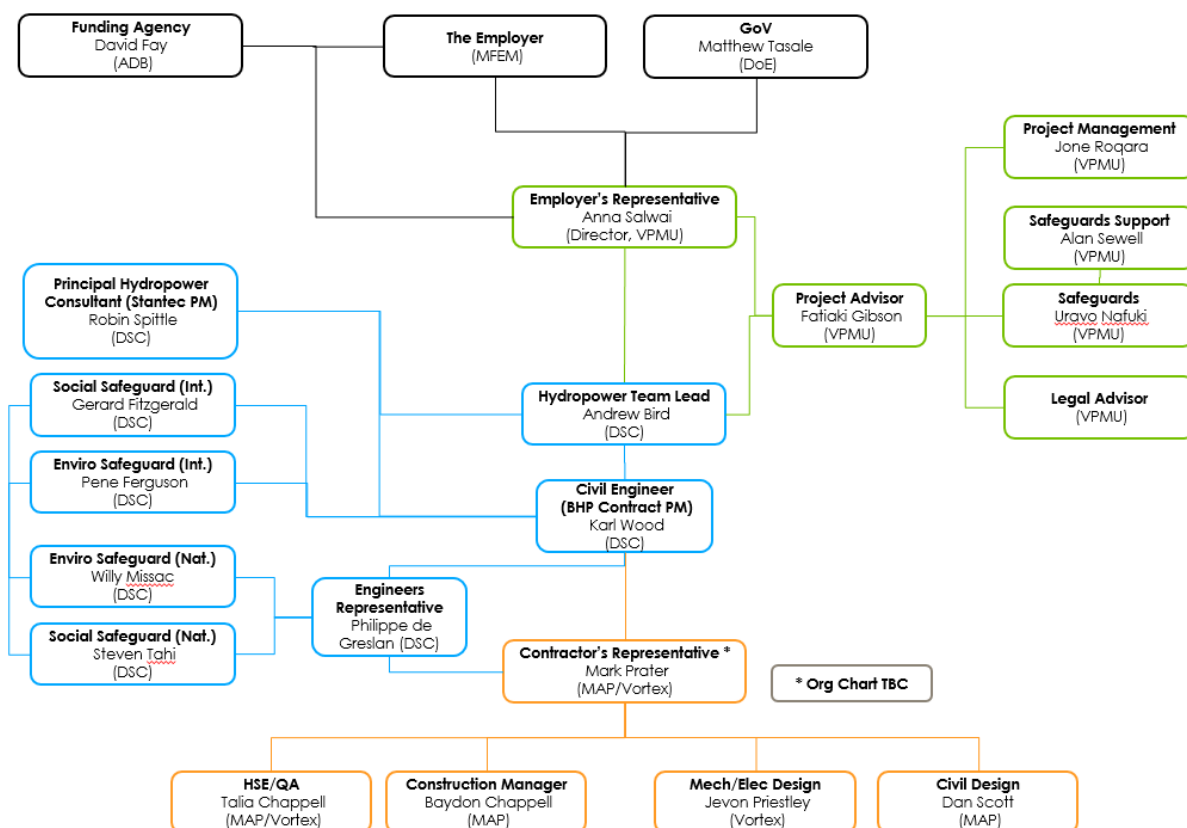
## **2 IMPLEMENTATION ARRANGEMENTS**

13. VPMU is managing implementation of the VEAP on behalf of the DoE for the GoV. VPMU staffing for VEAP includes:

- International Project Manager (IPM - consultant),
- National Project Manager (NPM),
- Environmental and Social Mitigation Officer (ESMO)
- International Environment Specialist (IES – Consultant)

14. The VPMU project team are supported by the DSC which comprises the following:

- Project Manager
  - Resident Engineer
  - International Environment Specialist
  - National Environment Specialist
  - International Social Safeguards Specialist
  - National Social Safeguards Specialist
- The project management organization arrangements are illustrated below.



**Figure 1 VEAP Organisation Chart**

15. The role of VPMU's ESMO with assistance from the IES and support of the DSC's safeguards team, is to ensure that all the safeguards requirements of the VEAP are implemented effectively as set out in the PAM and construction contract documents.
16. ADB has a project team overseeing the project which includes the Extended Mission Vanuatu office and staff from HQ and SPSO in Fiji.

### 3 ACTIVITIES AND STATUS OF SAFEGUARD COMPLIANCE

#### 3.1 VEAP Progress Update

17. This progress report for reporting period is to be read in conjunction with the semi-annual safeguards monitoring reports (SMR) for July to December 2018, January to June 2019 and July – December 2019.

##### 3.1.1 Contract Award

18. The construction contract for the BHP was awarded to MAP/Vortex Consortium in January 2020 – the contract became effective on 22 February 2020. The contract completion date is February 2022.

19. The transmission and distribution grids for Malekula and Espiritu Santo are undergoing procurement. The Malekula transmission line must be completed prior to the BHP commissioning.

### **3.1.2 Covid 19 Constraints**

20. The global outbreak of Novel Coronavirus in 2019-20 (COVID-19) saw the introduction of strict border controls and quarantine arrangements in Vanuatu. Since March neither the DSC nor the newly appointed New Zealand-based contractor (MAP/Vortex) have not been able to travel to Vanuatu. Pre-construction activities have largely been carried out remotely and online, aided by the DSC national team and VPMU where appropriate. Domestic travel in Vanuatu was stopped. COVID-19 introduced new and unforeseen health and safety risks for contractors and the local populations, and these risks are being identified and response measures incorporated into the contractor's CEMP and DoE's operations plans.
21. The contractor, MAP/Vortex, has not noted any material delay to date or made a Force Majeure claim (activities mainly design/planning still ongoing) however for some design activities (topographical surveying and visits for design and method planning) are being affected by lack of site access. In agreement with the VPMU and the DSC these activities will now be undertaken immediately on the contractor having safe access to the site as determined by the GOV.
22. The Mobilisation date will therefore depend on negotiations between VPMU, Ministry of Finance and economic Development (MFEM) and National Disaster Management Office (NDMO) to agree a border restriction dispensation for MAP/Vortex staff. At present, there is no direction from GoV on when this may be.
23. The contractor has not shown a delay to the completion date at present; however, this will be reviewed when a mobilisation date is confirmed.

### **3.1.3 Tropical Cyclone Harold**

24. On April 5 Tropical Cyclone Harold struck northern Malekula, Espiritu Santo, and Pentecost. Travel was initially very restricted. Whilst damage in the southern part of Espiritu Santo was reported to be widespread, the VPMU carried out an assessment of the project district, reporting that there was only localized damage to villages and there was no damage to the project site and associated infrastructure

## **3.2 ENVIRONMENTAL AND SOCIAL SAFEGUARDS**

### **3.2.1 General Progress This Period**

25. In the pre-construction phase during this reporting period (Jan-Jun 2020), safeguards activities have focused on continuing consultations with various stakeholders regarding the planning for the construction, and reviewing the contractor's planning operations draft documentation (CEMP etc.) with respect to safeguards and local regulatory requirements. Details are provided in Section 3.3.2.

26. The LARP continued to be refined, with VPMU and DSC support personnel undertaking further consultations with local landowners, land users, and stakeholders regarding a) access to the project sites; b) grievance redress mechanisms, and c) benefits sharing arrangements. The LARP is being updated prior to wider distribution to communities and affected persons. The updated LARP will be submitted to ADB for clearance. Land acquisition activities and compensation will be completed, with a completion report to be submitted to ADB in 4<sup>th</sup> quarter 2020 prior to the commencement of land clearing activities. The Updated LARP will be disclosed locally and on the ADB website

### **3.2.2 Environmental Safeguards**

27. The following paragraphs document the safeguarding works undertaken by the VPMU, which was supported by DSC specialists over the reporting period January to June 2020 (6 months):

#### **Brenwe Hydro-power plant Update**

28. The updated IEE, reviewed and cleared by ADB in February 2019 was included in the Contract Documents for BHP (Article 1.1m1).

29. Following the BHP kick-off meeting in February 2020, VPMU requested that DSC produce a reduced TOR for the aquatic investigation work on the Brenwe River. Following review by VPMU, DSC have obtained a quote for the works (only 1 bidder able to quote – Covid-19 complications) and are looking to engage the sub-consultant, pending border restriction advice from VPMU.

30. The contractor's CEMP has been reviewed in a 1st draft by DSC team and comments issued. DSC and VPMU are currently awaiting resubmission, prior to review and issue to ADB for no objection.

31. A safeguards kick-off meeting was held on 08 April 2020 between DSC and VPMU safeguard specialists. The meeting covered the following:

- Review of ADB project administration manual (PAM) and DSC TOR.
- Review of current status of LARP, IEE, GRM and GAP and implementation requirements.
- Defined construction phase requirements, work plan and updates to the documents.
- Defined roles and responsibilities of VPMU and DSC in development, implementation and monitoring.
- Defined approach to support MAP/Vortex in meeting their obligations for social safeguarding.

32. **Permits:** An Environment Permit (EP) was issued to VPMU for BHP on 8 Nov 2019 (Permit No. ENV/304/ER/119/2019). The validity of the permit is contingent upon works having substantially commenced by 8 November 2020.

33. A Water Works Permit (VAWP 005/2019) was issued on 21 November 2019 for the construction contractor for works associated with BHP. The permit is valid until November 2020 and will need to be renewed by the permit holder

34. **Environmental Flow Issues:** Following results of the flow monitoring undertaken during the environmental site inspection associated with updating the IEE, ADB requested that further low flow studies be undertaken on Brenwe River to confirm the current assessment for environmental flow.
35. As noted in the previous SMR (Jul-Dec 2019), the DSC approached the National Institute of Water and Atmospheric Research (NIWA) for a single source quote for the flow studies including supplementary aquatic investigations which were also required. Costs for the low flow studies including supplementary aquatic ecological studies (circa USD 400,000) were deemed to be too great for the project budget if the full investigation was to be undertaken in the design phase.<sup>1</sup>
36. Following the BHP contract kick-off meeting in February 2020, VPMU requested that DSC produce a reduced scope TOR to include aquatic ecological studies only (i.e. the low flow studies were removed from the original ToR due to budget constraints). Following review of the ToR by VPMU, the DSC obtained a quote for the aquatic ecological studies works and are looking to engage the sub-consultant, who will conduct the surveys and reporting pending border restriction advice from GOV. The sub-contract will be placed following clarity from VPMU on the Covid-19 border situation and mobilisation of the BHP Contractor as currently only residents & citizens to Vanuatu can be repatriated.
37. At the same time, the DSC is working to validate the appropriate environmental flow, which may impact on the operational regime in the future. The original proposed environmental flow of 10% of mean flow was based on a 'rule of thumb' which is now considered an outmoded method of determining appropriate environmental flow. Rather, it should be based on an understanding of seasonal variations in flows and need for pulses or flushes to emulate the natural flow patterns of the river as well as seasonal requirements for aquatic flora and fauna. This river system has a large amount of base flow, and the low flow does not vary much from the average flow. This will be concluded in a further update of the IEE. And will be integrated into the operations aspects of the project EMP (along with monitoring requirements).
38. **CEMP Development** The first draft of the contractor's CEMP was received from MAP/Vortex on 26 May 2020. DSC review has been completed and comments issued 15 June 2020. The first draft needed further development by the Contractor before being considered for further review. MAP/Vortex are producing additional appendices to the CEMP and will submit these for review accordingly In Q4 of 2020. The contractor is also including social safeguards as required under the LARP. In particular, the CEMP will respond to the construction-related requirements and elements of the CCP and grievance redress mechanism (GRM).
39. Once review of the revised submission has been undertaken by DSC and VPMU, the document will be issued to ADB for any further comment prior to no objection being issued by ADB and VPMU.

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<sup>1</sup> It should be noted that the cost of the ecological component was small relative to the cost of the hydrological component

## Transmission Update

40. The IEE is in place as per bid documents VEAP 02/2019.
41. As discussed elsewhere in this report, procurement of the transmission and distribution is ongoing. Update to the IEE (based on the contractor's design alignment and CEMP will be undertaken during the design phase.

### 3.2.3 Social Safeguards

#### Brenwe Hydro-plant Update

42. **Key Activities Completed or in Progress:** The following documents the safeguarding works undertaken by the VPMU, supported by DSC specialists over the reporting period January to June 2020 (6 months):
43. The LARP continues as a "living document", being refined and updated as land and asset ownership is settled, and the contractors develop their operational plans (for example, establishing their operational base at Lakatoro rather than Brenwe/Unmet).
44. The following implementation schedule has been replicated from the LARP.

N°	Activities	Progress / date completed
1	Confirmation of land requirement and consultation/information disclosure with landowners/APs	Completed
2	Land survey and valuation	Completed
3	Confirmation of landowners by the Customary Lands Management Office (CLMO)	Completed Appeal with Supreme Court for Tervaut land complete.
4	Submission to Department of Lands (DOL) of land survey report and to prepare for formal negotiation with landowners/APs and budget allocation for land acquisition	Land Survey Report submitted Valuation reported to APs
5	Negotiation with landowners/APs: consultation with affected landowners to negotiate for land acquisition/purchase.	MOA with each land claimant to proceed with project until ownership is determined (December 2017) MOA for access roads has been signed with landowners (February 2019).
6	Agreement on land acquisition/purchase and approval by the government on allocation and release of fund for land compensation payment	Valuation done. Funds deposited in trust account
7	Vanuatu Project Management Unit (VPMU) in coordination with Department of Energy (DOE) and DOL updates the LARP including agreements on compensation rates with landowners and discloses updated LARP to APs.	Last updated and cleared by ADB in June 2019. Further update by September 2020, following Contractors CEMP. The update will be issued to ADB for clearance.
8	VPMU submits the updated LARP to ADB for approval and posting on ADB website	To be completed in October or November 2020

N°	Activities	Progress / date completed
9	Execution of land acquisition and payment of compensation	Compensation transferred to the Customary Owners Trust Account (COTA) and landowners advised. No payments yet to land owners/claimants.
10	VPMU submits to ADB a land acquisition and compensation completion report	Process not yet complete. Final determinations of ownership not complete.
11	VPMU submits safeguard monitoring report	These semi-annual reports, ongoing

45. A review of the GRM, GAP and the implementation and monitoring requirements was undertaken by VPMU and DSC, with updated approaches defined.
46. ADB project and safeguarding team has changed, with a period of learning and understanding taking place between ADB, VPMU and DSC.
47. **Land Acquisition Progress:** The VPMU and the Ministry of lands continue to liaise directly with the recognised landowners for the project site and the land over which the site access roads will be constructed. The latter is not part of the 30Ha land purchase for the project. Memoranda of understanding are in place to provide for access roads. Consultations regarding compensation for loss or damage to crops have taken place, and a process for valuing and settling compensation agreed. Valuation has yet to be undertaken. This is envisaged to take place upon confirmation of the Contractor's design alignments (likely to follow the MoU/reference design alignments).
48. **Status of Agreements and Arrangements under the LARP:** The LARP continues as a "living document", being refined and updated as land and asset ownership is settled, and the contractors develop their operational plans (for example, establishing their operational base at Lakatoro rather than Brenwe/Unmet). The LARP was included in the Contract Documents for BHP (Article 1.1m2).
49. **Land Acquisition Completion Report** Following successful land acquisition for the BHP, a Land acquisition completion report will be submitted by VPMU to ADB in Q4 2020 to form a record of the land acquisition and compensation process that has been followed for the BHP acquired lands for the project site and non-acquired lands for access roads .
50. Compensation money paid to COTA in February 2020 for the land valued for the 30Ha project site.
51. A MOA is in place for use of land for the left bank access road and is in the process of being arranged for the powerhouse access road to the right bank. This process involves identifying local land users and valuation of crops and trees that may be disturbed or lost. The latter MOA is expected in Q3 2020.

52. LARP to be updated for the BHP following submission and clearance of the contractor's CEMP by VPMU/ADB to reflect the contractor's design and construct approach. Exact timing of this update will depend on the completion of the design and approval of the CEMP

### **Transmission Update**

53. The LARP is in place as per bid documents VEAP 02/2019, including both BHP and Transmission.
54. Discussions between ADB, VPMU and DSC on 18/07/20 (noted as outside this quarter but included for context) on best process for safeguarding of APs and Landowners would be to have a separate LARP for the transmission line. This will be dependent on the outcome of scope procurement of the transmission and distribution EPC contracts.
55. Land acquisition discussions regarding the Transmission and Distribution lines are yet to take place. These are envisaged to be undertaken in Q3 2020 following confirmation procurement method and design alignment.

### **3.2.4 Status and Progress of Safeguard Covenants**

56. VPMU has satisfied all nine of the safeguards-related covenants and ongoing compliance is being monitored accordingly. The status of the activities is noted in Appendix H.

### **3.2.5 Grievances and Complaints**

57. A GRM is in place for the project overall, as required by the PAM, LARP and IEE. The GRM is being reviewed and updated by the VPMU, (with support from DSC safeguarding specialist) to harmonise between the IEE and LARP processes. This will be in place for the construction phase and included in the TOR and guidance for the Community Advisory Committee (CAC) as below.
58. VPMU have established the CAC under the Brenwe Steering Committee. The CAC will support the project by overseeing consultations, provide a forum for advice for affected persons and implement the GRM. Recruitment and training for CAC member is planned for Q4 2020.
59. Safeguarding activities relating to the Transmission and Distribution alignment for Lot1 Malekula are awaiting confirmation of the design alignment to allow for further targeted consultations of the local communities along the alignment and subsequent valuation by Dept. of Lands.
60. Safeguarding activities relating to the Transmission and Distribution alignment for Lot2 Espiritu Santo are on hold until procurement is completed so that a revised timeframe can be identified to avoid disappointing expectations of the local communities
61. One grievance has been noted by VPMU this reporting period, involving disputed ownership of the former basecamp of the China Chang Jiang Energy Corp on the Unmet/Brenwe foreshore which the DSC onsite engineer sought to rent as accommodation. This was referred to the Malampa Province Secretary General (SG) who investigated as lead for the CAC and resolved the issue. An alternative undisputed site for the DSC accommodation was identified and agreed to in Q2.

62. A synopsis of the GRM and progress to resolve the issues is available in Appendix E.

### **3.2.6 Community Liaison and Consultations**

63. The CPP has 11 activities to be undertaken over the project planning and implementation phase. Six of these are underway/ongoing and proceeding as envisaged for Q3 and Q4 2020 and during the construction phase. The details and status of the CPP activities is presented in Appendix D.

64. In summary for the quarter, VPMU, supported by DSC national safeguarding specialist, undertook additional affected persons' survey in North West Malekula in June 2020 to gather information on local communities and landowners/users to identify affected parties.

65. VPMU, supported by the DSC team, are planning a community consultation mission to Malekula in late July 2020, early August 2020. This will be in advance of the Contractor's mobilisation, but anticipated to have sufficient details from the Contractor to inform the local communities of the project's development, employment opportunities and briefing on the function of the CAC and support available/grievance procedures.

#### **Summary of Consultations with Stakeholders for 2020**

66. VPMU have led a number of consultations in both Malekula, supported by the DSC

25th to 27th February 2020	Kickoff meeting / site visit with MAP/Vortex. Visit to Malekula project site, all access roads and Brenwe/Unmet Village. Meeting with Malampa SG and Project officer. No formal community consultations held.	Attended by DoE, VPMU, DSC, MAP/Vortex, Malampa SG
21 <sup>st</sup> to 24 <sup>th</sup> April 2020	TC Harold Rapid-Assessment Visit to Malekula and project site, to report on the impacts of TC Harold. DoE / VPMU meetings held with MPG.	Attended by DoE and VPMU
2 <sup>nd</sup> to 4 <sup>th</sup> June 2020	Community Affected Persons data collection Visit to Malekula to engage with Malampa SG regarding community engagement Visit to project area to engage with affected persons / landowner/land users and develop comprehensive list of persons, contact details and community status.	Attended by VPMU, DSC, Malampa SG

67. There were no issues noted during the reporting period with community consultations

#### **Summary of Consultation Plans with Stakeholders Over the Next Year**

68. VPMU supported by the wider DSC safeguarding specialist team, are developing the following documents, to define the processes, implementation and monitoring requirements for social safeguards

69. Brenwe CAC establishment, training, and consultations, including promulgation of the GRM.

70. A CAC guideline is being developed to outline the communication processes with the local communities.
71. Community consultation and employment opportunities briefing, to be organized by VPMU and supported by the DSC team, scheduled for early August 2020 (prior to Contractor mobilization).
72. The VPMU, with the MALAMPA provincial government, DSC and the contractor, will undertake awareness raising about these processes, and will initiate the planned Community Advisory Committee. These are envisaged in July 2020 prior to Contractors mobilization in August 2020.
73. The VPMU with the DSC and agriculture dept officers will carry out surveying of the alignment of the access road rights of way with identified land users and do a valuation of assets.
- 74.

### **3.3 Capacity Building**

75. The formal capacity building activities as described in the ADB PAM (Appendix 1A) have not yet commenced. These are envisaged to be undertaken via community consultations during the final quarter of the construction (forecast Q3 2021). A synopsis of the activities and progress is available in Appendix G. Training of CAC members in GR practise will take place in Q4.
76. Informal capacity building activities have included support from the local DSC team (Philippe de Greslan and Steven Tahi) and the Malampa provincial office (Lapi Kalmet) to the VPMU ESMO in developing and implementing a detailed plan for ongoing community liaison, grievance redress, and local employment.

## **4 ENVISAGED PROGRESS OVER THE NEXT REPORTING PERIOD**

77. VPMU and the DSC team foresee the following key activities over the next reporting period up to December 2020:
- Contractor to issue second draft of project documentation (CEMP/H&S plan/Method statements/social plans) based on comments by DSC and VPMU. If satisfactory, this draft will be submitted to ADB for comment.
  - Contractor to complete detailed design, procurement and mobilisation planning for November 2020 and update IEE and CEMP accordingly.
  - DSC to update LARP and IEE based on Contractor's detail design, project planning and CEMP.
  - VPMU, supported by DSC and Malampa SG will undertake community consultation (circa September/October 2020) to disseminate information on the project, the CAC, communications plan, and GRM.
  - Continued implementation and monitoring of safeguard activities in compliance with the PAM, IEE, LARP and EP. Following no objection for contractor to mobilise and commence activities on site (including any clearance activities) inspections of compliance with the approved CEMP as the Contractor mobilises to site (envisaged for Q4 2021). Should

mobilisation not occur, the Contractor may look to delay mobilisation to Q2 2021 to avoid mobilisation and river intake works in the cyclone and wet season).

- Continued implementation and monitoring of safeguarding activities such as GRM, GAP, LARP.
- Preparation and submission of the Land Acquisition and Compensation Completion Report.

## 5 APPENDICES

### A. APPENDIX A

#### I. Statutory Requirements Applicable to the Project

National requirements:

- Land Acquisition Act of 1992 and 2000 which establishes procedures to acquire land for public purposes or easements, including compensation for acquiring land;
- The Land Acquisition (forms) Regulations No 32 of 1994;
- Land Reform Act 35 (1980 and updated 1981, 1983, 1985, 1992, 2000 & 2013);
- Customary Land Management Act No 33 of 2013;
- Valuation of Land Act N° 22 (2002);
- Land Surveyors Act N° 11 (1984);
- Land Leases Act (1983) and Amendment (2014);
- Environmental Protection and Conservation Act 2002 (CAP 283 the Environment Act);
- Environmental Impact Assessment Regulations Order no. of 2011;
- Water Resource Management Act;
- Vanuatu Electricity Supply Act 2006;
- Health and Safety at Work Act; Volume 47 (CAP 195);
- Preservation of Sites and Artefacts; Volume 39 (CAP 39);
- Custom Land Management (Amendment) Act No. 12 of 2014;
- Mines and Minerals Act 1986 (all quarried material must be from approved quarries only);
- Mines and Minerals Act, Quarry Permit Regulation. Order No. 8 of 2005;
- Public Road Act 2013;
- Employment (Amended) Act 2010; and
- Road Traffic (Control) Act.

International obligations:

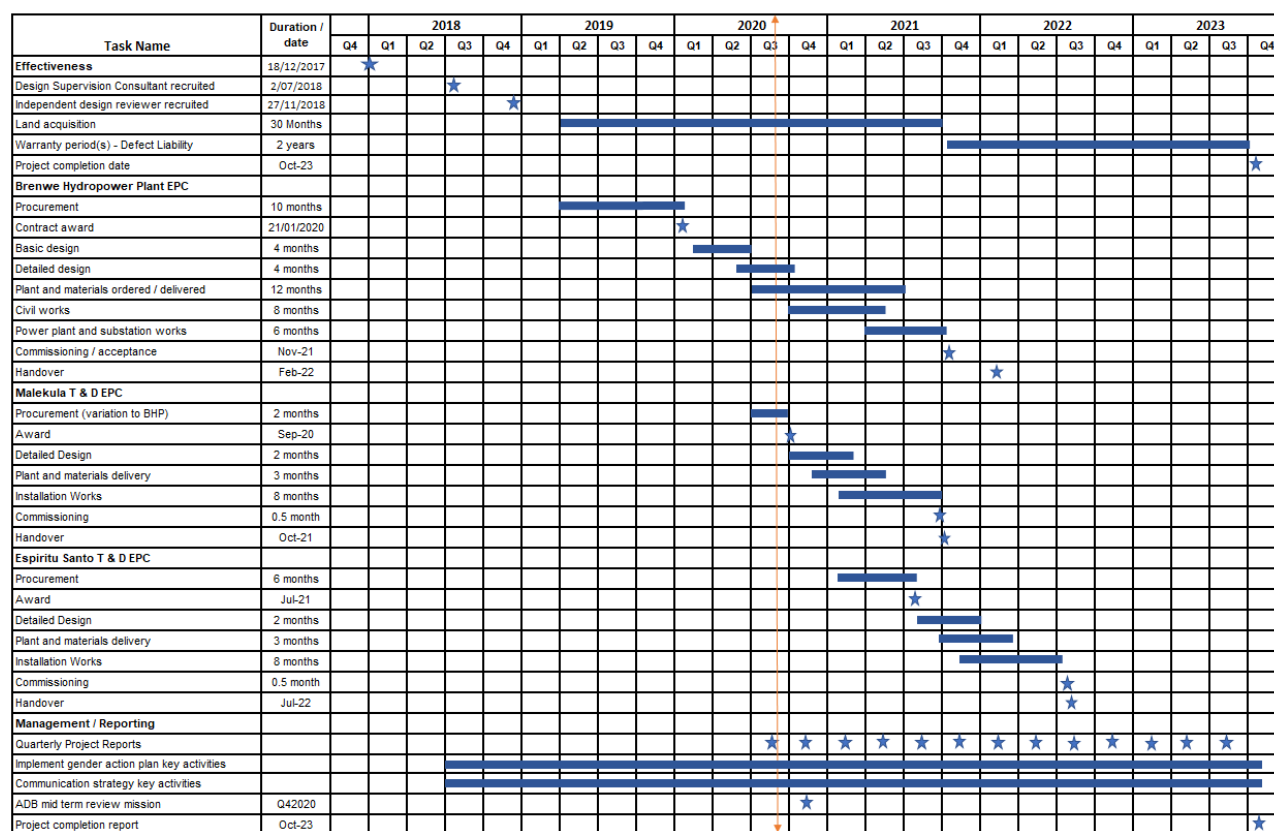
i. Vanuatu is a signatory to several international agreements. Listed below are some of the more applicable agreements to the project activities:

- The Convention on Biological Diversity (CBD); 1992;
- The United Nations Framework Convention on Climate Change (UNCCD); 1992;
- Agreement Establishing the South Pacific Regional Environment Programme (SPREP); 2005;
- Convention on the Elimination of all Forms of Discrimination against Women.

## B. APPENDIX B

### I. VEAP Implementation Schedule

Overall Project Implementation Plan (v. August 2020)



#### Notes:

Wet season: November through April

#### Assumptions:

- Covid 19 border restrictions allow for Brenwe Hydropower Plant EPC to commence in September 2020.
- Contract Period for BHP EPC is based on latest Contractor programme duration.
- No risk allowance for Covid-19 delays to mobilisation or procurement.
- Contract award for Malekula T&D EPC occurs in September 2020.
- Contract award for Espiritu Santo T&D EPC occurs in July 2021.
- Contract periods for T&D EPC contracts are circa 1 year, Line items for activities are indicative.
- Espiritu Santo T & D EPC can be completed concurrently with Malekula T&D EPC.
- Land acquisition duration is linked to T&D EPC procurement and design activities to confirm alignments

## C. APPENDIX C

### I. Health and Safety Statistics

#### Site Visits this period:

25th to 27th February 2020	Kickoff meeting / site visit with MAP/Vortex. Visit to Malekula project site, all access roads and Brenwe/Unmet Village. Meeting with Malampa SG and Project officer. No formal community consultations held.	Attended by DoE, VPMU, DSC, MAP/Vortex, Malampa SG
21 <sup>st</sup> to 24 <sup>th</sup> April 2020	TC Harold Rapid-Assessment Visit to Malekula and project site, to report on the impacts of TC Harold. DoE / VPMU meetings held with MPG.	Attended by DoE and VPMU
2 <sup>nd</sup> to 4 <sup>th</sup> June 2020	Community Affected Persons data collection Visit to Malekula to engage with Malampa SG regarding community engagement Visit to project area to engage with affected persons / landowner/land users and develop comprehensive list of persons, contact details and community status.	Attended by VPMU, DSC, Malampa SG

#### Summary

The table below gives a summary of the health and safety statistics for the quarter

**Table 5-1 Health and Safety Reporting**

Number of near misses reported (this quarter)	No.	Incidents
Number of incidents/injuries reported (this quarter)	0	1 – During February site visit, Alan Sewell was stung by hornets at the bush track that is planned to be the access road.
Number of Incidents/ issues closed out (Total)	1	
Toolbox talks / briefings given:	1	

#### Near-misses:

No near misses reported.

#### Incidents:

One incident – hornet sting.

#### Toolbox Talks/Briefings:

General safety protocols followed on Covid-19 by DSC and Contractor.

Covid-19 operational risk assessment request from VPMU (via ADB) underway by DSC and Contractor.

#### Audits:

No health & safety, social or environmental safeguarding audits have been undertaken this quarter. These are planned to commence once MAP/Vortex have mobilised to site and will be conducted on a daily supervision basis and formally on a 3-monthly return period (TBC with VPMU).

## D. APPENDIX D

### I. Community Consultation and Participation Plan

A copy of the status and progress of CCPP activities for the period (last updated for QPR Q2 2020) is noted below:

Activity	Target Stakeholders	Method	Objectives	responsible Unit/Persons	Budget Source	Progress This Quarter / Completion
Project Orientation	Government officials, officers, and VPMU staff (Port Vila)	Meeting with powerpoint	<p>Introduce the Project</p> <p>Demonstrate the link between watershed protection and improved water resource supply for hydro and reliability of power supply</p> <p>Discuss roles and accountabilities of various government units</p> <p>Discuss issues related to use of land acquisition, temporary resettlement, and environmental clearances and permits</p> <p>Mitigate potential problems</p> <p>Discuss gender issues and concerns and how to optimize women participation</p> <p>Gather recommendations</p>	DoE and Project Consultants, Port Vila	VPMU	Completed (2018)
Project Orientation	Provincial Govt, UNELCO, Brenwe Steering Committee (Malekula)	Meeting	<p>Project description and scope</p> <p>Key responsibilities</p> <p>Timeframe</p> <p>Current demand load and forecasts</p>	DoE, VPMU		Completed (2018)
Public Information Session	Communities in/near the project area; service users	Public forum (nakamal and Lakatoro market) Energy Forum	<p>Introduce the Project, highlighting its importance and benefits to the community</p> <p>Demonstrate the link between watershed protection and project continuity</p> <p>Gather concerns and views related to electricity</p> <p>Gather recommendations</p>	DoE, VPMU, CAC	VPMU	Completed (2019)
Targeted consultation	Affected Persons: Landowners, local officials (nakamal, Lakatoro)	Nakamal Meeting	<p>Discuss potential Project impacts based on detailed engineering designs (temporary and permanent)</p> <p>Solicit the views of affected persons on avoidance/mitigation</p>	VPMU, CAC	VPMU	Completed (2019). Ongoing communications. With community leaders. CAC meetings from mid-2020 through

			strategies Agree on mitigating measures Agree on impacts that may require compensation or assistance			preconstruction and construction.
Formal notification and negotiation on land (hydro site)	Landowners and land claimant, CLMO, DoL rep. Dept Agriculture	Letters Poster notification (DoL) Meetings Site visits	Discuss project footprint and potential impacts to custom lands Correctly identify landowners Agree on compensation measures and processes.	DoE, DoL, CLMO VPMU	MoCC	Completed (2018). Ongoing liaison with landowners and land users.
Formal notification (transmission line)	Landowners, land claimants, resource owners, Dept Agriculture	Letter Meetings Site visit	Discuss transmission line footprint and potential impacts to trees, crops. Discuss safety implications. Correctly identify resource owners. Agree on compensation measures	DoE, VPMU, Dept Agriculture. CACs	MoCC	Ongoing -awaiting alignment decision to start discussion. Compensation measures as per Dept. Agriculture valuation.
Document disclosure (LARP/IEE/EMP and updates)	Communities in/near the project area Affected persons and households	Report Summary in Bislama Updated Reports available in Lakatoro MPG Office and ADB website. Brief meeting (as needed basis)	Disclose details of the LARP and EMP (and updates) particularly with regards to various mitigating measures. Include GAP and CCPP. Disclose contractors CEMP	VPMU, MPG, ADB	VPMU, Civil work contractor	Completed 2019. Further update following Updated RP and Contractors CEMP in 3 <sup>rd</sup> quarter 2020.
Implementation of LARP and CEMPs	Communities in/near the project area Affected persons and households	Letters Compensation payment agreements/receipts Meetings Site visits	Information and agreements about payment of compensations as detailed in the updated RPs. Provision of support or assistances. Implementation of mitigation measures, as specified in the safeguard plans.	VPMU and civil works contractor	VPMU and civil works contractor	Before commencement of any civil works, or as needed
Gender activities	Council of Women representatives, Community Advisory	Gender training	Awareness of gender concerns/issues and opportunities Gender action plan	VPMU, MPG, with advice from NGO	VPMU	GAP activities ongoing. BHP Pre-construction community awareness

Committees (CAC)			implementation Skills development for women groups			and consultation in mid 2020 and ongoing. Contractor policies in place.
Consultation on opportunities for business/industry	Business sector; CAC; TVET, community groups	Focus Group Discussion, meetings	Introduce the Project Demonstrate the link between improved electricity supply and income generating activities, women's empowerment, and improved access to services Mitigate potential resistance to the project Gather recommendations	VPMU in cooperation with business group organization & NGO	VPMU	Consultations ongoing; awareness meetings on employment opportunities for women and locals through 2 <sup>nd</sup> half 2020. Capacity building activities and consultations to begin following commencement of construction (Q1 2021)
Brenwe Steering Committee Meetings/ Community Advisory Committees	Brenwe Steering Committee members /Community Advisory Committee members	Monthly meetings	BHP Community Advisory Committee (CAC) established by VPMU (replaces the Brenwe Steering Committee) and operational guidelines established Project progress updates Carry out actions from meetings Liaise and disseminate information to project stakeholders Receive advice on issues and opportunities. Grievance redress as required	MPG VPMU	DoE	Steering committee yet to be constituted. Two Community Advisory Committees for BHP and Malekula transmission being established in 2 <sup>nd</sup> half 2020. Operational Guidelines prepared.
Vanuatu Project Management Unit	VPMU, DoE	Meetings Bi- monthly meetings	Review compliance with social safeguards, environment, and gender frameworks and plans Discuss progress in implementation, including problems encountered and	VPMU, DoE, ADB	VPMU, DoE	Ongoing. Work in Progress with new resources in VPMU. Support provided through DSC.

means to mitigate/address them Regularly report on the progress of implementation						
Project site clearance works	VPMU and civil works contractors	Boards at the sites, local media, meetings with affected or nearby communities	Announcement of the commencement of civil works in the area and details on potential disruptions or safety information. Details of the GRM.	VPMU and civil works contractor	VPMU and civil works contractor	Before site clearance activities at each site.
Project construction period	People and businesses to be impacted by the construction and installation works, affected households	Boards at the sites, local media, meetings with affected or nearby communities	Updates on the progress of construction and installation works and any disruptions. Discussions on any unanticipated impacts.	VPMU and civil works contractor	VPMU and civil works contractor	Ongoing during construction and civil works.
Project safeguards monitoring	EA and IA, government stakeholders, Project Steering Committee, CACs, affected households	ADB website, report copies available at VPMU, meetings.	Disclosure of the safeguard monitoring reports. Discussions on any unanticipated impacts	VPMU and ADB	VPMU	Ongoing during construction and civil works.
Project testing, commission, and completion	EA and IA, government stakeholders, Project Steering Committee, CACs, affected households, CSOs and general public	ADB website, media release, board at sites, completion event.	Update on the project progress and announcement of project completion.	VPMU and ADB	VPMU	As needed.

## E. APPENDIX E

### I. GRM Register

A copy of the GRM register for the quarter is noted below:

Grievances Redress Mechanism	No.	Issues
Number raised (this quarter)	1	VEAP-GRM-001 – Land issue associated with potential location of Engineer's Representatives accommodation
Total grievances raised	1	
Number of grievances to be resolved (Total)	1	

Comments:

#### **VEAP-GRM-001**

2020 – Potential land dispute in Unmet village raised by local persons, regarding discussions for accommodation for the DSC's resident engineer.. Malampa SG and VPMU investigated using customary consultation with the various parties, advised that neutral ground should be used for the said accommodation. Malampa SG further advised that guesthouse in Losinwe be used instead, and this was accepted by all concerned. Grievance Closed.

## APPENDIX F

### II. Status of Gender Action Plan Implementation

From ADB PAM, Item 130 "Gender", a synopsis of the components and outputs is given in the Table 5-2 below.

**Table 5-2 ADB GAP Targets**

Components and Outputs	Performance Targets and Activities	Primary Responsibility	Quarter Progress	Issues and Challenges
Output 1. Extension distribution grid				
(a) extension of the grid to an estimated additional 1,050 households,	At least 100 female headed households will be prioritized for connection in areas targeted for connection to the grid.	VPMU	VPMU activity, to be reviewed during social SG activities when transmission/distribution contracts are let.	
	During design and implementation, all community consultations will include at least 40% female participation.	VPMU	Ongoing community consultations are including women's groups, youth; however are not able to meet the 40% requirement.	Kastom cultural aspects for women in community consultations. Next consultation will have separate women only forum.
Output 2. Brenwe River Hydropower plant put into operation				
(a) construction of a 400 kW hydropower plant	Include at least 40% women during the design and implementation, community consultation and participation activities and schedule the consultations at a time when women can attend.	PMU	Ongoing community consultations are including women's groups, youth; however are not able to meet the 40% requirement.	Further separate consultations for women's groups (due to Kastom cultural requirements) are planned for August 2020
	Encourage employment of women in support activities (administration, clerical) during design and construction phase (preferably at least 30%) and provide institutional support, such as sanitary facilities provided separately for women. Contractors appointed for construction will be informed of the required facilities before bidding.	PMU and Contractor	Aspirational target given to Contractor for recruitment Contractor's HSE site-based representative is female. Contractor recruitment plan under development.	VPMU and Contractor aware of challenges (due to Kastom cultural requirements), however employment opportunities will be reviewed and monitored by VPMU and DSC as project progresses.
	Women's wages will be paid directly to them.	Contractor	VPMU and DSC to review contractor recruitment plan as this is a requirement for all employees, not gender specific.	
	Provide income earning opportunities for women (such as food vending,	Contractor	Contractor is looking at opportunities, whilst safeguarding both local	

Components and Outputs	Performance Targets and Activities	Primary Responsibility	Quarter Progress	Issues and Challenges
	hawking of goods required by workers) during construction.		inhabitants, local employees and expat staff.	
	Construction workers and community members will be provided orientation / information on HIV/AIDS and STD issues and concerns.	PMU	VPMU/DSC to work with Contractor to disseminate information in August 2020 community consultation and site inductions.	
	Contractors will be required to pay equal wages to men and women for work of equal value.	Contractor	VPMU and DSC to review contractor recruitment plan as this is a requirement for all employees, not gender specific. Contractor's employment documents note this requirement.	
<b>Output 3. Capacity building undertaken for implementing agency and project beneficiaries</b>				
(a) Capacity building for project beneficiaries to productively and safely utilize electricity	Undertake 10 training workshops in newly connected households (with at least 40% female participation) on electricity safety, operation of prepayment meters, energy efficiency, and household utility budgeting.	International Social Specialist /VPMU	Refer to Appendix G.	
	Undertake training on skills development in service coverage communities (with at least 40% female participation) on use of electricity for increase income generation, e.g. agribusiness value-adding, handicraft production.	VPMU	Refer to Appendix G.	

## F. APPENDIX G

### I. Status of Capacity Building Requirements

From ADB PAM, Appendix 1A “Project design and monitoring framework, a synopsis of the capacity building undertaken for project beneficiaries is given in the Table 5-3 below.

**Table 5-3 ADB Capacity Building Targets**

Performance Indicator	Progress this quarter	Issues and Challenges
3a. 10 training workshops conducted for newly connected households including power safety household utility budget and business skills training (including 40% women participation) by Oct 2019	No workshops conducted this quarter – target of September 2021; in line with completion of BHP. Will need to be reviewed with following letting of transmission/distribution contracts	
3b. Conduct training activities for PMU staff and government management, including gender awareness training	Ongoing, training requirements being reviewed by VPMU and ADB.	

## G. APPENDIX H

### I. Status of Compliance with Safeguard Covenants

#### Loan 3572/Grant 0543/Grant 0544-VAN: Energy Access Project

Of the 26 safeguards covenants, 21 are being complied with, 2 are not complied, 2 are no longer relevant, and 1 is not yet due.

Reference	Loan 3572-VAN Covenants	Status
Schedule 4, para. 6	The Beneficiary shall not award any works contracts which involves environmental impacts until: (a) Department of Environment Protection and Conservation of the Beneficiary has granted the final approval of the IEE; and (b) the Beneficiary has incorporated the relevant provisions from the EMP into the Works contract	Being complied with.
Schedule 4, para. 7	The Beneficiary shall not award any Works contract which involves involuntary resettlement impacts, until the Beneficiary has prepared and submitted to ADB the final RP based on the Project's detailed design, and obtained ADB's clearance of such RP.	<b>No longer relevant.</b> At project approval intent was to complete a detailed design and then go to contract. The EPC procurement method which involves the Contractor completing the design makes this covenant redundant.
Schedule 4, para. 8	The Beneficiary shall not award any Works contract for the Brenwe Hydropower Plant until: (a) the Beneficiary has acquired the land for the power plant in accordance with the RP and made it available for works under the Project;	<b>No longer relevant.</b> As per above. Land valued as per RP and money for AP's currently in COTA, awaiting payment to AP's.
Schedule 5, para. 10	<u>Environment</u>  The Beneficiary shall ensure that the preparation, design, construction, implementation, operation and decommissioning of the Project and all Project facilities comply with (a) all applicable laws and regulations of the Beneficiary relating to environment, health and safety; (b) the Environmental Safeguards; and (c) all measures and requirements set forth in the IEE, the EMP, and any corrective or preventative actions set forth in a Safeguards Monitoring Report.	a) Being complied with. b) Being complied with. c) Being complied with.
Schedule 5, para. 11	<u>Land Acquisition and Involuntary Resettlement</u>  The Beneficiary shall ensure that all land and all rights-of-way required for the Project are made available to the Works contractor in accordance with the schedule agreed under the related Works contract and all land acquisition and resettlement activities are implemented in compliance with (a) all applicable laws and regulations of the Beneficiary relating to land acquisition and involuntary resettlement; (b) the Involuntary Resettlement	a) Being complied with. b) Being complied with. c) Being complied with.

	Safeguards; and (c) all measures and requirements set forth in the RP, and any corrective or preventative actions set forth in the Safeguards Monitoring Report.	
Schedule 5, para. 12	<p>Without limiting the application of the Involuntary Resettlement Safeguards or the RP, the Beneficiary shall ensure that no physical or economic displacement takes place in connection with the Project until:</p> <p>compensation and other entitlements have been provided to affected people in accordance with the RP; and</p> <p>a comprehensive income and livelihood restoration program have been established in accordance with the RP.</p>	<p>Being complied with.</p> <p>Being complied with.</p> <p>Being complied with.</p>
Schedule 5, para. 13	<p><u>Indigenous Peoples</u></p> <p>The Beneficiary shall ensure that the Project does not involve any indigenous peoples risks or impacts within the meaning of the SPS. If due to unforeseen circumstances, the Project involves any such impacts, the Beneficiary shall take all steps necessary or desirable to ensure that the Project complies with all applicable laws and regulations of the Beneficiary and with the SPS.</p>	Being complied with.
Schedule 5, para. 14	<p><u>Human and Financial Resources to Implement Safeguards Requirements</u></p> <p>The Beneficiary shall make available or cause the EA to make available necessary budgetary and human resources to fully implement the EMP and the RP.</p>	Being complied with.
Schedule 5, para. 15	<p><u>Safeguards – Related Provisions in Bidding Documents and Works Contracts</u></p> <p>The Beneficiary shall ensure that all bidding documents and contracts for Works contain provisions that require contractors to:</p> <p>comply with the measures relevant to the contractor set forth in the IEE, the EMP, and the RP, and any corrective or preventative actions set forth in a Safeguards Monitoring Report.</p> <p>make available a budget for all such environmental and social measures.</p> <p>provide the Beneficiary with a written notice of any unanticipated environmental, resettlement or indigenous peoples risks or impacts that arise during construction, implementation or operation of the Project that were not considered in the IEE, the EMP, and the RP;</p> <p>adequately record the condition of roads, agricultural land and other infrastructure prior to starting to transport materials and construction; and</p> <p>reinstate pathways, other local infrastructure, and agricultural</p>	Being complied with.

	land to at least their pre-project condition upon the completion of construction.	
Schedule 5, para. 16	<p><u>Safeguards Monitoring and Reporting</u></p> <p>The Beneficiary shall do the following:</p> <p>submit semi-annual Safeguards Monitoring Reports to ADB and disclose relevant information from such reports to affected persons promptly upon submission.</p> <p>if any unanticipated environmental and/or social risks and impacts arise during construction, implementation or operation of the Project that were not considered in the IEE, the EMP, and the RP, promptly inform ADB of the occurrence of such risks or impacts, with detailed description of the event and proposed corrective action plan; and</p> <p>report any actual or potential breach of compliance with the measures and requirements set forth in the EMP or the RP promptly after becoming aware of the breach.</p>	Being complied with.
Schedule 5, para. 18	<p>Gender and Development</p> <p>The Beneficiary shall ensure that (a) the GAP is implemented in accordance with its terms; (b) the bidding documents and contracts include relevant provisions for contractors to comply with the measures set forth in the GAP; (c) adequate resources are allocated for implementation of the GAP; and (d) progress on implementation of the GAP, including progress toward achieving key gender outcome and output targets, are regularly monitored and reported to ADB</p>	<p>a) Partially complied with (disaggregated data needs to be assessed and presented).</p> <p>b) Being complied with.</p> <p>c) Not currently compliant (MFEM and ADB agreed to recruit a gender specialist within the VPMU. This needs to be done to advance the GAP).</p> <p>d) Being complied with.</p>
Schedule 5, para. 24	<p>Labor Standards, Health and Safety</p> <p>The Beneficiary shall ensure that the core labor standards and the Beneficiary's applicable laws and regulations are complied with during Project implementation. The Beneficiary shall include specific provisions in the bidding documents and contracts financed by ADB under the Project requiring that the contractors, among other things: (a) comply with the Beneficiary's applicable labor law and regulations and incorporate applicable workplace occupational safety norms; (b) do not use child labor; (c) do not discriminate workers in respect of employment and occupation; (d) do not use forced labor; (e) allow freedom of association and effectively recognize the right to collective bargaining; and (f) disseminate, or engage appropriate service providers to disseminate, information on the risks of sexually transmitted</p>	<p>a) Being complied with.</p> <p>b), c) d e) being complied with.</p> <p>f) Not yet due.</p>

	diseases, including HIV/AIDS, to the employees of contractors engaged under the Project and to members of the local communities surrounding the Project area, particularly women.	
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