

Generic Terms of Reference for ESIA/ESMP

Generic Terms of Reference for Environmental and Social Impact Assessment (ESIA) and Environmental and Social Management Plan (ESMP)

The following document provides a generic outline of a Terms of Reference (ToR) for the preparation of an Environmental and Social Impact Assessment (ESIA) and its respective Environmental and Social Management Plan (ESMP). ESIA and ESMPs are required for projects that have been rated as Substantial or High-Risk. Both the assessment and the management plan should be carried out by an independent expert. This ToR can be tailored to respond to the specific requirements of the project. The ToR provide a non-exhaustive list of the content of an ESIA and ESMP that will need to be adapted to the specific project. Please be advised that the ESIA, as an instrument, is only suitable for projects for which the different components have been fully identified. For cases where the actual design remains pending until after PAC or even later, kindly refer to the ToR for creating an Environmental and Social Management Framework (ESMF).

1. Context and Background

This section refers to the context and background in which the operation will be conducted. It should refer to any predecessor projects and government initiatives or broader policy reforms in the context of which the project was planned. It should provide information regarding the country context, recent social, economic or other developments that are relevant for the consultant's understanding.

Most projects would benefit from some insight of how the relevant sector has developed in the past years, general trends, and how UNDP has built a relationship with the implementing partner (and any specific responsible parties that may execute project activities).

2. Project Description and Components

This section provides a summary of project objectives, features, location and status, including an up-to-date description and delineation of the proposed project and its key components and provides information on its geographical, environmental and socio-economic and temporal context. It should include information on whether and how the project is part of a wider development programme.

Based on the screening and the initial scoping process, provide information on potentially significant social and environmental issues, risks and impacts that may have been identified.

3. Objectives of the Consultancy

The general objective of the consultancy is to ensure compliance with national environmental legislation, as well as with the UNDP's Social and Environmental Standards (SES) in the context of the operation. Further, it serves to identify social and environmental impacts (positive and negative) and risks and to design respective measures to prevent, reduce, mitigate and/or offset/compensate (for) them.

Specific Objectives:

- To prepare an Environmental and Social Assessment (ESIA) and its respective Environmental and Social Management Plan (ESMP) for the operation to ensure the socio-environmental sustainability of its different components.
- The consultancy aims to analyze, evaluate and propose measures to prevent, control, mitigate, restore and/or compensate the potential environmental and social impacts of the project so that the project complies with UNDP's SES and national legislation.
- The ESIA must include management plans and other instruments detailing environmental and social requirements, in particular to guide the final design of the project and its components, including recommendations for changes to the project design as well as specific actions to be taken by contractors and subcontractors.
- Develop a consultation/stakeholder engagement plan, including an analysis of interested and affected parties, detailing documentation requirements, and dissemination of information about the project.
- Support the implementing partner (and responsible party) in carrying out meaningful consultations.

4. Principal Activities

Preparation of the Environmental and Social Impact Assessment (ESIA) of the project will include the following elements and activities:

Before you start:

- Identification of data availability and gaps for conducting the assessment.
- Ensure the availability of data/information from different sources to rely on (previous site visits, secondary data, scientific literature, government-provided information, etc.)
- Determine the extent of data gathering that will be required to ensure the qualitative depth of this study and which steps will be required (site visits, interviews, literature review etc.)

(a) Description of the Project:

- Detailed description of the project, which will clearly identify the specific environmental and social issues related to it, including all risks and health and safety aspects.
- Analysis of the alternatives considered, justification and environmental and social foundations of the project location. Consider all types of alternatives related to overall approach and project design, including the “no action” alternative. Factors to include:
 - Project site locations¹
 - Facilities designs
 - Timing
 - Construction
 - Scales
 - Operation and maintenance
 - Partners
 - Organizational and management setups
 - Intensities
 - Ways of dealing with impacts
 - Technologies/processes

¹ Whenever feasible, preference should be given to projects, or project components, that are sited on lands already converted (e.g. not on natural habitats). Among other factors, potential climate change risks need to be considered in project siting decisions.

- Capacity to adequately address risks/impacts
- Description of the project location and sensitive environmental and social features. It includes a map of sufficient detail, showing the project site and the area that may be affected by the project's direct, indirect, and cumulative impacts. (i.e. area of influence)
- Components and sub-components, which consider the main elements or units, support facilities, equipment or technologies to be used, raw materials, labor (construction, operation and maintenance stages), and work schedule. This includes any offsite activities that may be required (e.g., dedicated pipelines, access roads, power supply, water supply, housing, and raw material and product storage facilities), as well as the project's primary supply chain.
- How the principles of green building are incorporated (such as energy efficiency and the use of renewable resources, the environmental impact of the works, resource conservation, internal air quality, and community aspects, such as access to public transportation).
- Brief description of mechanisms and instruments for community participation (to be expanded in a separate section), including procedures for consultation and participation of groups affected and beneficiaries by the project, and mechanisms for complaints from the population directly using the services.
- Moreover, a non-technical summary – that can be understood by different stakeholders – should be included to facilitate and encourage engagement and comments.

(b) Diagnosis of the Project's Area of Influence and Beneficiaries:

Data collection, analysis and interpretation of all data identified from reviewing existing documentation and initial scoping should be gathered to describe the existing environmental and social conditions including for the biophysical and socio-economic and cultural context.

Characterization of the area of direct impacts, describing the current environmental and social conditions in the area where the project is intended to intervene or implement.

- Map of sufficient detail showing the project site and the area that may be affected by the project's direct, indirect, and cumulative impacts (i.e. area of influence)
- Socio-economic and environmental characterization, which includes presenting concise information on the main socio-environmental factors that will be affected by the project. This information, whenever possible, should be based on qualitative and quantitative data. Factors will include:
 - On the environmental side: land use, meteorology, air quality, noise, geology, soil, natural disaster risks, water resources, flora and fauna, protected areas, environmental legacies from previous projects, pollution levels, (hazardous and non-hazardous) waste generation.
 - On the socio-economic side: population, social composition, levels of urbanization, income indicators, levels of health and education, social organization systems, sanitation infrastructure (water, sewage, solid waste), energy and transport, media (newspapers, radio, TV), cultural, historical and archaeological sites or monuments in the vicinity, potential for an influx of workers from other parts of the country and negative social impacts, indigenous peoples and communities, gender patterns, vulnerability assessment.

(c) Institutional and legal framework:

- Description of the regulations, system and requirements for environmental licensing and land ownership, and other authorizations necessary for the implementation of the project components and works; identification of the need to complement the rules governing project implementation.

- State applicable international obligations and agreements (e.g. Multilateral Environmental Agreements) that must be complied with.
- Social and environmental safeguard policies and procedures of other donors and project partners.
- Identify any gaps between national legislation and UNDP's SES, while acknowledging that higher standards will be used. Emphasis should be given to stipulations in national or local law that may impede compliance with UNDP's SES and respective guidance or vice versa. In these cases, practical solutions need to be found in collaboration with the implementing partner and included in the ESMP.
- Identify the environmental and social studies required according to the level of socio-environmental risk, in order to comply with both national and local environmental legislation.
- Compliance with UNDP's SES:
 - State and describe each of UNDP's SES Principles and Standards.
 - Be specific about which of these requirements would be triggered/required in the context of this operation.
- Describe the environmental management instruments for use by the project, to ensure the incorporation of environmental and social variables throughout the project cycle.
- Identification of the institutions responsible for the execution and environmental and social management of the program, at the respective levels of government; roles and functions of each of the institutions, identifying the needs for institutional strengthening.
- References to international good practices, such as those contained in the [World Bank Group Environmental Health and Safety Guidelines](#).

(d) Main Environmental and Social Impacts:

- Develop a methodology/grading system for impacts to record severity in a matrix (long vs. short-term, reversible vs. irreversible etc.);
- Identification, analysis and rating of the environmental and social impacts of the project and for each of potential subprojects during the different phases of the project cycle (preparation, operation, maintenance etc.), including those impacts related to health and safety in the construction, operation and maintenance stages;
- Consideration of positive and negative, direct, indirect, cumulative impacts.
- Environmental viability of the program, by weighing the damages against the environmental and social benefits; evaluation of the effectiveness of the measures to control negative impacts; verification of compliance with environmental criteria and standards; and measures to prevent and mitigate environmental and social risks;
- Areas potentially impacted by cumulative impacts from the incremental adverse impacts of the project when added to other past, existing, planned or reasonably predictable future projects and developments (e.g. incremental contribution to pollutant emissions, forest depletion due to multiple logging concessions). Assessing potential cumulative impacts enlarges the scale and timeframe for assessing combined effects of multiple activities and impacts;
- Areas potentially affected by impacts from unplanned but predictable developments (indirect and induced impacts) caused by the project that may occur later or at a different location (e.g. facilitation of settlements or illegal logging in intact forest areas through expansion of adjacent agricultural activities);
- Transboundary impacts, such as pollution of international waterways or transboundary river basins, airsheds and ecosystems; migration of populations; international relations;

- Global environmental and social impacts, e.g. greenhouse gas emissions, ozone depletion, loss of biodiversity and desertification; loss of cultural diversity and heritage.

The temporal scope of potential impacts will encompass:

- Future anticipated or projected short-term impacts, e.g. increases in consumption, waste, pollution, capacity needs, and health problems resulting from the proposed project;
- Future anticipated or projected long-term impacts, e.g. indirect or secondary effects of induced unplanned development and changes in socio-economic conditions;
- Present or baseline pollution of the proposed project site or facilities, e.g. soil and ground water pollution originating from past disposal of or contamination with hazardous substances or wastes.

The organizational/management scope of potential impacts will include UNDP and the implementing partner as well as the:

- Role and capacity of third-party organizations, e.g. governments, contractors (with whom the proposed project or implementing partner has a substantial involvement), or an operator of an associated facility (to the extent of the Project Developer's control or influence over these organizations);
- Primary suppliers² (where the resource utilized by the proposed project is ecologically sensitive, or where child labor, forced labor and/or unsafe working conditions may be involved).

[Annex 3 of the UNDP SES Guidance Note on Social and Environmental Assessment and Management provides an indicative outline for preparing an ESIA report.]

(e) Preparation of the Environmental and Social Management Plans (ESMP) for the project.

The ESMP consists of a set of mitigation, monitoring and institutional measures, including policies, procedures and practices – as well as the actions needed to implement these measures – to achieve the desired social and environmental sustainability outcomes. An ESMP may apply broadly across UNDP and Implementing Partner organizations for project implementation, or it may apply to specific sites, facilities, or activities relating to the proposed project. The ESMP may range from a brief description of routine mitigation and monitoring measures (e.g. for Substantial Risk projects with limited, readily identifiable potential impacts) to a series of specific plans as required by UNDP's Social and Environmental Standards (refer to specific requirements of applicable standards), including, for example, Resettlement Action Plans/Livelihood Action Plans, Indigenous Peoples Plans, Biodiversity Action Plans, Cultural Heritage Management Plans, Emergency Preparedness and Response Plans. The level of detail and complexity of an ESMP and priority of the identified measures and actions will be commensurate with the proposed project's risks and impacts. All plans will contain specific monitoring measures.

The ESMP will define desired social and environmental management outcomes and specify social and environmental indicators, targets, or acceptance (threshold) criteria to track ESMP implementation and effectiveness. It will also provide estimates of the human and financial resources required for implementation and monitoring and identify organizational structure and processes for implementation.

Recognizing the dynamic nature of the project development and implementation process, the implementation of an ESMP will be responsive to changes in project circumstances, unforeseen events, and the results of monitoring (adaptive management).

Essential components of an ESMP:

² "Primary suppliers" are those suppliers who, on an ongoing basis, provide directly to the Project goods or materials essential for the core functions of the project.

- Measures to mitigate negative impacts during operations, and evaluation of their effectiveness. Mitigation measures must be identified for each impact/risk that was identified during the ESIA-process;
- Flow chart of the project's actions, identifying the stages and times of execution of the environmental and social management actions;
- Description of the environmental monitoring plan in the construction and operation stages of the project, identifying the parameters to be measured, the places of measurement, the methods used and the periods/frequencies in which the measurements will be made, the costs, and the institutions responsible (see separate section);
- Identification of a set of sensible, readily measurable quantitative and qualitative indicators of the mitigation measures proposed for the main impacts and risks that accompany the implementation of the project (see separate section);
- Contingency and Emergency Response Plan, such as for accidents, fires, floods, earthquakes (among those that apply);
- Reporting template for the implementing partner (and/or responsible party) that include said indicators and provide clear guidance on how to measure them.

(1) Social and environmental impact mitigation. The ESMP will include environmental and social impact mitigation actions, in accordance with the following, listed in descending order of preference (i.e. the mitigation hierarchy):

- Avoid, prevent or eliminate environmental and social risks and adverse impacts, wherever technically and financially feasible; for proposed projects involving existing facilities, remediation may need to be undertaken instead of, or in addition to, mitigation;
- Where it is not technically or financially feasible to avoid, prevent or eliminate risks and impacts, identify measures and actions to minimize and mitigate impacts so that the project operates in compliance with applicable international, national and local environmental and social laws and regulations and UNDP requirements, or achieves acceptable levels of impacts otherwise defined and agreed;
- Where it is not technically or financially feasible to minimize and mitigate risks and impacts, identify measures to offset them by enhancing the proposed project's positive environmental and social impacts;³
- Where avoidance, mitigation and offset measures are not technically or financially feasible, identify compensatory measures to balance the residual adverse impacts.

The ESMP will describe each mitigation measure, including the type of impact and social and environmental parameter(s) to which it relates, the location and frequency, timing or conditions under which the measure is required (e.g., continuously or in the event of contingencies), and provide technical details on the mitigation technology, process, equipment, design and operating procedures, as appropriate. Potential social and environmental impacts of these measures will be estimated. Linkages with other mitigation plans (e.g., for displacement, indigenous peoples, or cultural heritage) required for the proposed project will be identified.

(2) Social and environmental risk monitoring and reporting. The ESMP will detail the social and environmental monitoring to be conducted during project implementation to:

- Provide information about actual versus predicted social and environmental impacts;
- Measure the effectiveness and evaluate the success of mitigation, remediation and enhancement measures;
- Evaluate compliance with applicable international, national, and local policies laws, regulations, UNDP SES, other relevant performance standards, policies and procedures;
- Allow corrective action to be taken when needed.

³ Refer to UNDP SES Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management, para. 12 regarding conditions and limitations on use of biodiversity offsets.

Specifically, the ESMP will detail the:

- Mitigation measures being monitored;
- Parameters to be measured; introduction of sensible indicators to measure the implementation of mitigation measures.
- Sampling and analytical or other monitoring methods to be used, including staff, procedures and detection limits (where appropriate);
- Sampling or monitoring locations;
- Frequency or timing of measurements;
- Definition of thresholds that will signal the need for corrective actions.
- Define responsibilities for monitoring and reporting during the life cycle of the project.

In addition to recording information to track performance and establishing relevant operational controls, the monitoring plan will require the use of dynamic mechanisms, such as inspections and audits, where relevant, to verify compliance and progress toward the desired outcomes. Monitoring activities should involve direct participation of affected stakeholders, where possible. Stakeholder complaints or grievances are to be tracked and monitored and any corrective actions are also tracked and monitored.

Monitoring and reporting should include data disaggregated by categories of potential beneficiary and/or affected groups and include specific gender indicators. The monitoring plan should require the retaining of qualified and experienced external experts to verify monitoring information.

Evaluation, reporting and management of monitoring measures will also be specified in the ESMP. This will include required documentation and reporting of monitoring results and provisions for adjusting and amending the ESMP (e.g. incorporating corrective actions) in accordance with monitoring experience and feedback (see also stakeholder engagement section below). A monitoring plan, detailing responsibilities for its implementation and required site-visits will need to be developed as part of the ESMP.

Periodic reports are to be provided to the affected communities that describe progress with implementation of the ESMP and related action plans and on issues that the consultation process or grievance process has identified as a concern. Any material changes or additions to the mitigation measures or actions plans will be communicated to affected communities. Reports will be provided at a frequency proportionate to the concerns of affected communities but not less than annually; quarterly reporting is recommended. This reporting line should be part of a broader communication and continuous stakeholder outreach plan, which clearly states responsibilities for execution.

(3) Capacity development. The ESMP will assess and detail a plan to develop implementation capacity, where needed. This will involve a capacity assessment of the implementing partner itself and any affiliated organizations or institutions for implementing the ESMP. If not, a determination should be made as to whether it will be possible to develop the appropriate capacity and, if so, at what cost and in what timeframe.

The capacity development section of the ESMP will:

- Recommend management arrangements for the project, including structure, roles, responsibilities, and authorities;
- Designate specific personnel, including management representative(s), with well-defined and clearly communicated lines of responsibility and authority;
- Require sufficient oversight and human and financial resources be provided on an ongoing basis to achieve effective and continuous environmental and social management throughout the life of the proposed project.

If needed, the capacity development section of the ESMP will outline a plan for strengthening capacities of UNDP staff, Implementing Partner staff, and contractors with direct responsibility for activities relevant to the social and environmental sustainability of the proposed project so that they have the knowledge and skills necessary to perform

their work, including current knowledge of the host country's regulatory requirements and the applicable requirements of UNDP environmental and social policies and procedures. Capacity development will also address the methods required to perform the specific actions and measures of the ESMP in a competent and efficient manner. The capacity development plan will have the following components:

- Identification of capacity needs;
- Development of a capacity development plan to address defined needs;
- Monitoring and Evaluation of capacity development plan.

(4) Implementation action plan (schedule and cost estimates). For above aspects (mitigation, monitoring, capacity development, and stakeholder engagement), the ESMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables.

(f) Public Consultation and Disclosure Procedures

The ESMP will be developed in close consultation with project stakeholders and disclosed in draft and final form. The ESMP is to include a section that either (a) provides an overview and link to the project's Stakeholder Engagement Plan (it may be necessary to update the project SEP with new stakeholder information from the ESIA/ESMP process) or (b) outlines a Stakeholder Engagement Plan to promote meaningful, effective consultations during project implementation, including identification of milestones for consultations, information disclosure, and periodic reporting on progress on project implementation and issues of concern to project stakeholders. The plan should also include a description of effective processes for receiving and addressing stakeholder concerns and grievances regarding the project's social and environmental performance.

Actions:

- Conduct a stakeholder analysis that outlines the affected and interested parties, explains the methodology for their identification (ideally with a rating system/matrix for how strongly they are impacted or how strong their interest in the project is).
- In many cases, national or regional legislation also requires some kind of consultative process. It is required to verify these regulations and, if possible, align them with what is required under UNDP's SES.
- Provide a consultation plan, informing about
 - planned consultation events,
 - information material,
 - attendance recording
 - measures for encouraging the participation of women and the elderly.
- After the consultation event(s), document and update the consultation section with:
 - Description of the event.
 - General atmosphere of the event.
 - Questions asked and which answers were provided.
 - Any suggestions for project improvement that were taken into consideration.
 - Include scanned attendance lists.
 - Photos/Videos of the event(s).
- Support the implementing partner in conducting the consultations/stakeholder engagement process. The draft environmental and social assessment with its environmental and social management plan needs to be

consulted with the affected people. Therefore, consultations should take place when the environmental and social documents are ready for sharing, but prior to be finalized.

- The Consultant will coordinate with the institution in charge of implementing the operation and with the corresponding local institutions the most appropriate consultation mechanism, taking into account national regulations, the local context and existing social standards for these cases.
- This consultation will be the opportunity to have a dialogue that will help to improve the design, promote a better understanding of the operation and increase the chances of success and sustainability of the project.
- In addition, the consultation must promote the participation of women, indigenous communities , marginalized and disadvantaged groups during the consultation process, and comply with national rules and regulations that apply to the consultation process.
- If ESMP review and evaluation result in material changes in, or additions to, the mitigation, monitoring or capacity development measures or actions described in the ESMP on issues of concern to the stakeholders, the updated measures or actions will also be developed in close consultation with stakeholders and disclosed.
- Periodic reports will be provided to potentially affected communities describing progress with implementation of the ESMP and on issues that the consultation process or grievance mechanism has identified as a concern. The frequency of these reports will be proportional to the concerns of the stakeholders but not less than annually. For projects designated as highly complex and sensitive, quarterly reporting should be required.

[Annex 4 of the UNDP SES Guidance Note on Social and Environmental Assessment and Management provides an indicative outline for preparing an ESMP.]

5. Reports / Deliverables

Note: This is an example that needs to be adapted. The timeline, payment schedule and qualifications of the desired personnel (an individual or a team) depends to a large extent on the complexity of the project.

The following reports must be submitted by the contractual party and received to the satisfaction of UNDP:

- First Report: Work plan XX (XX) days after signing the contract.
- Second Report: Environmental and Social Assessment that includes the requirements outlined in this plan as well as the stakeholder analysis and consultation plan.
- Third report: Environmental and Social Assessment with its respective Environmental and Social Management Plans for operation XX, and that includes the results of the public consultation and disclosure process.
- Fourth Report (final report): Final document, updated.

All reports must be submitted to UNDP in an electronic file. The report must include a cover page, main document, and all annexes.

The tentative timeline for the deliverables is stated below:

Report Number	Deadline for deliverable (days after signing the contract)
1	After XX (XX) days
2	After XX (XX) days
3	After XX (XX) days
4	After XX (XX) days

Approval of reports: Reports will be approved by the [specify]; the period for approval of reports will be [X] days, if after this time the supervisor does not issue any observations, the report will be considered approved.

Payment Schedule

The following payments will be made according to the schedule below:

- 30% after the contract is signed and the work plan approved.
- 25 % after the delivery and approval of the first report.
- 25 % after the delivery and approval of the second report.
- 20 % after the delivery and approval of the third report.

Qualifications

Note: The qualifications stated hereinafter reflect the requirements for an individual consultant. For a highly complex operation with multiple project sites, components and increased risk, a team of consultants may need to be hired.

- Degree/Academic Level & Years of Professional Experience: Professional with a master's degree in social and/or environmental sciences with at least 10 years' experience in socio-environmental impact management/social environmental impact assessment.
- Languages: English, XX, XX. . .
- Areas of Expertise: Socio-environmental management, evaluation of socio-environmental impact in the infrastructure sector, knowledge of the Social and Environmental Standards (SES) and Principles of UNDP, experience in working with international organizations in the sector.
- Skills: ability to work with little supervision

Characteristics of the Consultancy

- Category and Modality of the Consultancy: XX
- Contract Duration: XX months.
- Place of work: External Consultancy.
- Manager or Coordinator: The coordination of the consultancy will be in charge of XX.

Payment and Conditions: Compensation will be determined in accordance with UNDP's policies and procedures. UNDP, in accordance with applicable policies, may contribute to travel and moving expenses. Additionally, candidates must be citizens of one of the UNDP's member countries.

Visa and Work Permit: ???

Consanguinity: ???

Diversity: UNDP is committed to diversity and inclusion and equal opportunity for all candidates. We welcome diversity on the basis of gender, age, education, national origin, ethnicity, race, disability, sexual orientation, religion, and HIV/AIDS status.

