

Terms of Reference

Environmental and Social Planning and Management

AJIR + (*Appui à Jérusalem-Est pour son Identité et sa Résilience – Phase additionnelle*)

“East Jerusalem Identity and Resilience Support Program AJIR+”

1. Background

1.1 The NGO Development Center (NDC)

NDC is a non-profit non-governmental organization established in response to the need of having a sustainable Palestinian mechanism for providing support to the NGOs sector. Through providing technical and financial support, NDC works on developing the capacities of Palestinian NGOs in providing quality services, especially to the poor and the marginalized, on enhancing their self-reliance, and on empowering them to be more sustainable. At the same time, NDC contributes towards the development of the NGOs sector as a whole by facilitating sharing and exchange of information and experience, by supporting research and policy development, and by strengthening NGOs relationships with development partners.

NDC is the first professional organization of its kind, created and led by Palestinians, focusing on strengthening NGOs, facilitating the development of an active and vibrant NGO sector in Palestine and encouraging wider partnerships and cooperation among and between the different development actors and supporting research and policy formulations for the NGO sector.

Since its establishment, NDC has increased its scope of work and project intervention to manage various granting schemes and programs elaborated in collaboration with the different NDC's donors that combine urgently needed funding with sector development initiatives. Its programs work indeed on three tracks: grant-making, sector development and capacity building.

1.2 The AJIR Programme

East Jerusalem's geographic and administrative isolation as well as the economic and social hardships faced by its residents justify supporting their access to essential services, in first place education, infrastructure and economic opportunities. Civil society organizations are an essential component of the solidarity chain in the occupied East Jerusalem.

The AJIR programme, approved in 2020, (*Appui à Jérusalem-Est pour son Identité et sa Résilience*) is a 100% social link project: it aims at consolidating social cohesion between populations and territories through support to youth and vulnerable communities.

This project is an additional phase of the Support for East Jerusalem's Identity and Resilience (AJIR) programme, approved in 2020, with the same objectives: to improve access to education and services for the Palestinians of East Jerusalem, particularly the most vulnerable. Twenty projects have been funded under AJIR (8 under the "infrastructure" pillar; 12 under the "access to services" pillar). The scale of the needs, the requests from NGOs providing essential services, the renewed political interest of the Consulate General of France, the quality of the partnership with NGO Development Center and the new ambitions in terms of taking gender into account and the inclusion of very small structures, are all reasons why the AJIR programme has been so successful.

A maximum of 8 million Euros has been allocated to financing AJIR+ programme which is structured under the form of calls for proposals addressed to the Palestinian civil society in East Jerusalem. The NGO Development Center has been entrusted by AFD with the management of AJIR+ including the calls for proposals.

AJIR's primary objective is to support the resilience of Palestinians in East Jerusalem. This second phase of the East Jerusalem Identity and Resilience Support Program (AJIR+), targets the following objectives: (i) improving educational, cultural and youth opportunities, (ii) supporting vulnerable populations, in particular women in their access to essential services, and (iii) civil society capacity building. As cross-cutting issues, gender inequalities and environmental challenges will be addressed throughout these three pillars.

Pillar I: Large infrastructure investments targeting education, culture and youth

Designed with the overarching goal of contributing to the full emancipation of Palestinian youth, the first call for proposals aims at providing funding to finance construction or renovation works in order to remove material constraints which prevent the development of quality education and cultural provisions and infrastructures (lack of classrooms, poor premises conditions, etc.).

Pillar II: Service-based initiatives for vulnerable populations

Designed to meeting the needs of vulnerable populations through fair and equal access to social and local services, Pillar II will be dedicated to providing social and legal services to vulnerable populations in order to improve their living conditions. A strong emphasis will thus be placed on social inclusion and professional integration or reintegration of marginalized populations (women, the elderly, people with disabilities. people exposed to violence, etc.).

Pillar III: Technical Assistance

Pillar III aims to foster civil society organizations capacity building, thereby strengthening their role in the implementation of new governance models. NDC will provide targeted technical assistance and capacity building to improve the management skills of the selected CSOs and ensure compliance with the Project implementation guidelines and procedures, aiming at improving CSOs governance, accountability and sustainability.

NDC will facilitate peer learning, coordination and collaboration among CSOs operating in the same sector or location, and information sharing and knowledge exchange.

1.2.1 Programme Geographic Scope of Intervention

East Jerusalem: Defined by the 1949 Armistice Line (Green Line), the West Bank Barrier and Jerusalem municipal boundaries, with the inclusion of enclaves that are either:

- Excluded by the West Bank barrier but included within the Jerusalem municipal boundaries: Kufur Aqab, Qalandya Camp, etc.
- Or conversely, enclaves that are outside Jerusalem municipal boundaries but included by the West Bank Barrier: Zaytoun, etc.

1.2.2 The Environmental and Social Commitment Plan

AJIR+ must be implemented in full compliance with the national and local legislation, including laws, regulations, and standards governing environmental management, social protection, and preservation of cultural heritage. Being financed by AFD, AJIR+ must be implemented in full compliance with the Environmental and Social Commitment Plan (ESCP), annexed to the ToR (Annex A).

Pillar I supports large investment subprojects targeting education and culture with a special emphasis on youth. Pillar II has a broader scope and supports small-scale service-based initiatives (capacity building, delivery of social services, community cohesion enhancement, gender empowerment) to vulnerable groups in East Jerusalem (people with disabilities, the elderly, youth, children...). The environmental and social impacts vary according to the nature and size of each subproject.

A Preliminary Environmental and Social Assessment Form (PESAF) has been prepared to address all the environmental and social risks prior to the approval or rejection of a subproject. The PESAF includes (but not limited to): (i) “Gender”, “Environment” and “Do not Harm” criteria; and (ii) exclusion criteria for sub-projects that imply economic and population displacements and that have impacts on cultural heritage. According to the PESAF, sub-projects that trigger any of the following will be excluded:

1. Expropriation of land and or demolition of existing infrastructure (housing, community infrastructure, socio-economic infrastructure, etc.).
2. Relocation or compensation of people.
3. Temporary or permanent loss of crops, fruit trees and household infrastructure (such as granaries, outside toilets and kitchens, etc.).
4. Location of sub-project is:
 - i. near protected areas;
 - ii. in an area that hosts endangered species (flora and fauna); and
 - iii. near areas of archeological, historical, cultural or religious interest.

By applying the PESAF, subprojects will be classified into three main categories:

a) High-Risk Subprojects:

These are subprojects that trigger the exclusion criteria and may therefore have significant negative impacts on the environment. Such subprojects cannot be selected and will be excluded from AJIR+.

b) Moderate-Risk Subprojects:

These are subprojects that may have foreseeable negative impacts on the environment and are of short duration and can be mitigated in the construction phase and in the operation and maintenance phase. These subprojects do not trigger any of the criteria on the exclusion list. Such sub-projects can be selected, but a site specific Environmental and Social Management Plan (ESMP) will have to be prepared prior to acceptance.

c) Low-Risk Sub-projects:

These are sub-projects that do not have any negative environmental and social impacts. These subprojects will be accepted without conditions and no further environmental and social requirements are applied.

The site-specific ESMP prepared for accepted subprojects shall be included in the bidding documents, so that potential bidders are aware of environmental and social performance standards expected from them and are able to reflect that in their bids. The ESMP becomes an essential part of a works contract upon its conclusion and its implementation is mandatory for a contractor. The CSO, as an owner of construction works, will be responsible for enforcing compliance of the contractor with the terms of the contract, including adherence to the ESMP.

The PESAF is annexed to the ToR (Annex B).

2. Objective of the Assignment

The main objective of the Assignment is to ensure that the selected subprojects will be implemented efficiently and ensure that any environmental and social issues or concerns are addressed at the design phase of those subprojects, and that mitigation measures are being implemented and monitored in full compliance with the AJIR+'s Environmental and Social Commitment Plan.

The consultant will design, monitor and report on the Environmental and Social Management Plans (ESMPs) for **moderate-risk subprojects (category b)** to guarantee the successful implementation of the subproject in alignment with the strategic objective of the AJIR+ Programme.

3. Scope of Work

In order to achieve the objective of the assignment, the consultant shall work closely with the NDC team as well as with the concerned partner CSOs. Specifically, the consultant is required to accomplish the following:

- 1) Review project documents, specifically the i) Implementation Manual; ii) Environmental and Social Commitment Plan (ESCP); and iii) Preliminary Environmental and Social Assessment Form (PESAF).
- 2) Screen and review all proposed subprojects in order to identify any subproject that may carry the risk of adverse environmental and social impacts,
- 3) Assign a category to each subproject in accordance with the Preliminary Environmental and Social Assessment Form (PESAF),
- 4) Design detailed ESMPs and follow-up checklists for the projects that are classified as "Moderate - Risk" subprojects. The designed ESMP shall address environmental and social mitigation measures to be undertaken during construction and operation of the particular intervention. In the ESMP, the environmental and social mitigation and monitoring actions shall be presented in a matrix format. The matrix includes identifying the issues, mitigation measures, and responsibility for carrying out the monitoring actions and the approximate cost estimates for the actions, if any.
- 5) In coordination with NDC, carry out spot field and unannounced environmental and social monitoring visits to all selected subprojects that are under implementation, to ensure compliance with the ESMPs and using the designed checklists.
- 6) Provide training/coaching (whenever needed) to CSOs to help them apply successfully the designed ESMPs, including reflecting them in the subprojects' designs,
- 7) Supporting the CSOs in drafting their project works terms of reference, bidding documents, selection criteria, selection of bidders and contracts, monitor the subprojects' implementation and report on the environmental and social issues as needed.

Follow-up sub-projects implementation, monitor and regularly report on the status of environmental and social performance for the sub-projects. The report will be part of NDC's annual progress report to AFD and will present an overview of deviations/violations of the ESMPs encountered over the reporting period including instructions given to the contractors for addressing incompliance and identified issues, and follow-up actions on the revealed outstanding matters.

4. Consultant’s Reporting Obligations

The Consultant shall submit to NDC

- a) Environmental and Social Management Plans (ESMPs) for each of the selected “category b” subprojects.
- b) Field visit reports, using checklists, and specific reports for each sub-project as needed
- c) Two semi-annual progress reports.
- d) A completion (final) report.

5. Assignment Duration and Level of Effort

This is a long-term assignment. The assignment will commence on the date of signing the contract with the Consultant and will extend over the AJIR+ implementation period, until December 1, 2027, which is the Technical Completion Date.

The total level of efforts is estimated at **50 days**. The estimated number of days annually are presented in the table below:

# of days per year			
2024	2025	2026	2027
20	12	12	6

6. Type of Contract

NDC will sign with the consultant a time-based contract. The consultant will be compensated against timesheets and deliverables mentioned above.

7. Required Qualifications

In order to accomplish the objective of the assignment and the scope of work, a consultant is required with the following qualifications and competences:

- a) Easy access to Jerusalem with a Jerusalem driving license;
- b) MSc degree in Environmental Engineering, Environmental and Social Science or any related field.
- c) Previous experience with World Bank or AFD’s Environmental and Social Safeguard policies and procedures;
- d) At least 5 years relevant experience working on assignments of similar nature.
- e) In-depth knowledge and understanding of national and local (Jerusalem Municipality) legislations, including laws, regulations, and standards governing environmental and social policies.
- f) Relevant experience in the CSOs sector.

8. Annexes

- A. Environmental and Social Commitment Plan (ESCP)
- B. Preliminary Environmental and Social Assessment Form (PESAF)

Annex A: Environmental and Social Commitment Plan (ESCP)

Theme	Action	Resources and Responsibilities	Chronogram and deadlines	Achievement Indicator
1. Assessment and Management of E&S risks and Impacts				
1.1 Organisational Structure	Establishing a supporting structure with qualified personnel in order to control environmental and social risks and to ensure that all activities carried out throughout the programme comply with the Do Not Harm approach. Such structure may benefit from the assistance of an external consultant on a timely basis.	NDC	-Condition precedent to be satisfied on the signing date: AFD's no-objection on the Implementation Manual - Pre-selection of subprojects - Monitoring: Throughout the implementation of the subprojects	- Included in the Implementation Manual - AFD's no-objection on the subprojects pre-selected - Annual Progress Report
1.2 Preliminary Environmental and Social Assessment Form (PESAF)	As part of the Implementation Manual, designing the Preliminary Environmental and Social Assessment Form (PESAF) which should include (but is not limited to): (i) a "Gender", "Environment" and "Do Not Harm" approach and (ii) exclusion criteria for subprojects that imply economic and population displacements and that have impacts on cultural heritage.	NDC	Condition precedent to be satisfied on the signing date: AFD's no-objection on the Implementation Manual	- Included in the Implementation Manual - AFD's no-objection on the subprojects pre-selected
1.3 Assessment and Management of E&S risks and Impacts	Complying with the Preliminary Environmental and Social Assessment Form (PESAF) in the Implementation Manual	NDC	- Pre-selection of subprojects - Monitoring: Throughout the implementation of the subprojects	- Included in the Implementation Manual - Annual Progress Report
2. Labor and Working conditions				
2.1 Working Conditions	Complying with ILO standards and conventions ratified by Palestine on working conditions and labour rights	NDC	Monitoring: Throughout the implementation of the subprojects	Annual Progress report
2.2 Labour Protection: Child or Forced Labour	Ensuring that the outlawing of child labour is respected	NDC	Monitoring: Throughout the implementation of the subprojects	Annual Progress report

Theme	Action	Resources and Responsibilities	Chronogram and deadlines	Achievement Indicator
2.3 Emergency situations	Including an emergency preparedness and response plan	NDC	Condition precedent to be satisfied on the signing date: AFD's no-objection on the Implementation Manual	Included within the Implementation Manual
3. Resource Efficiency and Pollution Prevention and Management				
3.1 Management of hazardous and non-hazardous waste	Ensuring that CSOs design and implement measures and actions in order to manage hazardous and non-hazardous waste	NDC	- Condition precedent to be satisfied on the signing date: AFD's no-objection on the Implementation Manual - Monitoring: Throughout the implementation of the subprojects	- Included within the Implementation Manual - Annual Progress Report
3.2 Water Consumption	Ensuring that CSOs design and implement measures both technically and financially feasible in order to ensure a more rational use of water	NDC	- Condition precedent to be satisfied on the signing date: AFD's no-objection on the Implementation Manual - Monitoring: Throughout the implementation of the subprojects	- Included within the Implementation Manual - Annual Progress Report
4. Community Health and Safety				
4.1 Community Health and Safety	Designing and implementing measures and actions in order to assess and control the risks and impacts that the projects could have on local populations, including those related to the presence of workers on site, and in particular students/workers interference	NDC	- Condition precedent to be satisfied on the signing date: AFD's no-objection on the Implementation Manual - Monitoring: Throughout the implementation of the subprojects	- Included within the Implementation Manual - Annual Progress Report
5. Land Acquisition and Involuntary Resettlement				
5.1 Land Acquisition and Involuntary Resettlement	Excluding subprojects that imply economic and population displacement	NDC	- Condition precedent to be satisfied on the signing date - Pre-selection of subprojects	Included in the Implementation Manual
6. Cultural Heritage				
6.1 Cultural Heritage	Excluding subprojects that have impacts on cultural heritage	NDC	- Condition precedent to be satisfied on the signing date - Pre-selection of subprojects	Included in the Implementation Manual

Annex B: Preliminary Environmental and Social Assessment Form (PESAF)

The Preliminary Environmental and Social Assessment Form (PESAF) aims at identifying, at a preliminary stage, the main impacts that a project may have on its environment, thus helping define the scope of the environmental and social assessment that is required.

<p>Type of item</p> <p><input type="checkbox"/> Original</p> <p><input type="checkbox"/> Revised</p> <p>Date: _____</p>	<p>Identification of the project</p> <p>Project No.: _____</p> <p>Project Name: _____</p> <p>Duration of the project: _____</p> <p>Estimated cost of the project: _____</p>
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PROJECT TYPOLOGY	
Does the project involve any construction or renovation works?	<input type="checkbox"/> Yes <input type="checkbox"/> No

PROJECT DESCRIPTION
<p><i>Provide a brief summary of the different stages of implementation of the project.</i></p> <p>-</p> <p>-</p>

PROJECT JUSTIFICATION
<p><i>Indicate the purpose and the objectives of the project as well as its expected outcomes and benefits.</i></p> <p>-</p> <p>-</p>

PROJECT LOCATION	
Site location	
Summary description of the project area (geography, human activities, agriculture, industry, ...)	
Access to water resources in the project area (irrigation, drinking water, energy...) Use of water resources (energy, irrigation),	

Types of access to drinking water (drinking water supply network, boreholes, wells, matfias)	
Number of inhabitants in the project area, Habitat type (dense, dispersed)	
Other characteristics of the project area - protected areas, - wooded areas, - ...	

MAIN TECHNICAL FEATURES OF THE PROJECT

Indicate the size and type of construction work (renovation, extension, construction of a building) and the main technical features of the project.

PROJECT ALTERNATIVES

Provide a brief summary of the options that were explored during the project design phase and indicate in particular the environmental and social reasons which governed the choice of the site location and technical features.

1. LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT

1. Does the project involve any expropriation of land or any demolition of existing infrastructure (housing, community infrastructure, socio-economic infrastructure, etc.)? Yes No
2. Are there any people that would need to be relocated or compensated because of the project? Yes No
3. Does the project involve any encroachment of plots of land, dwellings or public lands (parking lots, wells, boreholes, etc.)? Yes No To be further investigated

If so, please specify:

2. ACCESS TO BASIC SERVICES

4. Will the project reduce other people's access to their economic resources, such as land, pasture, water, public services or other resources that they depend on? Yes No To be further investigated

If so, please specify: _____

5. Will the project result in the temporary or permanent loss of crops, fruit trees and Household infra-structure (such as granaries, outside toilets and kitchens, etc.)? Yes No

3. ECONOMIC ACTIVITIES IN THE AREA

6. Is the project located in an industrial area? Yes No

7. Is the project likely to adversely affect industrial activities? Yes No To be further investigated

If so, please specify: _____

8. Is the project located in an agricultural area? Yes No

9. Is the project likely to adversely affect agricultural activities? Yes No To be further investigated

If so, please specify: _____

10. Is the project located in a tourist area? Yes No

11. Is the project likely to adversely affect tourist activities? Yes No To be further investigated

If so, please specify: _____

4. COMMUNITY HEALTH AND SAFETY

To be completed if any construction is planned

12. Are there any risks of interference between students and workers during the construction phase? Yes No

13. Are there any project activities likely to involve a risk of exposure to dust arising from asbestos or material containing asbestos? Yes No To be further investigated

14.	Is there any doubt about the presence of asbestos in a material or construction on the project site?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
15.	If such is the case, are appropriate measures taken to limit the workers' exposure to dust arising from asbestos or materials containing asbestos?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
	If so, please specify:	_____		
16.	Is the project likely to have any adverse impact on the health and safety of project-affected communities during life-cycle routine and non-routine circumstances?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
	If so, please specify:	_____		
17.	Are actions taken to avoid or minimize community exposure to road safety risks, diseases and hazardous materials?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
	If so, please specify:	_____		

5. RESOURCE EFFICIENCY AND POLLUTION PREVENTION

18.	Is the project located in polluted soil areas, as defined in the Annex (<i>Definitions</i>)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
19.	Does the project involve any destruction of vegetation at borrow pits, quarries, stockpiling sites, construction site facilities, etc.?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
20.	Is the project likely to cause soil or water pollution (surface or groundwater)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
21.	Is the project likely to cause emissions of hazardous air pollutants, as defined in the Annex (<i>Definitions</i>)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
22.	Is the project likely to increase the ambient noise level?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
23.	Are actions taken to ensure a more rational use of water?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
	If so, please specify:	_____		
24.	Are actions taken to manage hazardous and non-hazardous waste?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> To be further investigated
	If so, please specify:	_____		

6. HAZARD-PRONE AREAS

25. Is the project located in an area prone to landslides? Yes No To be further investigated
 If so, is the risk high, medium or low? _____
26. Is the project located in an area prone to erosion (gully erosion)? Yes No To be further investigated
 If so, is the risk high, medium or low? _____
27. Is the project located in a seismic risk area? Yes No To be further investigated
 If so, is the risk high, medium or low? _____
28. Is the project located in a flood-prone area? Yes No To be further investigated
 If so, is the risk high, medium or low? _____
29. Is the project located in a fire-prone area? Yes No To be further investigated
 If so, is the risk high, medium or low? _____
30. Is the project located in a densely populated area? Yes No To be further investigated

7. CULTURAL AND NATURAL RESOURCES

31. Is the project located near protected areas, as defined in the Annex (*Definitions*)? Yes No
32. Is the project located in an area that hosts species (flora and fauna) or ecosystems with ecological value? Yes No
33. Is the project located in an area that hosts endangered species (flora and fauna)? Yes No
34. Is the project adjacent to wells, water springs, water bodies, wadis or wetlands? Yes No
35. If so, could the project have an impact on the water sources close to the project area? Yes No To be further investigated
36. Is the project located near areas of archaeological, historical, cultural or religious interest? Yes No
 If so, please specify: _____
37. Is the project located in an area benefiting from a landscape of high interest, as defined in the Annex (*Definitions*)? Yes No

COMMENTS

Please add any further comments – if any.

Completed by:

In his/her quality of :

PROJECT CLASSIFICATION

Based on this preliminary assessment, the project is classified in the following category:

- I** Low-risk project: the project has minimal or no adverse impact on the environment as it does not involve any construction or renovation works and therefore may be selected.
- II** Moderate-risk project: the foreseeable adverse impacts of the project on the environment are of short duration and can be mitigated both in the construction phase and in the maintenance phase through a detailed Environmental and Social Management Plan (ESMP). The project may be selected provided that measures are taken to avoid, compensate or reduce these risks.
- III** High-risk project: the project may have significant negative impacts on the environment and therefore cannot be selected.

Approved by :

In his/her quality of:

Definitions

<p>Hazardous air pollutants</p>	<p>means any pollutant known or suspected to cause cancer or other serious health problems – including but not limited to adverse reproductive effects and birth defects – or adverse environmental effects.</p> <p>For further details, the EPA list of hazardous air pollutants may be consulted on the following website: https://www.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications</p>
<p>Landscape of high interest</p>	<p>means any landscape considered of high interest for ecological, historical or cultural reasons.</p> <p>For further details, the UNESCO tentative list may be consulted on the following website: https://whc.unesco.org/en/tentativelists/state=ps</p>
<p>Polluted soil areas</p>	<p>means any soil area that is polluted by industrial, agricultural or urban activities, including soil areas where pollution is related to:</p> <ul style="list-style-type: none"> (a) Heavy metal contaminated sites (b) Persistent Organic pollutants, and (c) Urban and Electronic waste.
<p>Protected areas</p>	<p>means any clearly defined geographical space recognized as such in the national or regional legislation.</p>