

# Country Safeguard Systems Regional Workshop Proceedings

Towards Common Approaches and Better Results  
18–19 April 2012 | ADB Headquarters, Manila





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Asian Development Bank

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# Abbreviations

ADB	–	Asian Development Bank
AECEN	–	Asian Environmental Compliance and Enforcement Network
AusAID	–	Australian Agency for International Development
DMC	–	developing member country
EIA	–	environmental impact assessment
IFC	–	International Finance Corporation
JICA	–	Japan International Cooperation Agency
Lao PDR	–	Lao People's Democratic Republic
LARR	–	Land Acquisition, Rehabilitation and Resettlement
NGO	–	nongovernment organization
PRC	–	People's Republic of China
REDD	–	reducing emissions from deforestation and forest degradation
SEA	–	strategic environmental assessment
SPS	–	Safeguard Policy Statement
TA	–	technical assistance
WWF	–	World Wide Fund for Nature

# Preface

Country safeguard systems, covering environmental assessment, involuntary resettlement, and indigenous peoples, are a cornerstone of socially inclusive and environmentally sustainable growth. The term “country safeguard systems” refers to the legal and institutional framework of a country consisting of its national, subnational, or sectoral implementing institutions and relevant laws; regulations; and rules and procedures that seek to avoid, minimize, or mitigate adverse environmental impacts, social costs to third parties, or marginalization of vulnerable groups that may result from development activities.

The Asian Development Bank (ADB) and other development partners have been working with developing countries in Asia and the Pacific to establish or improve their country safeguard systems for several decades. This has been done through project support, policy dialogue, and technical assistance. Most countries have made tremendous progress on environmental laws and regulations and are making headway on involuntary resettlement and indigenous peoples’ issues. Capacity to deliver on these safeguards is also developing, although it varies widely across countries and sectors. In the context of rapid economic growth, already fragile environmental and ecological conditions, and diverse social changes in Asia and the Pacific, the challenge now is to further strengthen these country safeguard systems to incorporate regional and international best practices for more positive development outcomes.

Against this backdrop, ADB’s Safeguard Policy Statement (SPS), adopted in 2009, emphasizes ADB’s commitment to help borrowers strengthen their country safeguard systems to manage environmental and social risks. In line with the SPS, ADB has embarked on a major technical assistance program for strengthening and use of country safeguard systems to seek convergence among country safeguard systems with international best practice through diagnostic studies, enhancement of the legal frameworks, and building implementation capacity.

To take stock of progress, ADB convened the first Country Safeguard Systems Regional Workshop: Toward Common Approaches and Better Results on 18–19 April 2012 in Manila. The objectives of the workshop were to (i) reflect on the status, celebrate the progress, and learn about innovations on safeguard policy and practice in the region; (ii) better understand perspectives of countries on their own needs and priorities so that initiatives for policy improvement and capacity development can be better targeted, and (iii) promote the ongoing dialogue and sharing of experience to identify opportunities for South–South cooperation and knowledge sharing.

The workshop brought together more than 100 safeguard experts and practitioners from 15 developing member countries (DMCs), including representatives from government, civil society, the private sector, and 10 multilateral and bilateral institutions. Through their presentations and active participation, the workshop participants shared key insights on the state of country safeguard systems and where they are headed. It is clear that throughout the region, there is good progress in country safeguard systems. It is also increasingly the case that these are converging toward international best practice, as embodied in the safeguard policies of ADB and the World Bank. DMCs appear very keen to receive greater support in further enhancing their country safeguard systems so that they approach international standards. There was also strong interest in developing a region-wide community of practice to share experiences and lessons learned while pursuing common solutions to the remaining problems and challenges on safeguards. During the workshop, ADB, the World Bank, and bilateral partners such as the Japan International Cooperation Agency and the Australian Agency for International Development confirmed their readiness to work together to assist developing countries in the region to continuously strengthen their country safeguard systems. Since the workshop, much progress has already been made to establish a community of practice to advance the agenda.

I wish to thank the following who participated in and contributed to the discussions: all developing member country (DMC) participants from Bangladesh, Cambodia, the People's Republic of China, Georgia, India, Indonesia, the Lao People's Democratic Republic (Lao PDR), Mongolia, Nepal, Pakistan, Papua New Guinea, the Philippines, Sri Lanka, Timor-Leste, and Viet Nam; resource persons from these DMCs and from the Asian Environmental Compliance and Enforcement Network (AECEN), Australian Agency for International Development (AusAID), Embassy of Finland, International Finance Corporation (IFC), Japan International Cooperation Agency (JICA), World Bank, and World Wide Fund for Nature (WWF); Stephen Lintner of the World Bank; Cao Manh Cuong of the Ministry of Planning and Investment, Viet Nam; Analiza Rebueta-Teh of the Department of Environment and Natural Resources, Philippines; and Fiona Crockford of AusAID for the first plenary session. My gratitude also goes to my colleagues in ADB for their active participation: Bindu Lohani, Vice-President for Knowledge Management and Sustainable Development for the keynote speech; Seethapathy Chander, Director General of the Regional and Sustainable Development Department for his closing remarks; Directors General, Deputy Directors General, Assistant General Counsel, and Directors for chairing the sessions; ADB staff participants; and the workshop team composed of Xiaoying Ma, Ralf Starkloff, Helen Cruda, Robert Everitt, Harvey Himberg, Marivi Amor Ladia, Christopher Tabungar, Laureen Laurito, Tonette Virtucio, and Metis Ilagan of the Environment and Safeguards Division of ADB.



**Nessim J. Ahmad**

Director, Environment and Safeguards Division  
Regional and Sustainable Development Department  
concurrently Practice Leader (Environment)





# Introduction

## Background

As an integral part of efforts to enhance aid and development effectiveness, there is a growing global emphasis on the need to broaden the vision and mission of development to include (i) country safeguard systems strengthening, (ii) greater reliance on country safeguard systems to address environmental and social issues for projects supported by international financial institutions, and (iii) harmonization of safeguard policies and approaches among development partners. Strengthened country safeguard systems will (i) enhance countries' ownership, (ii) extend development impacts, (iii) make more efficient use of countries and their development partners' resources, and (iv) promote cooperation among international financial institutions. This need was fully articulated by consensus in the 2005 Paris Declaration on Aid Effectiveness, reaffirmed and strengthened in the 2008 Accra Agenda for Action, and reiterated in the 2011 Busan Partnership for Effective Development Cooperation.

The Asian Development Bank's (ADB) Safeguard Policy Statement (SPS) (2009) affirms ADB's commitment to help its developing member countries (DMCs) strengthen their country safeguard systems. Since then, ADB has rendered \$15 million in technical assistance (TA) toward strengthening and effectively implementing country safeguard systems. Regional TA 7566 on Strengthening and Use of Country Safeguard Systems was approved in 2010 to support demand-driven subprojects of DMCs to improve their country systems for managing environmental and social risks. Initial results of TA 7566 implementation showed (i) strong DMC demand for country safeguard strengthening, although none of the participating countries has sought to use country safeguard systems in ADB-financed projects; (ii) emphasis in 14 approved subprojects on improved laws for environmental assessment and involuntary resettlement, or on the capacity development for effective implementation of such laws, including South–South cooperation (twinning programs) and training; and (iii) high frequency of diagnostic studies of gaps between international best practice and country systems. Under TA 7566, ADB convened the first Regional Workshop on Country Safeguard Systems: Towards Common Approaches and Better Results at ADB headquarters in Manila on 18–19 April 2012.



Participants of the Country Safeguard Systems Regional Workshop: Towards Common Approaches and Better Results

## Workshop Objectives and Participation

The Regional Workshop on Country Safeguard Systems: Towards Common Approaches and Better Results fulfilled three objectives. The workshop (i) was a venue to learn about the current status of safeguards, the progress made to strengthen country safeguard systems, and the emerging approaches in addressing environmental and social risks; (ii) was an opportunity to gain greater insight into DMCs' own capacity needs so that development partners can better aim their support; and (iii) sought to promote the ongoing dialogue on country safeguard systems and explore partnerships for knowledge sharing, including South–South cooperation.

The workshop brought together experts and practitioners on environmental and social safeguards from 15 DMCs,<sup>1</sup> 10 international financial institutions,<sup>2</sup> civil society, the private sector, and ADB. A total of 168 participants attended the workshop.

## Structure of the Workshop

The workshop was composed of six plenary and two parallel sessions, each emphasizing an important aspect of country safeguard systems. Chaired by high-ranking ADB staff, the plenary sessions addressed specific themes on strengthening country safeguard systems:

- Plenary Session 1 provided the context of country safeguard systems strengthening.
- Plenary Session 2 highlighted DMCs' efforts to (i) improve their legal systems for involuntary resettlement safeguards and (ii) enhance their environmental impact assessment through South–South cooperation.
- Plenary Session 3 featured partnerships between DMCs and international financial institutions to strengthen country safeguard systems at the project and national levels.
- Plenary Session 4 discussed the common approaches to safeguards for carbon financing agreements including the role of nongovernment organizations in strengthening REDD+ (Reducing Emissions from Deforestation and Forest Degradation) safeguards.
- Plenary Session 5 focused on strengthening environmental and social safeguard systems for private sector financial intermediaries as part of improving country safeguard systems.
- Plenary Session 6 presented the conclusions of the workshop and future steps for strengthening country safeguard systems based on viewpoints of various representatives of DMCs, multilateral and bilateral agencies, and the private sector.

The parallel sessions focused on the challenges and accomplishments in strengthening country safeguard systems in two safeguard areas—environment impact assessment and social safeguards.

<sup>1</sup> Bangladesh, Cambodia, the People's Republic of China, Georgia, India, Indonesia, the Lao People's Democratic Republic, Mongolia, Nepal, Pakistan, Papua New Guinea, the Philippines, Sri Lanka, Timor-Leste, and Viet Nam.

<sup>2</sup> Asian Development Bank (ADB), Agence Française de Développement (AFD), Australian Agency for International Development (AusAID), Department for International Development of the United Kingdom (DFID), Embassy of Finland in Bangkok, GIZ, Inter-American Development Bank, International Finance Corporation, Japan International Cooperation Agency (JICA), and the World Bank.

## ❖ Day 1 – 18 April 2012

ADB formally opened the workshop. The morning was dedicated to two plenary sessions. The first set the context for the workshop starting with the keynote speech of Bindu Lohani, ADB's Vice-President for Knowledge Management and Sustainable Development. This was followed by countries' rationale for and experiences in strengthening their country safeguard systems through the presentations of Viet Nam's Ha Noi Core Statement and the Philippines' evolution of environmental impact assessment. The World Bank and the Australian Agency for International Development (AusAID) also presented their perspectives and best practices on strengthening country safeguard systems.

The second plenary session featured countries' approaches to strengthening their country safeguard systems: (i) reforming their legal frameworks and implementation practices for involuntary resettlement as seen in the People's Republic of China (PRC), India, and Indonesia; and (ii) twinning arrangements to improve environmental impact assessment between the PRC, the Lao People's Democratic Republic (Lao PDR), and Sri Lanka.

The afternoon was spent on the two parallel sessions for environment and social safeguards. The parallel session for the environment featured best practices and challenges for implementing environmental impact assessments in selected countries. Presentations by the PRC, Indonesia, the Philippines, and Viet Nam, focusing on two subprojects under TA 7566, were followed by panel discussions from environmental specialists from the World Bank and consultants. The parallel session for social safeguards featured the eight subprojects for strengthening country systems for involuntary resettlement and indigenous peoples safeguards under ADB's TA 7566 for Strengthening and Use of Country Safeguard Systems. The Lao PDR, Mongolia, and Sri Lanka are more advanced in implementing their subprojects and delivered presentations on their experiences, lessons learned, and remaining challenges. Cambodia, Indonesia, Nepal, Timor-Leste, and Viet Nam provided an overview and the general context of their subprojects.

The Director General of ADB's Regional and Sustainable Development Department hosted a cocktail reception in the evening.

## ❖ Day 2 – 19 April 2012

The second day opened with the presentation of the two parallel sessions' highlights. The rest of the morning was occupied by two plenary sessions. The first focused on partnerships for strengthening country safeguard systems between countries and their development partners. The experiences of the Lao PDR and Finland, Viet Nam and Canada, and India and the World Bank were featured, along with new safeguard policy of the Japan International Cooperation Agency (JICA). The second highlighted common approaches to safeguards for carbon financing agreements featuring ADB and World Bank's work. The World Wide Fund for Nature (WWF) presented the unique role of civil society organizations to strengthen safeguards for REDD+.

The afternoon featured the last two plenary sessions and the workshop synthesis. The first plenary session focused on the efforts of the private sector to strengthen their environmental and social safeguard systems. Bangladesh Bank and Lafarge Cement presented their approaches in mitigating their projects' environmental and social risks. The International Finance Corporation (IFC) highlighted its partnership with the PRC in shaping its Green Credit Policy. Called "Moving Forward," the last session featured key insights and future steps on strengthening country safeguard systems as viewed by various representatives of DMCs, multilateral and bilateral agencies, and the private sector. The synthesis and closing remarks were delivered by the Director General of ADB's Regional and Sustainable Development Department who said the objectives of the workshop were achieved and declared the workshop a success.

# Proceedings

□ 18 April 2012

## ■ Opening Remarks

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**Nessim J. Ahmad**

DIRECTOR, ENVIRONMENT AND SAFEGUARDS DIVISION, REGIONAL AND SUSTAINABLE DEVELOPMENT DEPARTMENT  
CONCURRENTLY PRACTICE LEADER (ENVIRONMENT), ADB

Mr. Ahmad welcomed participants to the Country Safeguard Systems Regional Workshop. He acknowledged the privilege and the treat of having a strong mix of representatives from ADB's DMCs, other development partner institutions, and civil society who are highly respected and experienced practitioners in environmental assessment and social safeguards.

In the past 2–3 decades, DMCs from Asia and the Pacific have made great strides in assessing environmental impacts of projects, compensating for involuntary resettlement, and protecting vulnerable groups. They have developed their legal frameworks, their national and local implementing institutions, and a whole range of relevant standards regulations to manage environmental impacts and social risks of development activities. This totality of laws, regulations, and institutions constitute country safeguard systems. The evolution of these systems is the workshop's focus.

Multilateral and bilateral development agencies have also evolved their safeguard policies over the years. They have played key roles in assisting DMCs to develop and implement their own country safeguard systems through policy dialogue, investment lending, capacity development, technical assistance for legal reforms, and institutional and human resource development.

The growing convergence between country systems and international financial institutions' fiduciary policies, not only for safeguards but also for financial management and, to a lesser extent, procurement, has been particularly evident in the Asia and Pacific region and around the world. In this regard, the Paris Declaration on Aid Effectiveness (2005) and the Accra Agenda for Action (2008) called for the use of country systems in financial management, procurement, and safeguards in the context of externally financed development projects. This agenda has recently been given added momentum at the November 2011 Busan High Level Forum on Aid Effectiveness.

A central feature of ADB's path-breaking Safeguard Policy Statement (SPS), adopted in 2009, is the renewed emphasis for ADB to support DMCs to continue strengthening their country safeguard systems. In fact, strengthening borrower capacity is one of three objectives of the SPS, and ADB perceives this as a cornerstone of environmentally sustainable and socially inclusive growth. Since it adopted the SPS, ADB has expanded an ambitious regional program of technical assistance for targeted support to country safeguards to facilitate progressive alignment between international best practice and country systems. Many of these workshop presentations are outputs or reports of work in progress from this technical assistance program.

## PLENARY SESSION 1

### SETTING THE SCENE

Chaired by:

**NESSIM J. AHMAD**

DIRECTOR, ENVIRONMENT AND SAFEGUARDS DIVISION, REGIONAL AND SUSTAINABLE DEVELOPMENT DEPARTMENT  
CONCURRENTLY PRACTICE LEADER (ENVIRONMENT), ADB

Against this backdrop, the workshop sought to achieve three important objectives: (i) to provide an opportunity to reflect on the status, celebrate the progress, and learn about innovations on safeguard policy and practices taking place across the region; (ii) to help better understand perspectives of countries on their capacity needs and priorities so that capacity development initiatives can be better targeted; and (iii) to promote the ongoing dialogue and sharing of experience to identify opportunities for South–South cooperation and knowledge sharing.

Mr. Ahmad emphasized that the first plenary session intended to set the scene for the next 2 days of the workshop and provide food for thought on how to make progress on strengthening country safeguard systems.

## Keynote Speech: Towards Common Approaches and Better Results

**Bindu Lohani**

VICE-PRESIDENT FOR KNOWLEDGE MANAGEMENT AND SUSTAINABLE DEVELOPMENT, ADB

Mr. Lohani reflected on his personal journey on safeguards and the milestones leading to country safeguard systems as they are today. In the early 1970s while pursuing his graduate studies in the United States (US) in environmental engineering, Asia was a desolate place for his chosen career. Asia did not have jobs for safeguards or ministries for environmental protection. At the time, the US Environmental Protection Agency was newly established and was just beginning to use environmental impact assessment (EIA) in the form of an environmental impact statement (EIS) as a planning and regulatory tool. He observed that while the EIS process might have been appropriate for the US, the process was both too comprehensive and costly for developing Asian countries.



**Bindu Lohani**, ADB Vice-President, delivering the keynote speech



Between 1975 and 1985, in an attempt to apply what he learned, Mr. Lohani turned to the academe and taught environmental impact assessment at the Asian Institute of Technology. During this period, EIA was simplified to adapt to Asia's needs and emerging capacities, notably in the form of an initial environmental examination (IEE).

In 1985, Mr. Lohani came to ADB as one of two environment staff members. ADB had minimal guidelines on environmental safeguards and with the lack of human resources, it was a struggle to convince operations units to integrate the environmental aspect in feasibility studies and in the development agenda. During this time, international financial institutions started mainstreaming environment into the project cycle. For its part, ADB developed IEE guidelines to screen environmental impacts to save effort and costs in conducting environmental assessments and preparing environment reports.

The year 1989 was a breakthrough for international financial institutions. The Pelosi amendment (to the US International Development and Finance Act of 1989) required the US Executive Director to the World Bank and all regional development banks to abstain from voting to approve certain categories of projects in the absence of prior and full disclosure of EIAs. Through increased transparency, the Pelosi amendment encouraged multilateral development banks to strengthen their environmental and social safeguard policies.

The year 2009 was another breakthrough. ADB adopted the SPS which brought together environment, involuntary resettlement, and indigenous peoples' safeguards into a single policy statement. As ADB handles both sovereign and nonsovereign projects, this made applying the environmental and social safeguards to both public and private sector projects easier.

Formal accountability mechanisms beginning with the World Bank's Inspection Panel in 1993, followed by later accountability mechanisms at other multilateral development banks, were another safeguard milestone. These mechanisms have been designed to provide the means by which persons, who believe they have been adversely affected by projects funded by multilateral development banks, can seek redress and hold institutions publicly accountable to their safeguard policies.

Country safeguard systems provide a comprehensive way to address environmental and social impacts in DMCs. International financial institutions will be very happy to use these systems if they are on a par with or better than international standards for environmental and social safeguards. However, in many countries, much has yet to be done to close the gaps between their country safeguard systems and international best practice.

ADB has committed to strengthening its DMCs' country safeguard systems. Since 1988, ADB has rendered 109 technical assistance and capacity-building projects in 29 DMCs. Since 1998, ADB provided \$40 million to support 32 technical assistance projects in 22 DMCs to improve their involuntary resettlement and indigenous peoples safeguards. More than \$100 million has been spent to align countries' systems with international standards, but there is still a lot to be done for all development partners to use country systems as the singular tool to address environmental impacts and social risks.

Mr. Lohani concluded by saying that in the past 40 years, safeguards had moved from compliance to being an integral part of development. For instance, environment is now a pillar of ADB's long-term strategic framework, Strategy 2020. A third of ADB's portfolio is on environment with \$2.5 billion allotted for environmental and social projects. Mr. Lohani also emphasized that multilateral and some bilateral agencies were at the forefront of safeguard work.

He thanked the organizers of the workshop, and mentioned that the agenda was very interesting and that he looked forward to the outcome of the workshop.

## Strengthening Country Systems for Aid Effectiveness in Viet Nam

**Cao Manh Cuong**

DEPUTY DIRECTOR GENERAL, DEPARTMENT OF FOREIGN ECONOMIC RELATIONS  
MINISTRY OF PLANNING AND INVESTMENT, VIET NAM

Viet Nam is the first developing country to adapt the Paris Declaration to its development context through the Ha Noi Core Statement. Under this statement, Viet Nam and the donor community agreed on several key partnership commitments, one of which was to improve environmental and social safeguards. By 2010, the targets for this commitment were (i) at least 100% of EIAs under donor-funded projects implemented to international standards, at least 30% of which were carried out using government systems; and (ii) at least 100% of social impact assessments (SIAs) under donor-funded projects implemented to international standards, at least 30% of which were carried out using government systems. This ambitious target has been achieved for EIAs at 35% although SIAs fell a little short at 28%.

Viet Nam believes that country safeguard systems, aligned with international best practice, are necessary for sustainable development. Under the Ha Noi Core Statement, it embarked on a journey to harmonize its EIA and SIA with six multilateral and bilateral agencies (ADB, Agence Française de Développement [AFD], JICA, the Export-Import Bank of Korea, KfW, and the World Bank). Viet Nam gets 80% of aid from these agencies for infrastructure development.

In line with the Busan Partnership document, Viet Nam is committed to further improving its country safeguard systems with help from development partners. To this end, Mr. Cuong said that South–South and triangular cooperation were needed to strengthen partnership on country safeguard systems. He also proposed setting up a regional network to share knowledge and good practices.

## International and Asia-Pacific Experience on Country Safeguard Systems

**Stephen Lintner**

SENIOR TECHNICAL ADVISOR, QUALITY ASSURANCE AND COMPLIANCE UNIT, WORLD BANK

Mr. Lintner said that the workshop was the first major event on country safeguard systems in a decade. He acknowledged the excellent partnership between ADB, the World Bank, and bilateral agencies in promoting country safeguard systems, and added that the workshop, which would showcase DMCs' collective country safeguard systems experience, would inform the World Bank's current safeguard policy update process.

Mainstreaming the use of country safeguard systems is one of a number of possible options in ensuring effective safeguards implementation. However, mainstreaming may have to be implemented on a step-wise manner through many iterations and adjustments, as well as capacity-building initiatives.

Rather than being the sole or primary drivers of safeguard policies, multilateral, bilateral, and United Nations agencies are effectively custodians of global consensus agreements on how to deal with environmental and social safeguards in the context of development projects. The safeguard policies of these institutions build upon consultation with a diverse group of stakeholders (e.g., governments and project proponents, labor organizations, and civil society, among others). Implementation is then overseen by board members who represent owner governments of these institutions.

The use of country safeguard systems for projects financed by international financial institutions is an important path forward, but it is not the only path since use of country safeguard systems presents a new set



of risks. The World Bank's pilot-tests showed both the benefits and limits of using country safeguard systems for investment projects. The World Bank's experience in this regard complements ADB's technical assistance program on strengthening country safeguard systems. These two approaches are strongly complementary, and other innovative approaches, particularly from bilateral agencies, are to be strongly encouraged.

Safeguards principles and practice will continue to evolve through an interactive process and to adjust in the face of new experience. In this connection, Mr. Lintner identified four emerging factors that will likely influence the future of safeguards: (i) integration of environmental and social safeguards processes, (ii) safeguarding project investments from climate change risks, (iii) private sector development, and (iv) convergence in the principles and practice of DMCs, multilateral development banks, and bilateral agencies. The key unknown issue ahead is the diversity of challenges and how these will affect safeguards implementation.

## ■ The Philippine Environmental Impact Statement System

### Analiza Rebuelta-Teh

UNDERSECRETARY AND CHIEF OF STAFF, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, PHILIPPINES

Ms. Rebuelta-Teh explained that the Philippine Environmental Impact Statement System (PEISS) aims to achieve optimum economic development without delay, and to ensure that the present generation meets its needs without compromising the needs of future generations. It was established in 1978 through Presidential Decree 1586. Since then, various regulations and policies have been issued to strengthen it.

Today, the PEISS embodies four key features: (i) a procedural manual prescribes screening and review processes and EIA requirements, (ii) social acceptability is established through social preparation and public consultation and participation, (iii) monitoring is undertaken through a multipartite system and is supported by an environmental monitoring fund, and (iv) climate change impact analysis and disaster risk reduction are incorporated.



Analiza Rebuelta-Teh,  
Undersecretary,  
Department of  
Environment and  
Natural Resources,  
Philippines

Weak institutional capacity and coordination, and lack of baseline and critical area data are some of the challenges in implementing the framework. These can be addressed by streamlining and updating procedures, implementing capacity development programs, using ICT, and developing centers of excellence and accreditation.

## **AusAID: Strengthening Country Safeguard Systems**

**Fiona Crockford**

ASSISTANT DIRECTOR, SOCIAL SAFEGUARDS, SOCIAL DEVELOPMENT POLICY SECTION, AUSAID

Ms. Crockford discussed AusAID's new policy on displacement and resettlement of February 2012. The new policy has three principal objectives: (i) to avoid displacement and resettlement wherever possible by considering all viable alternative options; (ii) to compensate for, minimize, or mitigate adverse impacts where such impacts cannot be avoided; and (iii) to enhance, or at least restore, the livelihoods of affected persons relative to pre-project levels, and improve standards of living for the displaced poor and the vulnerable groups. These are consistent with international standards for involuntary resettlement.

Under the new policy, AusAID renews its commitment to support partner governments through technical assistance and to strengthen country safeguards, specifically by supporting and financing design, assessment and capacity building of resettlement policies, strategies, laws, regulations, and specific plans.

The BRACE (Building the Resilience and Awareness of Metro Manila Communities to Natural Disaster and Climate Change Impacts) project in the Philippines is an example of AusAID's current generation of innovative projects. It sees resettlement as a development goal in itself. To be implemented from 2010 to 2017, the BRACE project seeks to reduce the vulnerability of urban poor families to natural disasters by securing the safety of 9,000 people living in hazard-prone areas through safe in-city housing.

In implementing the new policy and supporting projects such as BRACE, Ms. Crockford identified four areas for further action within AusAID: (i) improving transparency, (ii) strengthening staff capacity, (iii) streamlining project processes, and (iv) building a regional safeguards community of practice.

### **PLENARY SESSION 2**

#### **COUNTRY APPROACHES TO COUNTRY SAFEGUARD SYSTEMS STRENGTHENING**

Chaired by:

**MARIE-ANNE BIRKEN**

DEPUTY GENERAL COUNSEL, OFFICE OF THE GENERAL COUNSEL, ADB

Ms. Birken framed the focus of the session as presenting the efforts of DMCs to incorporate international best practices in their country safeguard systems during the past 2 decades. The session consists of two parts, with the first demonstrating the experiences of the PRC, India, and Indonesia in improving their legal framework for involuntary resettlement and the remaining challenges they face. The second features strengthening country safeguard systems through South–South cooperation for environmental assessment under the Asian Environmental Compliance and Enforcement Network (AECEN). To illustrate this, the twinning arrangements for the PRC as the mentor country for the Lao PDR and Sri Lanka were presented.

## **New Developments on Land Acquisition, Rehabilitation, and Resettlement in India**

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**Prabhudayal Meena**

ADDITIONAL SECRETARY (LAND REFORMS), MINISTRY OF RURAL DEVELOPMENT, INDIA

The Land Acquisition, Rehabilitation and Resettlement (LARR) Bill of 2011 intends to create a single, integrated law covering land acquisition, resettlement, and rehabilitation. It is meant to repeal the Land Acquisition Act of 1894, which has become unwieldy after 17 amendments, and to improve the LARR Bill of 2007 by integrating rehabilitation and resettlement into land acquisition.

The LARR Bill of 2011 incorporates several international standards on involuntary resettlement. An SIA is a prerequisite for land acquisition. Consent is also required with at least 80% of affected families having to agree before the project land acquisition can proceed. Land acquisition must be accompanied by rehabilitation and resettlement. Hence, compensation is to be based on market value. Henceforth, and for the first time, the loss of livelihood for affected persons will be taken into consideration.

The LARR Bill of 2011 also intends to address the issue of food security by putting a ban on the acquisition of irrigated multi-crop land, unless it does not exceed 5% of the total of such land in the district. It also aims to protect scarce land resources and the interests of farmers and the landless.

Once adopted, provisions of the new law will be applied retroactively and will apply to cases where compensation negotiations are ongoing or where titles have not yet been transferred.

## **Legal Framework and Implementation Practices for Land Acquisition and Resettlement in the People's Republic of China**

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**Wang Baiyuan**

LAND POLICY RESEARCH CENTER, CHINA LAND SURVEYING AND PLANNING INSTITUTE, PRC

In the PRC, land acquisition in rural areas refers only to the conversion of rural collective land into state-owned land not to the taking of urban residential property. It is regulated by the Constitution, Property Law, and Land Management Law. Such laws require different approving authorities depending on the size of land to be acquired. They also require compensation based on prior usage and set out a grievance redress mechanism to resolve disputes over compensation.

The Decision of the State Council on Deepening Reforms for Tightening Land Management (2004) refined the policy on compensation while the Notice on Further Improving Land Acquisition and Management (2010) sought to establish better land acquisition procedures. However, problems still persist. The scope of public interest is too broad. The amount of compensation is low and does not reflect the real value of the land. Implementation of land resettlement procedures is weak. The issue of landless farmers' livelihoods is inadequately addressed. People's right to know, participate, or appeal is frequently not respected.

In light of all this, amendments to the Land Management Law are proposed to define more clearly the scope of land acquisition and the public interest. They are also meant to harmonize the law with the Ordinance on House Acquisition and Compensation for State-Owned Land, which is the new law governing land acquisition in urban areas that already incorporates international standards for involuntary resettlement. The amendments will ensure that compensation will be determined based on market value or replacement cost. Specific compensation will be provided for farmers' houses and homesteads. Attention will be given also to lost livelihood and sustainable development. The amendments will further improve the land acquisition procedure, including requirements for notice, access to information, consultation and hearings, as well as more effective dispute resolution.

## ■ Indonesian Law on Land Acquisition

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**Kurnia Toha**

CENTER OF LEGAL STUDY, NATIONAL LAND AGENCY, INDONESIA

In the past, Indonesia's regulatory framework had no mechanism for affected persons to negotiate or ensure a fair procedure for land acquisition. Compensation was limited to land owners or legal right holders and not based on market value. Land acquisition committees remain ad hoc and institutions' jurisdictions are overlapping. Diverse sector regulations also apply to particular projects.

To address these issues and incorporate international standards for involuntary resettlement, the Law on Land Acquisition was promulgated by the Indonesian Parliament in December 2011 and signed into law by the President in January 2012. The law designates projects in the public interest for the purpose of land acquisition. It is based on human rights' principles stating that affected persons' rights must be respected.

It provides for the protection of people without legal title. It also provides for consultation of affected people and a grievance redress mechanism. Compensation is to be equal to the value of the property acquired: i.e., the value of the land; the value of the house, buildings, trees, or other objects on the land; and other losses that are capable of being valued. An independent appraiser will determine these values. Land acquisition, from preparation to transfer of the land to the project owner/institution, must be completed within 432 days.

Once the law is enforced, the National Land Agency may need to carry out some internal restructuring. It will also need to build human resource capacity, not least in terms of negotiation skills, to implement effectively the new procedures established by the law.

## ■ South–South Cooperation

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**Peter King**

HEAD, AECEN SECRETARIAT

**Cui Shuhong**

DEPUTY DIRECTOR, DEPARTMENT OF EIA, MINISTRY OF ENVIRONMENTAL PROTECTION, PRC

**Ramani Ellepola**

DIRECTOR GENERAL, CENTRAL ENVIRONMENTAL AGENCY, SRI LANKA

**Phakkavanh Phissamay**

ASSISTANT DIRECTOR, ENVIRONMENTAL IMPACT ASSESSMENT DEPARTMENT; DIRECTOR, PLANNING AND FINANCE DIVISION; AND ACTING DIRECTOR, LAW AND INFORMATION DIVISION, MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT, LAO PDR

### *Asian Environmental Compliance and Enforcement Network*

AECEN was established in 2005 with the help of ADB and AusAID to strengthen EIA in Asia and the Pacific by sharing experience and expertise among its members. Today, AECEN's membership comprises 16 national environmental agencies.

AECEN has proven to be an effective agent for South–South cooperation through member-to-member twinning. Twinning involves a technical exchange between members with clear work plans, milestones, and tangible deliverables. Members identify their priorities and the secretariat conducts a rapid assessment to define capacity and needs, identifies suitable partners, and replicates results through dissemination or use of other tools.

AECEN has found its members are prepared to work together on a South–South or peer-to-peer basis and demonstrated that such cooperation is cost-effective for strengthening national capacity as mentors' contributions are pro bono. Moreover, both mentor and protégé countries have indicated that they gained much from such exchanges. The PRC, based on the success of its prior cooperation, is again serving as a mentor to Sri Lanka to strengthen EIA and strategic environmental assessment (SEA) implementation, as well as to the Lao PDR to improve EIA legislation.

### *People's Republic of China*

EIA is now well entrenched in the legal framework of the PRC, including the EIA Law (2003) first introduced in 1973. The EIA system has been augmented in the last few years by regulations and practice regarding planning, construction projects, and public participation. Moreover, the PRC has developed technical guidance and standards on EIA that include environmental quality standards, pollutant-discharge standards, and guidelines for construction projects and planning. All projects must meet these standards and every EIA must adhere to the requirements of the technical guidelines.

The Ministry of Environmental Protection (MEP) is responsible for overseeing EIA in the PRC. MEP wishes to share its knowledge and experience on EIA through South–South cooperation. A beneficiary of assistance from developed countries in the past, MEP is convinced of the value of exchanging experience with, and learning from, other countries. Therefore, as part of its bilateral aid program, MEP is keen to provide training on EIA and to increase technical cooperation with Sri Lanka and the Lao PDR.

### *Sri Lanka*

Environmental protection and management in Sri Lanka is founded on the 1993 Regulations on EIA and the National Environmental Act (No. 47) of 1980. A full EIA process applies to large-scale infrastructure and industrial and resource extraction projects, as well as to projects situated in environmentally sensitive areas. Small-scale projects do not require a full EIA. Moreover, although project-level EIA is a legal requirement, SEA is not. However, in 2006 the Cabinet of Ministers declared that all new policies, programs, and plans should undergo a SEA prior to implementation. Several SEAs have been carried out in five northern districts in a state of civil unrest for almost 30 years.

Twinning activities with the PRC are seen as a way to strengthen Sri Lanka's capacity on SEA, as well as a means to develop sector-specific guidelines on EIA and monitoring guidelines for existing projects.

### *Lao People's Democratic Republic*

The Lao PDR's vision is for the country to be free from poverty by year 2020 through increase in foreign investment and other development measures. Recently, it has experienced rapid increase in investments in hydropower, mining, and agriculture. In this context, the Lao PDR sees South–South cooperation as particularly effective in minimizing the adverse environmental and social impacts of investment projects and in ensuring sustainable development.

The Lao PDR has now established cooperation on environmental issues with Cambodia, the PRC, Thailand, and Viet Nam. A memorandum of understanding on cooperation with the PRC's MEP on water-related environmental and social safeguards is being prepared. Moreover, a delegation from the Lao PDR visited the PRC to learn from the latter's experience on carrying out social impact assessments and resettlement, as well as on compensating affected persons.

For the Lao PDR, the rationale and benefits of twinning are clear as partner countries have common goals and face similar development challenges. South–South cooperation brings mutual benefits to twinned countries as partners learn from one another. The Lao PDR hopes that cooperation will be expanded to cover other aspects of environmental and social safeguards.

## Discussion

The question on the timeline for adoption of India’s LARR bill was raised. It was pointed out that a deadline could not be imposed on Parliament to enact a law. The Parliamentary Standing Committee has a 3-month legislative schedule, but no strict deadlines. However, the Ministry of Rural Development is pushing for the urgent adoption of the LARR bill, as most land acquisition in the country has been suspended pending its approval, and it is expected that it will be passed by Parliament within the year.

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### PARALLEL SESSION 1

#### IMPLEMENTING ENVIRONMENTAL IMPACT ASSESSMENT: GOOD PRACTICES AND CHALLENGES

Chaired by:

**HELEN CRUDA**

ENVIRONMENT SPECIALIST, ADB

**HARVEY HIMBERG**

CONSULTANT

This session provided a venue to share DMCs’ experiences in implementing EIA to take note of their good practices to protect the environment and their efforts to strengthen their country safeguard systems for the environment. In this context, Indonesia, the Philippines, and Viet Nam also discussed their ongoing and proposed subprojects under ADB’s TA 7566 for Strengthening and Use of Country Safeguard Systems. The PRC presented its approach to strategic environmental assessment. A distinguished set of panel members provided reactions on the four presentations.

### Improved Legal Framework for Strategic Environmental and Environmental Impact Assessments, and Future Activities in Viet Nam

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**Mai Thanh Dung**

DIRECTOR GENERAL, DEPARTMENT OF IMPACT ASSESSMENT AND APPRAISAL

**Lauren Sorkin**

COUNTRY SPECIALIST, VIET NAM RESIDENT MISSION, ADB

Since enactment of the Law on Environmental Protection in 1993, Viet Nam has continuously sought to align its country safeguard systems with international best practice by strengthening its legal framework and institutional capacity. An equivalence assessment showed that Viet Nam’s legal framework is 62% equivalent to ADB’s environmental safeguards, 26% partially equivalent, and 12% not equivalent. The presentation showed that opportunities for improvement exist in screening, scoping, and preparing the terms of reference, disclosure of information, environmental management plan, and post-EIA monitoring. However, implementation remains a challenge.





Parallel session on the environment

Under the Ha Noi Core Statement, Viet Nam, with the assistance of development partners, is targeting implementation of 100% of EIAs and SIAs under donor-funded projects “to international standards, at least 30% of which carried out using government systems.” To help achieve this target, Viet Nam sought ADB’s assistance through TA 7566 to align the General Implementing Circular on SEA, EIA, and environmental protection commitments (EPCs) with international best practice. This assistance has three outputs: (i) recommendations on the General Implementing Circular, (ii) assessment of institutional and capacity needs for implementing the general circular of the revised decree, and (iii) action plan for strengthening implementation of new assessment procedures and general circular. Improvements for administering the SEA, EIA, and EPC were discussed.

As part of its continuing efforts to strengthen its country safeguard systems, Viet Nam will continue to (i) strengthen the capacity of staff at the Ministry of Environmental and Natural Resources (MONRE) and its local counterparts (DONREs), as well as line ministries; (ii) improve inter-sectoral coordination; (iii) upgrade databases and information systems for EIA; (iv) procure equipment for monitoring purposes; (v) improve post-EIA monitoring and cooperation between central and local agencies; and (vi) develop and issue guidelines on specialized EIA preparation techniques. It is also considering amending the Law on Environmental Protection to achieve further harmonization with international standards.

## Panel’s Reaction

**David Annandale**

CONSULTANT

Mr. Annandale acknowledged the steady development of Viet Nam’s safeguard system over the years and the sophisticated improvements under the Ha Noi Core Statement. He observed two trends: (i) enhancement of safeguards is moving from the central government to the provinces, particularly capacity development at the divisional offices; and (ii) there is a move from projects to non-projects to embrace strategic planning.

Mr. Annandale stated that the huge growth in Viet Nam’s private sector posed both an advantage and a challenge. On the one hand, EIA will be conducted by competent experts but since the private sector provides better employment opportunities, it will attract specialists from the public sector where technical expertise is already limited. In conclusion, Mr. Annandale said that to experience the full benefits of environmental safeguards in facilitating development, these needed to be perceived not as a regulatory barrier but as a measure to improve project design.

## **The Philippine Environmental Impact Statement System: Regulatory Framework, Key Features, Lessons Learned, Improvement, Initiatives, and Directions**

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**Gilbert Gonzales**

OFFICER-IN-CHARGE AND ASSISTANT DIRECTOR, ENVIRONMENTAL MANAGEMENT BUREAU  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Following initiation of the Philippine Environmental Policy (1977), the Philippine Environmental Impact Statement System (PEISS) was established in 1978 through Presidential Decree 1586 to manage project risks to the environment. The Environmental Management Bureau (EMB) currently administers and enforces the PEISS using Administrative Order No. 30 of the Department of Environment and Natural Resources (DENR) as the guide. This is supplemented by the Revised Procedural Manual issued by EMB in August 2007. Over the years, manuals and guidelines prepared to strengthen the PEISS implementation have included the PEMAPS handbook in 2005, which describes the administrative and technical procedures for the monitoring and audit of PEISS; EIA Review Manual in 2007 to enhance the effectiveness of the EIA review team; project-specific EIS system screening forms to facilitate the scoping process; and initial environmental examination (IEE) checklists to replace the use of an IEE report.

Innovations were introduced into the EIS system, including the EIS information system, online application for certificate of noncoverage, multipartite monitoring team, the environmental guarantee fund, and disaster risk reduction and climate change adaptation. Processes were improved that reduced the average time required for EIS processing from 159 days in 2009 to 22 days in 2011, and completion of the certificate of no-objection application process in a single day. Issues persist pertaining to, among others, information disclosure, consistency in enforcement across different regions, overlapping mandates with local government units, and pressures from newly established green courts. The institutional capacity of the EMB is facing challenges due to inadequate human resources, very high turnover rate of staff due to security of tenure issues, and budgetary constraint. This is compounded further with the inclusion of small-business activities in the EIS system that overwhelms DENR personnel and budget resources.

The EMB has continually implemented progressive enhancement and improvements. The PEISS received assistance from ADB, the United Nations Development Programme, and the World Bank to incorporate international best practice. With its recent subproject under ADB's TA 7566, the EIS system is expected to be brought closer to international standards by strengthening environmental screening and compliance monitoring.

## **Philippine Environmental Safeguard System Implementation Assessment**

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**Jo Rowena Garcia**

CONSULTANT

In parallel with the above initiatives but at a broader scale, a diagnostic study is being conducted to assess the country's implementation of environmental safeguard requirements that correspond to ADB's environmental safeguard policy principles. This study was commissioned by ADB, in close coordination with the World Bank. Guided by the draft ADB Equivalence Assessment, the study identified 17 Philippine laws and 9 corresponding lead agencies, and other key stakeholders based on their specific roles on environmental management or stewardship. The assessment aims to identify the weaknesses and strengths of implementation practices of each agency/stakeholder in its own mandated area or area of interest and across environmental safeguards.

The implementation track record of three system elements—implementation practices, outputs generated and outcomes achieved across regulated projects and over time, and institutional resources of the agency/stakeholders—will serve as key references to examine each agency's environmental performance in managing environmental and social risks.



The study aims to generate among lead government agencies and key stakeholder groups shared understanding and recognition of the following: (i) the strengths and weaknesses in interagency implementation of the country's environmental safeguards based on the provision of an intensive, integrated environmental protection program per the Philippine Environmental Policy of 1977; and (ii) action plans developed in coordination across agencies and among stakeholders so that the objectives of the country safeguards may be effectively achieved and sustained.

## Panel's Reaction

**Josefo Tuyor**

SENIOR OPERATIONS OFFICER, WORLD BANK

Mr. Tuyor praised the Philippine EIS System for having a strong and dynamic legal framework that now has the key elements of internationally accepted principles. Based on a joint ADB–World Bank study, it generally conforms to the environmental assessment objective of ensuring environmental and social soundness and sustainability of projects. However, implementation remains a challenge. Technical capacity needs to be enhanced, risk-based monitoring strengthened, and databases improved.

Mr. Tuyor also commended the improvements introduced in the EIS system that enhanced procedures and processing. However, the quality of the EIA review and reports needs further attention. These have yet to incorporate an exhaustive analysis of alternatives. They also need to be prepared early during project preparation to influence project location and project design.

## AMDAL Implementation in Indonesia

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**Ary Sudijanto**

DIRECTOR FOR ENVIRONMENTAL ASSESSMENTS, DIRECTORATE FOR EIA, MINISTRY OF ENVIRONMENT

**Pantja Putih Wardani**

SENIOR PROJECT OFFICER, INDONESIA RESIDENT MISSION, ADB

Since its official introduction in 1986 through Government Regulation No. 29, several innovations have been introduced to improve both the legal basis and implementation of AMDAL.<sup>3</sup> The regulations have been revised several times to accommodate changes in the socioeconomic-political situation of the country. The last revision was signed by the President in February 2012, as a follow-up to a new Environmental Protection and Management Act initiated by the Parliament and promulgated in 2009. With this new regulation, AMDAL approval is followed by issuance of an environment permit, which provides for stronger legal grounds than before.

Implementing AMDAL in a large country with diverse and productive development sectors faces enormous challenges, which relate to the quality of EIA reports associated with the capacity of consultants and EIA review commissions at the national, provincial, district, and city levels. In 2004, internal assessments conducted identified the need for revised technical guidelines, more training, a competency certification requirement for EIA consultants, and a licensing requirement for AMDAL review commissions. An AMDAL Information System to manage AMDAL-generated data and to supervise the local governments was developed. An information exchange forum for practitioners who provide valuable feedback to the Ministry of Environment was also formed.

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<sup>3</sup> AMDAL = Analisis Mengenai Dampak Lingkungan (Indonesia's environmental impact assessment system).

As Indonesia continues to improve AMDAL, it envisions that by 2025 all environment instruments will be functioning effectively and efficiently. To this end, Indonesia sought ADB's assistance through TA 7566 to (i) provide recommendations to improve the AMDAL legal and regulatory framework and administrative procedures, (ii) integrate AMDAL implementation procedures into local and sector-specific project permitting, (iii) provide recommendations to improve the certification procedure, (iv) strengthen capacity to review AMDAL reports, and (v) improve knowledge management of the national AMDAL practitioners network.

## Panel's Reaction

**Harvey Himberg**

CONSULTANT

The rapid decentralization in Indonesia poses three challenges to the AMDAL system. One, there is a need to reestablish the link at the central and regional levels between AMDAL as an assessment and management tool and AMDAL as a project permitting process informed by AMDAL itself. Two, the many types of new resources the EIA Directorate proposes need to be developed sequentially, and development partners need to coordinate among themselves to determine how best to proceed. Three, the expertise of AMDAL practitioners need to be mobilized from the central to the provincial level where strong demand for practitioners' specialization is evident.

On a positive note, decentralization, in many ways, is conducive for AMDAL's continuous improvement. Increased democracy in governance and administration allows inputs from many sectors and benefits to be considered at local levels of government decision-making.

## The Progress of Strategic Environmental Assessment in the People's Republic of China

**Zhang Hui**

ASSISTANT DIRECTOR, APPRAISAL CENTER FOR ENVIRONMENT AND ENGINEERING

MINISTRY OF ENVIRONMENTAL PROTECTION

The Strategic Environmental Assessment (SEA) Technical Guideline was issued in 2003, the same year the EIA Law was enacted. Article 7 of the EIA Law states that relevant departments of the State Council, local government at the municipal level and above, as well as relevant departments should conduct EIA on plans that may have impacts on the environment. Accordingly, plans for land use, development of river basins and coastal areas, and regional development require SEA. Subsequently, several planning reports were prepared. Since 2003, the number of planning reports reviewed has increased to 69 in 2011.

On the other hand, SEA for mega regions is not provided for by law. Currently, there are five mega regions covering 13 provincial areas, 19% of the national land area, 37% of the national population, and 36% of gross domestic product. Apart from these mega regions, the PRC will also embark on the SEA for the Western Development Program.

In implementing SEA, the PRC experienced several challenges, including difficulty in gathering baseline information, need for technical guidelines and methodology, and monitoring. There has also been some reluctance in conducting SEA due to the analytical rigor and costs required. Despite these, the PRC intends to improve SEA legislation, strengthen supervision of SEA by environmental protection authorities, and conduct research on practical SEA methodologies, among others.

## Panel's Reaction

**David Annandale**

CONSULTANT

In response to the growing need for SEA, there has been a huge development of practical experience among experts. In 2008, 200 PhDs in SEA were awarded and 500 academic papers written. In 20 years, the PRC expects to need around 10,000 SEA practitioners. The move toward SEA policy requires a different skill set.

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## PARALLEL SESSION 2

### SOCIAL SAFEGUARDS

Moderated by:

**RALF STARKLOFF**

SENIOR SOCIAL SAFEGUARD SPECIALIST, ADB

**PETER LEONARD**

LEAD SAFEGUARDS PRACTITIONER, WORLD BANK

This plenary session highlights the eight subprojects approved for funding under regional TA 7566 on Strengthening and Use of Country Safeguard Systems and discusses common issues and approaches in strengthening country systems on involuntary resettlement and indigenous peoples' safeguards. Being more advanced in subproject implementation, the Lao PDR, Mongolia, and Sri Lanka presented their accomplishments and future activities. Cambodia, Indonesia, Nepal, Timor-Leste, and Viet Nam provided brief statements on their subprojects.

## Opening Remarks to the Parallel Session on Social Safeguards

**Ralf Starkloff**

SENIOR SOCIAL SAFEGUARD SPECIALIST, ADB

Land is a critical input for most development projects and, in public-purpose projects, is usually procured through eminent domain powers involving expropriation, if the parties involved cannot first settle through negotiations. Physical and economic displacement due to involuntary land acquisition and resettlement in development projects poses a significant risk for the livelihoods of the affected persons. For ADB as a development bank with a commitment to poverty reduction, addressing risks resulting from involuntary resettlement has been a central concern, and ADB adopted its Policy on Involuntary Resettlement in 1995. Since the 1990s, an international standard for safeguarding the livelihoods of displaced persons has emerged among international finance institutions and development partners. The Involuntary Resettlement Safeguards of ADB's Safeguard Policy Statement (2009) clearly reflects this international standard. Since the turn of the century, there has been a trend among many developing countries to increasingly institutionalize safeguard provisions for involuntary resettlement in their policy, legislative, and regulatory frameworks for land acquisition. Among these countries, the understanding that they need to proactively address the risks and adverse effects of development-induced displacement on their citizens is becoming increasingly accepted.

The initiative for the strengthening and use of country safeguard systems among several donor banks over the past years has sought to support and facilitate this development, which has benefitted from open and constructive partnerships between borrower countries and donors. This process is nevertheless a gradual one where much learning and bridging of gaps remains to be done by all partners involved. Among



Parallel session on  
social safeguards

the key issues to be addressed are (i) compensation and rehabilitation of poor and vulnerable non-titled persons, (ii) long-term sustainable livelihood rehabilitation of all displaced persons, and (iii) acceptance of full replacement value and cost as a standard for compensation.

ADB's TA 7566 on Strengthening and Use of Country Safeguard Systems is making a significant contribution to the emergence and consolidation of improved involuntary resettlement safeguards frameworks and practices. Driven by demand from the participating member countries, the TA currently carries out subprojects addressing involuntary resettlement in eight countries.

## ■ Reform of Legal and Regulatory Framework for Involuntary Resettlement in Mongolia

**Dorjgotov Munkhbaatar**

DIRECTOR GENERAL, URBAN DEVELOPMENT AND LAND AFFAIRS POLICY DEPARTMENT

MINISTRY OF ROADS, TRANSPORT, CONSTRUCTION AND URBAN DEVELOPMENT

**Chinzorig Batbileg**

CONSULTANT TEAM LEADER FOR ADB TA 7566 SUBPROJECT ON INVOLUNTARY RESETTLEMENT, MONGOLIA

Mongolia's subproject seeks to support the introduction of eminent domain legislation through a Land Acquisition, Resettlement and Compensation (LARC) Law, which integrates international social safeguard standards, ensuring the protection of the rights of displaced persons and vulnerable groups. For the past 5 years, Mongolia's economy has been growing at more than 10%. However, urban redevelopment and the provision of public infrastructure services have been constrained by insufficient availability of land and the inability of the government to acquire land for public purposes through expropriation. Currently, land can be acquired only through negotiated settlement.

While negotiation with land users is the preferred mode of land acquisition, expropriation will be used as a last resort if agreements cannot be reached and land acquisition is unavoidable. The powers of eminent domain will apply only to projects carried out for (i) state and local special needs, (ii) public needs, and (iii) urban redevelopment in *ger*<sup>4</sup> areas. All persons affected by expropriation will be duly consulted, compensated at

<sup>4</sup> *ger* = suburban or peri-urban areas of the cities.

replacement cost, and assisted with restoring their living standards at pre-project levels. Additional welfare measures will be provided to vulnerable groups. A mediation council composed of displaced persons' representatives will be set up to settle disputes.

Mongolia intends to use and build on its current institutions to deliver requirements for involuntary resettlement safeguards. For instance, the State Inspection Authority will be responsible for monitoring, the National Auditing Office for auditing, and the Court Decision Enforcement Agency for carrying out forced eviction. To ensure that resettlement is sufficiently funded, resettlement costs will be embedded in project costs and included in project documents. Mongolia will also explore partnering with suitable private sector groups to implement resettlement plans under close supervision by government agencies.

Drafting the LARC Law to incorporate international best practice is not without challenges. Foremost among this is the consultation of a wide range of stakeholders to build consensus among them. The law's provisions also need to be harmonized with existing laws and future legislation, and to be simplified to be understandable and accessible to affected persons. The law will be reviewed and finalized taking into consideration these challenges. The development of regulations for the implementation of the LARC Law and capacity building among the staff of the institutions in charge of land acquisition are also among the key activities to be supported by the subproject.

## ■ Supporting and Strengthening National-Level Capacity for a Country Involuntary Resettlement Safeguard System in Sri Lanka

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**P. W. Senaratne**

SUBPROJECT CONSULTANT

**Harsha Fernando**

SUBPROJECT CONSULTANT

**Aruna Nanayakkara**

SENIOR PROJECT OFFICER, ADB

In Sri Lanka, eminent domain allows land and right-of-way to be acquired subject to three criteria: (i) for public purpose, (ii) after due compensation, and (iii) in an expeditious and fair manner, including public disclosure, consultation, and a right of appeal. Land acquisition and resettlement is the responsibility of the Ministry of Land and Land Development. However, in practice, displaced persons are compensated and treated differently depending on the institution implementing a project. The legal instruments governing involuntary resettlement also do not recognize non-titled land users and encroachers on state lands. This resulted in an increase in judicial interventions and the drafting of a National Involuntary Resettlement Policy.

The Land Acquisition and Resettlement Committee, established in 2001, introduced international best practice in involuntary resettlement although only for Cabinet-approved projects. These include replacement cost for lost lands, special assistance to vulnerable groups, provision of relocation allowance, and compensation for lost dwelling units of tenants and encroachers and for lost incomes of sharecroppers, farmers, and commercial enterprises in the informal sector. The Land Acquisition Regulations (2008) under the Land Acquisition Act (1950) and the National Policy for Payment and Compensation (2008) have been instrumental in ensuring that all displaced persons are duly compensated and assisted in restoring their lost assets and livelihoods.

Under TA 7566, an equivalence assessment has been initiated to determine gaps between Sri Lanka's current legal framework and international best practice and standards. Initial results showed about 70% equivalence. The final equivalence assessment will make recommendations for amendments to the Land Acquisition Act, as well as other relevant laws, regulations, and circulars. Furthermore, the subproject will prepare a capacity development plan, carry out training, and develop a user-friendly resettlement manual.

## ■ Strengthening Capacity to Implement the Lao PDR's Resettlement Policies

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**Thavone Vongphosy**

DEPUTY DIRECTOR GENERAL, DEPARTMENT OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (DESIA)  
MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT (MONRE)

**Phakkavanh Phissamay**

DIRECTOR OF PLANNING AND FINANCE DIVISION, DESIA, MONRE

The Lao PDR intends to graduate from being a least developed country by 2020, through substantial infrastructure development in hydropower, mining, and agriculture. To help protect the several thousands of people who will be displaced when lands will be acquired for these activities, the Government of the Lao PDR sought ADB's assistance through TA 7566 to improve DESIA's capacity to implement its resettlement policies and legislation, particularly Decree 192/PM (2005): Compensation and Resettlement of Affected People by Development Projects. Decree 192 requires all displaced persons to be compensated and assisted in improving or at least maintaining their pre-project incomes and living standards.

The institutional capacity needs assessment revealed that government staff have limited knowledge and experience with social safeguards. To address this, a capacity development action plan was prepared and several activities have been completed, including a training of trainers, eight social safeguard training workshops for DESIA and line ministries at the provincial and district levels, and the completion of a Social Safeguards Training Manual. The training activities resulted in increased staff capacity and confidence in implementing safeguard policy requirements in their work.

The country's subproject under ADB's TA 7566 is part of a comprehensive effort among development partners to strengthen the country's system for land acquisition, resettlement, and compensation. With the assistance of the United Nations Development Programme, EIA Writing, Review, and Monitoring Guidelines, which incorporate social aspects, are being developed. In partnership with the World Bank, a social management unit will be set up, a social impact assessment curriculum will be established in the National University of Laos' undergraduate and master's programs, and social safeguards will be strengthened in the hydropower and mining sectors. In conjunction with Finland, model environmental and social obligations under concession agreements in the energy sector and ECC model conditions incorporating social aspects will be developed, and on-the-job training on concession agreement negotiations will be conducted.

## ■ Social Safeguards: Challenges to the Use of Country Systems

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**Peter Leonard**

LEAD SAFEGUARDS PRACTITIONER, WORLD BANK

Mr. Leonard observed that, depending on the region, country safeguard systems are in varying degrees of alignment with World Bank policies on involuntary resettlement and indigenous peoples. He noted that considerable differences remain in some regions, and the World Bank is working with its clients to address these gaps by focusing less on procedure and more on results. Mr. Leonard also argued that the scope of social safeguards needs to go beyond involuntary resettlement and indigenous peoples to address the social issues of projects more comprehensively. Gender, labor, and human rights are some topics being discussed in the World Bank for inclusion among social safeguards. However, to ensure ownership and more effective results, social safeguards have to be embedded in country safeguard systems.



## ■ Developing Resettlement Safeguard Capacity in the Transport Sector in Timor-Leste

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**Joao Pedro Amaral**

DILI REGIONAL ENGINEER, MINISTRY OF INFRASTRUCTURE

**Bernardo Almeida**

LEGAL ADVISOR, MINISTRY OF JUSTICE

Since Timor-Leste won its independence, land ownership issues have posed a critical challenge due to multiple causes, including the destruction of the land registry during armed conflicts, lack of land registration in the past, overlapping land rights established under different historical legal frameworks, and forced occupation and abandonment of land. In 2003, only undisputed parcels of land were registered with ownership rights by virtue of a decree. A proposed Land Law and Expropriation Law were introduced in 2010 and are awaiting confirmation by the National Parliament.

Under TA 7566, Timor-Leste's subproject aims to (i) assess the legal framework against international standards, (ii) assess the implementation capacity of government institutions, (iii) develop guidelines for land acquisition and resettlement safeguards, and (iv) prepare an action plan to strengthen the legal framework and implementation capacity.

Recent experience shows that land laws are difficult to develop and approve, while there is considerable pressure to move ahead with development projects involving extensive land needs and construction activities. Timor-Leste intends to use the existing legal framework to the extent possible to regulate the development process, such as its strong cadastral procedures, to safeguard the property rights and livelihoods of affected persons. It is recognized that good coordination and a national dialogue among various government agencies and development partners is critical to develop a national system for land acquisition and resettlement.

## ■ Strengthening Involuntary Resettlement Safeguard Systems in Nepal

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**Gopi Nath Mainali**

JOINT SECRETARY, INFRASTRUCTURE DEVELOPMENT DIVISION, NATIONAL PLANNING COMMISSION

**Lal Sankar Ghimire**

JOINT SECRETARY, FOREIGN AID COORDINATION DIVISION, MINISTRY OF FINANCE

The Land Acquisition Act of 1977, which replaced the Land Acquisition Act of 1961, remains the main instrument guiding land acquisition and involuntary resettlement in Nepal. It is supplemented by acts in forestry, road, water, irrigation, and other sectors that contain clauses on involuntary resettlement. In general, Nepal's legal instruments may be considered too scattered and limited in scope and thus lack the necessary provisions to ensure the restoration or improvement of the livelihoods of affected persons. Nepal also faces the challenges of appropriate valuation of lost assets and ineffective coordination among government agencies involved in land acquisition and resettlement.

To strengthen and expand the legal framework, the Nepal Law Commission drafted the Land Acquisition Act of 2011 that, among others, extends to private firms implementing projects directly related to public services. To ensure that the final Land Acquisition Act reflects international standards for involuntary resettlement, Nepal has sought ADB's assistance through TA 7566 to conduct a diagnostic study of its involuntary resettlement laws and regulations. Recommendations to improve the draft Land Acquisition Act of 2011 will follow the gap analysis between its legal framework and international best practice.

To improve resettlement implementation, capacity development plans will be prepared following an assessment of institutional capacity to carry out the new Land Acquisition Act. Technical guidelines for the road, urban, and energy sectors will also be developed.

## ■ Capacity Development for Social Safeguard Preparation and Implementation in Water Resource Management and Energy in Indonesia

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**Kurnia Toha**

HEAD, CENTER OF LEGAL STUDY, NATIONAL LAND AGENCY, INDONESIA

**Naning Mardiniah**

CONSULTANT

Indonesia is committed to strengthening its systems for involuntary resettlement safeguards. For the past decades, it has enacted laws and regulations on land acquisition for development projects that serve the public interest, including the Basic Agrarian Law, which recognizes customary laws and rights. It developed sector policies governing social safeguards for roads, water resources, environment, and electricity. Training was conducted among government staff, and safeguards units were established in two government agencies.

Several gaps still remain between Indonesia's country systems and international best practice. Replacement cost and relocation assistance have yet to be established. The high risk of impoverishment among vulnerable groups has yet to be addressed.

Indonesia's subproject under TA 7566 seeks to strengthen social safeguard implementation capacity of government agencies responsible for water resource management and energy. These agencies seek to receive assistance for capacity building as they are responsible for infrastructure development, which requires considerable land acquisition and resettlement. Under the subproject, diagnostic analysis of laws and regulations on social safeguards for the two sectors will be conducted. Capacity development plans will be developed based on an assessment of institutional capacity to implement country safeguard systems. Training and workshops will be conducted, and social safeguard units will be established in the relevant agencies.

## ■ Preparation of Draft Sub-Decree on Informal Settlers in Cambodia

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**Chhorn Sopheap**

DEPUTY SECRETARY GENERAL, MINISTRY OF ECONOMY AND FINANCE

**Im Sethyra**

DIRECTOR, RESETTLEMENT DEPARTMENT, MINISTRY OF ECONOMY AND FINANCE

**Sim Samnang**

DEPUTY DIRECTOR, RESETTLEMENT DEPARTMENT, MINISTRY OF ECONOMY AND FINANCE

After 3 decades of war, Cambodia achieved internal stability and peace in 1999. This was when Cambodia first carried out land acquisition and involuntary resettlement under the ADB-financed National Road 1 Project. In the absence of appropriate legislation and guidelines, Cambodia adopted a "policy response" in which local laws and regulations were supplemented with the policies of international financial institutions.

Since then, Cambodia's safeguard system has advanced. In 2010, the Law on Expropriation was passed complementing provisions of the Constitution and the Land Law, all of which however focus on titled land owners and remain silent on informal settlers, a major concern in Cambodia. The genocide that occurred between 1975 and 1979 displaced countless people and destroyed land records. Since this period, with increasing economic development, encroachment on state lands has become a growing issue.

The Government of Cambodia's subproject under TA 7566 aims to provide recommendations for a sub-decree on informal settlers to protect the vulnerable, the poor, and the landless while ensuring effective land



management and guarding against opportunists and land grabbers. The subproject intends to (i) assess the situation of informal settlement in Cambodia and develop typologies of informal settlers based on sociological profiling, (ii) carry out consultation workshops with key stakeholders, and (iii) provide support to the government to draft and eventually finalize the sub-decree on informal settlers.

## ■ Amending the 2003 Land Law and Its Implementing Decrees in Viet Nam

**Ross Butler**

SAFEGUARDS SPECIALIST (RESETTLEMENT), ADB

The year 1992 witnessed the opening of Viet Nam's economy. At that time, land was exclusively state owned, but in recognition of the importance of land as a critical factor in economic development, Viet Nam enacted its first Land Law in 1993. Lacking adequate provisions for land valuation and compensation at replacement cost, among others, the Land Law was amended in 2003. Since then, Viet Nam has improved its legal and institutional framework for land acquisition and resettlement. In 2004, Decree 197 provided for compensation, rehabilitation, and resettlement assistance. Women's groups, veterans' union, and farmers' organizations have also become involved in social safeguards. In 2005, the Government of Viet Nam and its development partners issued the Ha Noi Core Statement. In 2009, Decree 69 focused on the role of land in a market economy and institutionalized the market price as the basis of valuation. It also highlighted the importance of livelihood restoration. During this year, the concept of vulnerable groups, benefit sharing, and grievance redress mechanisms were also introduced.

Through its subproject under TA 7566, Viet Nam seeks to continue aligning its legal framework with international standards for social safeguards by providing recommendations in amending the 2003 Land Law and its implementing decrees. A review and analysis of relevant laws and other regulations for land acquisition, resettlement, and land management and use by ethnic minorities will be conducted to make the legal framework more cohesive. The subproject will hold consultation workshops on the drafts of the legal revisions.

□ 19 April 2012

### PLENARY SESSION 3

#### PARTNERSHIPS FOR STRENGTHENING COUNTRY SAFEGUARD SYSTEMS

Chaired by:

**KUNIO SENG**

DIRECTOR GENERAL, SOUTHEAST ASIA DEPARTMENT, ADB

Mr. Senga welcomed participants to the second day of the workshop. He also introduced the workshop's third session, which featured partnerships between DMCs and international financial institutions to strengthen country systems for environmental and social safeguards and the different approaches they had taken at the national or project levels. DMCs and their development partners presented their experiences, challenges, and results of their collaborative efforts.

## **■ Viet Nam–Canada Environment Project**

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**Hoang Son**

MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT, GOVERNMENT OF VIET NAM

The Viet Nam–Canada Environment Project (VCEP) is a project funded by the Canadian International Development Agency (CIDA) intended to build Viet Nam’s capacity for environmental governance. Its goals are to (i) contribute to increased accountability and transparency in public and private sector initiatives, and (ii) strengthen pollution management capacities of selected national and local institutions. Two phases of VCEP have been completed, while the Viet Nam Provincial Environmental Governance (VPEG) Project (2009–2012) is under implementation.

Under VCEP I (1995–2000), CIDA funded a \$10 million project for basic environmental management capacity building in four provinces. Under VCEP II (2000–2006), \$12 million was provided to develop institutional capacity of government environmental agencies at the national level and selected provinces, working together with key industries and line ministries toward developing systematic, sustainable industrial pollution management systems and programs. The VPEG Project (2009–2012) is providing support to MONRE to develop and implement industrial pollution management policies and regulation and at the provincial level to build capacity for environmental expenditure management and technical capacity for implementation enforcement.

Among the lessons learned from the partnership are the importance of focusing on top priorities, the capacity development approach, the commitment of both partners and the participants, and the quality of performance of Vietnamese counterparts and Canadian expertise.

Revision of the Law on Environmental Protection is ongoing to improve its effectiveness and to address new critical sectors of climate change, rural development, craft village, and river basins; adapt to international integration requirements; and implement international conventions ratified by Viet Nam. The new law is expected to be ratified in 2014.

## **■ Strengthening Environmental Management in the Lao PDR**

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**Phakkavanh Phissamay**

MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT, GOVERNMENT OF THE LAO PDR

**Peter Gammelgaard Jensen**

TEAM LEADER, ENVIRONMENTAL MANAGEMENT SUPPORT PROJECT

**Antti Inkinen**

MINISTRY OF FOREIGN AFFAIRS, GOVERNMENT OF FINLAND

Mr. Jensen presented the framework for the partnership between MONRE and donors for strengthening the Lao PDR’s country safeguard systems in protecting the environment. The framework stressed partners having the common goal of strengthening the (i) legal framework, (ii) procedural capacity, and (iii) technical capacity for environment management.

Ms. Phissamay discussed MONRE’s mandate: (i) sustainable management of natural resources and environment; (ii) development and enforcement of environmental legislation, policies, strategies, and action plans; and (iii) environmental promotion and awareness raising and research. Support to building MONRE’s capacity has been provided by the Swedish International Development Cooperation Agency (Sida) for legislation and institutional development; by the Government of Finland for enforcement, permitting, and

technical capacity; and by ADB, the United Nations Development Programme, and the World Bank for preparation of guidelines and social safeguards.

Areas for future support are strengthening MONRE's capacity in negotiations with project developers; strengthening enforcement, inspection, and monitoring; improving administrative and management procedures; providing budget for legal, financial, and technical advice for large projects; enforcement of obligations; and addressing gaps in occupational health and safety, security, and dam safety.

Mr. Inkinen discussed Finland's Development Cooperation in the Mekong Subregion through the regional strategy for 2012–2016 that focuses on reducing social and economic disparities and strengthening human rights and on ecologically sustainable and climate-resilient development. The main thematic areas of the current cooperation include sustainable use of natural resources, renewable energy, and rural development. There are 16 ongoing interventions supported by the Government of Finland for €60 million.

## ■ POWERGRID Experience

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**R. K. Srivastava**

DEPUTY GENERAL MANAGER, ENVIRONMENT AND SOCIAL MANAGEMENT DEPARTMENT, POWERGRID

**Sanjay Srivastava**

REGIONAL SAFEGUARDS ADVISER, WORLD BANK

Mr. R. K. Srivastava discussed POWERGRID's experience under the World Bank's Pilot Program for the Use of Country Borrower Systems (UCS). After the conduct of equivalence and acceptability assessments, a Safeguard Diagnostic Review was issued and disclosed. POWERGRID was found to be in full alignment with World Bank safeguards in several areas, including (i) avoidance of protected areas and biodiversity conservation, (ii) sustainability reporting, and (iii) institutional arrangements. Application of POWERGRID's Environmental and Social Safeguard Policy required POWERGRID to implement the Government of India's Resettlement and Rehabilitation Policy of 2007 prior to the enactment of the pending LARR bill to improve the documentation of forest clearance for projects involving use of forest land.

Mr. Sanjay Srivastava added that the key opportunities for strengthening POWERGRID UCS are on (i) strategic, induced, and cumulative aspects; (ii) the environmental appraisal and review process; (iii) institutional arrangements for monitoring and evaluation; (iv) public consultations after environmental assessment; (v) community involvement and disclosure; and (vi) induced impacts on biodiversity and forestry resources. Application of Indigenous Peoples Policy also needs to be tested.

Mr. Srivastava also presented the World Bank's key findings of an ongoing comparative safeguards review in South Asia. On involuntary resettlement, he said that governments' intent to use eminent power of domain for involuntary land acquisition for public purposes had been a subject of heated debate, interpretation, and potential dispute. Institutions and countries differ in determining fair compensation value for various types of losses. India and Sri Lanka are moving ahead to apply a new and progressive resettlement policy that goes beyond the standards of the 1894 Land Acquisition Act.

On environmental safeguards, Mr. Srivastava said that environmental assessment in South Asia suffered from poor quality and implementation. Baseline information is lacking and analyses of alternatives are weak. Monitoring of environmental management plans and enforcement of local environmental regulations can be further improved.

## JICA's Safeguard Policy

**Takaaki Kawano**

DIRECTOR, ENVIRONMENTAL AND SOCIAL CONSIDERATIONS REVIEW DIVISION, JICA

JICA's new Guidelines for Environmental and Social Considerations (2010) consolidated previous guidelines of JICA and the Japan Bank for International Cooperation. The new guidelines have been enhanced to incorporate international best practice and do not deviate significantly from the World Bank's safeguard policies.

The new guidelines provided for the establishment of an Advisory Committee for Environmental and Social Considerations to advise on Category A projects. These strengthened requirements for environment and social aspects of projects. For involuntary resettlement, prior compensation at full replacement cost, improvement or restoration of standard of living of affected persons to pre-project levels, and establishment of grievance mechanisms have been required. For the environment, requirements have been set on preservation of critical natural habitats and critical forests.

JICA is working with the World Bank, ADB, and AusAID on harmonizing safeguard policies and strengthening country safeguard systems. Together with these other international financial institutions, JICA proposes to prepare studies on projects in natural habitats and on involuntary resettlement and land acquisition issues.

### PLENARY SESSION 4

#### PROMOTING COMMON APPROACHES TO SAFEGUARDS FOR CARBON FINANCING AGREEMENTS

Chaired by:

**WooCHONG UM**

DEPUTY DIRECTOR GENERAL, REGIONAL AND SUSTAINABLE DEVELOPMENT DEPARTMENT, ADB

Mr. Um explained that the session was about exploring and promoting common approaches in safeguards in carbon finance, with particular focus on forest and REDD+ and related issues. He stressed that carbon finance not only provided financial resources but was a driver to promote common approach to safeguards. The session featured the approaches of ADB, the World Bank, and the World Wide Fund for Nature (WWF). WWF also presented the important role of nongovernment organizations (NGOs) in this emerging safeguard issue.

## Emerging Experience with REDD+ Safeguards and Engagement with Indigenous Peoples and Local Communities

**David McCauley**

HEAD, CLIMATE CHANGE PROGRAM COORDINATION UNIT, ADB

REDD stands for reducing emissions from deforestation and forest degradation. REDD+ is an innovative idea to try to compensate communities, local and national governments, and those who manage forests to keep these forests intact and healthy to serve as "sinks" and sequester carbon from the atmosphere. In support of REDD+, ADB is managing two carbon funds of more than \$300 million. ADB safeguards are applied in projects under the funds.

There are five multilateral REDD+ support mechanisms to help countries develop their national strategies. Each has its provisions for addressing safeguards, as defined by its mandate. Among these mechanisms, the Forest Carbon Partnership Facility has been the first to adopt the same set of safeguard principles as that of the World Bank and ADB. These REDD+ support mechanisms are in Indonesia, the Lao PDR, the Philippines, and Viet Nam, where national REDD+ strategies are being developed with relatively robust attention to public participation engagement and adequate environmental and social safeguards.

The Forest Investment Program's (FIP) Dedicated Grant Mechanism for Indigenous Peoples and Local Communities was set up to help beneficiary communities, who depend on the forests for their livelihoods, engage in the REDD+ process. Under the FIP, \$50 million from the Climate Investment Fund has been allocated to FIP pilot countries. In Asia, Indonesia has been allocated \$6.5 million and the Lao PDR \$4.5 million. FIP is still evolving, and while implemented under multilateral development bank partnership, it is envisioned to be led and completely owned and governed by the beneficiary communities.

Climate change finance is expanding rapidly. Carbon finance is an important part of it. There is a blend in REDD+ between direct financing and carbon financing. REDD+ mechanisms are good indicators of attention to safeguards. The general pattern emerging is to (i) avoid reinventing the wheel, (ii) establish REDD+ standards, and (iii) rely on existing systems to the maximum.

## ■ World Bank's Approach to Safeguards for Carbon Financing Agreements

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**Peter Leonard**

LEAD SAFEGUARD PRACTITIONER, WORLD BANK

The World Bank applies its safeguard policies to its carbon finance activities. Since safeguards in carbon finance is an emerging issue and fast evolving, the World Bank is doing its best to catch up and respond. In East Asia, for instance, an action plan is being implemented to manage the impacts of different types of carbon finance projects in the region. Simpler projects require simpler mechanisms while stand-alone carbon finance projects related to energy and infrastructure, with their complex and interrelated safeguard issues, require more sophisticated approaches. In Asia and the Pacific, the World Bank created a community of practice or working group to try to reach more clarity on the different practices related to different types of carbon finance projects. These are ongoing in Indonesia, the Lao PDR, Thailand, and Viet Nam.

The main issue the World Bank faces in using its safeguard policies for carbon financing activities relates to interpretation of policy provisions. For instance, public consultation is different for indigenous peoples because there is an emphasis on free and prior informed consent (FPIC). The World Bank is also unsure on how to apply traditional land use rights in the context of REDD+. The same is true for rights issues in terms of natural resource use and commercial use of natural resources.

The World Bank initially sought a sequenced approach to safeguards for carbon financing agreements: (i) strategic environmental assessment leading to an agreement on the macro-level principles, (ii) demonstration, and (iii) implementation. However, in Costa Rica, East Asia, Indonesia, and Mexico, these processes occurred in parallel. Harmonization of policies is also another issue that requires an ingenious and collaborative approach.

Thus, although safeguards for carbon financing agreements are built upon existing safeguard systems, it is a new frontier where solutions come as projects are being implemented. Interpretation of the World Bank's policies will likely be modified during implementation of these projects.

## Nongovernment Organization Role in Strengthening REDD+ Safeguards

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**Kathryn Michie**

REGIONAL FOREST CARBON COORDINATOR, WWF GREATER MEKONG PROGRAM

REDD+ provides opportunities to address three big problems: (i) global climate change, (ii) biodiversity conservation, and (iii) poverty reduction. REDD+ has impacts on communities and the environment, and safeguards provide the framework to ensure that such impacts are positive and that the adverse ones are mitigated. Safeguards are also important for the sustainability of projects and provide the framework for resolving conflicts in communities. From a private sector perspective, safeguards can improve companies' corporate images and return on investments. For example, if a company has accreditation or engages in biodiversity co-benefits, it can get biodiversity premiums from the forest carbon markets.

WWF has negotiated five principles for REDD+ to safeguard the climate, biodiversity, and people's well-being. Agreed in conjunction with CARE and Greenpeace, these principles (i) ensure that emissions reduction claimed is genuine and real; (ii) maintain biodiversity and ecosystems services; (iii) strengthen the livelihoods of communities dependent on forests; (iv) respect the rights, including tenure rights, of indigenous peoples and local communities; and (v) ensure that countries with historic responsibilities for climate change are contributing to fund climate change mitigation in developing countries and that revenues from other countries go to local communities and provide incentives to people who are changing their behavior to stop deforestation.

Based on WWF's experience with REDD+, NGOs have unique contributions in strengthening REDD+ safeguards. With NGOs having close relations with communities, they are apt to educate and mobilize people and to monitor and report on safeguard implementation. Because NGOs have the technical expertise and knowledge, they can take part in shaping safeguard policies of international financial institutions and in developing national REDD+ frameworks. For instance, WWF is actively engaged with UN-REDD in developing their social and environmental principles and criteria. WWF in Greater Mekong is actively engaged in the national REDD+ task force.

NGOs also help countries in applying REDD+ safeguards in demonstration projects as shown in WWF's projects in the Greater Mekong Subregion. In the Lao PDR and Viet Nam and across several protected areas, WWF is looking at the international and regional leakage of carbon emissions and the displacement of deforestation from one country to another. In Thailand, WWF is working with the national government to create a forest carbon base map. In the Lao PDR, communities' FPIC was sought for the Climate Protection through Avoided Deforestation (CliPAD) Project.

### Discussion

The discussion placed strengthening country safeguard systems to align them with safeguard policies of international financial institutions within the context of REDD+. For instance, to directly access the Global Climate Facility (GCF), countries need to show that they meet international standards for environmental and social safeguards. Otherwise, they would need to continue to partner with multilateral institutions until they satisfy the requirements of donor to the GCF.

Norway also has contributed close to \$3 billion, while Germany has pledged \$6 billion to REDD. These bilateral agencies are not trying to disregard their safeguard systems but are emphasizing local capacities by focusing on performance-based systems that can transition into forest carbon markets over time. In the Philippines, there is an FPIC process required under REDD as prescribed in the Indigenous Peoples Rights Act.

The discussion emphasized the need for a common framework for REDD+ so that countries and international financial institutions could agree on common priorities and action plans and how these will be implemented. Strong country safeguard systems provide the framework and the planning tools that allow broader planning across the country and beyond projects.

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## PLENARY SESSION 5

### ENVIRONMENTAL AND SOCIAL SAFEGUARD SYSTEMS FOR PRIVATE SECTOR FINANCIAL INTERMEDIARIES

Chaired by:

**ROBERT VAN ZWIETEN**

DIRECTOR, CAPITAL MARKETS AND FINANCIAL SECTORS DIVISION, PRIVATE SECTOR OPERATIONS DEPARTMENT, ADB

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Mr. van Zwieten emphasized that ADB's Strategy 2020 identified the private sector among the five drivers of growth. Financial intermediaries (FIs), in particular, have been ADB's major clients for the past 20 years and are considered ADB's strategic partners in achieving its vision of freeing Asia and the Pacific from poverty. To the extent they are funded by publicly accountable institutions, they are also countries' partners in protecting the poor, the vulnerable, and the environment from project impacts. He said that the panelists will share their views on financial intermediaries' safeguards and corporate social responsibility in various countries, contexts, and institutions.

## ■ An Overview of ADB Capacity Building for Environmental and Social Management Systems for Private Sector Financial Intermediaries

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**Shih-Liang Tu**

SENIOR SAFEGUARDS SPECIALIST, ADB

Mr. Tu pointed out that private sector FIs were both innovators and incubators for applying environmental and social safeguards. As such, ADB is tasked with building the capacities of FIs. Since 2006, ADB has been working with IFC in implementing capacity-building programs for FIs in the PRC, India, Indonesia, the Philippines, and Viet Nam. Subsequent trainings for private equity funds and banks were conducted in the PRC and Malaysia until 2009.

ADB has embarked on a regional TA program to align FIs' environment and social management systems (ESMS) with international standards. This TA activity is being conducted as part of ADB's regional TA for Strengthening and Use of Country Safeguard Systems. The TA also intends to build a network of ESMS among FIs with the following foci: (i) peer learning, (ii) sharing of experiences, and (iii) knowledge exchange.

In conclusion, Mr. Tu stated that FIs needed capacity building to compete in the market. Increased vigilance of regulators, international financial institutions, civil society, and the public has made poor performance with environment and social aspects a high reputational risk. Moreover, FIs need to address emerging safeguard issues, such as reducing carbon footprint and incorporating core labor standards and gender. However, reliable country safeguard systems are equally important to increase compliance and accountability among financial intermediaries.



## ■ Environment Risk Management Guidelines: The Bangladesh Experience

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**Khondkar Morshed Millat**

JOINT DIRECTOR, BANGLADESH BANK

Environmental risk management is a cornerstone of sustainable financing. In Bangladesh Bank, this is the focus of the Green Banking Policy. As such, Bangladesh Bank supports resource-efficient and low-carbon industries. In cooperation with IFC, it has also developed environmental risk management guidelines and a corresponding technical manual. The technical manual includes a matrix for quick guidance on potential environmental risks.

There is a strong linkage in the bank between environmental risk and credit risk. A project with major environmental issues will have a high environmental risk rating that may weaken an otherwise strong credit rating.

The bank intends to improve its environmental risk management system by (i) building the capacity of its staff, (ii) applying a quantitative approach for environmental risk rating, and (iii) developing a systematic regulatory arrangement on environmental risk management in collaboration with other government regulatory bodies, among others.

## ■ People's Republic of China's Green Credit Policy: Building Sustainability in the Finance Sector

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**Rong Zhang**

PROGRAM MANAGER, EAST ASIA AND PACIFIC REGION, ENVIRONMENT, SOCIAL AND GOVERNANCE DEPARTMENT, IFC (BEIJING)

As the private sector arm of the World Bank group, IFC supports sustainable development of private sector enterprises. IFC's partnership with the PRC to develop the country's Green Credit Policy aims to direct credits away from highly polluting and high-energy-consuming enterprises and projects, and toward energy conservation and emissions reduction with preferential terms. However, the goal is not so much for the PRC's private sector to comply with IFC's performance standards but to strengthen the PRC's country safeguard systems.

The PRC's economic growth in the last 10 years has been characterized by high consumption of energy and natural resources. Environmental and biodiversity loss and growing social tension and inequality have made the government realize that their administrative policies on environmental safeguards were not working. Thus, more recently, the government has focused on both environmental and economic policies that encompass (i) environmental tax, (ii) an ecological compensation mechanism, (iii) green trade policy, (iv) green government procurement, (v) green insurance, (vi) green securities, and (vii) a green credit policy.

IFC's partnership with the PRC to strengthen the country's Green Credit Policy has the following strategies: (i) establishment of a collaborative framework with the PRC's Ministry of Environmental Protection (MEP) and the People's Republic of China Banking Regulatory Commission (CBRC); (ii) policy dialogue and implementation guidelines through the development of the MEP/IFC Green Credit Handbook and the CBRC/IFC Green Credit Guidelines; (iii) awareness raising and capacity building; (iv) multi-stakeholder engagement; and (v) encouraging South–South collaboration. IFC is replicating this approach in other countries.



## **The “Hearts-and-Minds” Approach: Ensuring Effectiveness and Achieving Results in Environmental and Social Management for the Private Sector**

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**Louie Malixi**

COUNTRY HEALTH AND SAFETY DIRECTOR, LAFARGE CEMENT SERVICES (PHILIPPINES) INC.

Mr. Malixi drew from his diverse experiences as an environmental, health, and safety specialist in several private sector companies and highlighted the relevance of “leading with heart” when formulating and implementing environmental and social management measures. His presentation emphasized that it was people and sincere intentions that were at the core of successful programs, including those related to environmental and social safeguards, and health and safety. Applying the “hearts-and-minds” approach can lead to better job satisfaction and worker morale, which are significant factors in improving worker health and safety. Among those programs he mentioned were implemented in the (i) Aureos Tea Plantation in Sri Lanka, (ii) Lafarge Truck Haulers in the Philippines, and (iii) Puerto Princesa Tricycle Coding Scheme in Palawan, Philippines.

In one case study, Mr. Malixi highlighted how “leading with the heart” in the public–private partnership experience of the Municipality of Puerto Princesa, Palawan, Philippines resulted in improving the air quality and flow of traffic in the city. Based on data gathered by traffic analysts, the local government unit initiated a trial color coding of its many tricycles, which were causing heavy traffic congestion and unacceptable air and noise pollution. Drivers of each group of color-coded tricycles were allowed to operate only on alternate days, effectively reducing by half the number of tricycles operating on any given day. The trial conclusively demonstrated that following the color-coding scheme resulted in less traffic, better-rested drivers, and higher fuel efficiency, with resultant higher incomes for the drivers. The scheme was thus adopted by the city, with the full cooperation of the drivers.

### Discussion

A question was raised on how to engage the private sector to advocate environmental initiatives. In Bangladesh, the Environmental Conservation Act of 1995 and Environmental Conservation Law of 1997 regulate private firms’ activities so as not to harm the environment. But beyond safeguard compliance, incentives and corporate social responsibility are needed to make the private sector invest in environment projects. Bangladesh Bank has instructed other banks for a climate change risk fund. IFC has embarked on a strategy to have climate change projects comprise 20% of its portfolio by 2013. Climate change projects refer to those that directly reduce emissions or those related to climate adaptation. There are also other green projects that do not reduce emissions but bring benefits to the environment.

In answer to the question on how the private sector could work with the government to ensure the success of green projects, dialogue and partnership were emphasized. Action plans have also proven to be useful tools for financial institutions and Equator Principles banks to meet environmental requirements. In particular, IFC notes that most of its clients’ systems and practices are not on a par with international standards, but with capacity-building measures and clients’ commitment to implement the action plans, they are able to deliver what is expected of them.

## PLENARY SESSION 6

### MOVING FORWARD

Chaired by:

**XIANBIN YAO**

DIRECTOR GENERAL, PACIFIC DEPARTMENT, ADB

Mr. Yao acknowledged the workshop's accomplishments over the previous 2 days, in which experiences and challenges on strengthening country safeguard systems were shared, opportunities for improvement were explored, and partnerships were forged to push country safeguard systems toward greater alignment with international best practice. He explained that the final plenary session intended to put all this together and to determine how to move forward with country safeguard systems. To this end, Mr. Yao asked the following distinguished set of panelists representing multilateral development banks, bilateral agencies, the private sector, and DMCs to share their insights:

- Cao Manh Cuong, Ministry of Planning and Investment, Viet Nam
- Chinzorig Batbileg, Consultant Team Leader for ADB TA 7566 Subproject on Involuntary Resettlement, Mongolia
- Cui Shuhong, Ministry of Environmental Protection, PRC
- Fiona Crockford, AusAID
- Khondkar Morshed Millat, Bangladesh Bank
- Prabhudayal Meena, Ministry of Rural Development, India
- Risa Teng, ADB
- Stephen Lintner, World Bank
- Xiaoying Ma, ADB

Panelists shared lessons learned and suggestions on how to further strengthen country safeguard systems. A wide range of relevant and reinforcing views were presented. These were amplified by the questions and responses from workshop participants during the discussion session. The main points are summarized below.

### Relationships of Development Partners

Fundamental relationships are changing. All parties have a voice; all parties have views; and all parties have a vision in terms of safeguards. Countries are confident, competent, and capable. They have confidence in their own country safeguard systems and recognize their strengths and weaknesses. New structures and mechanisms have emerged for dialogue and debate. These structures need to be nurtured and enhanced.

### Country Ownership

All agreed that country ownership is essential. However, from one perspective, technical assistance to strengthen country safeguard systems (e.g., ADB project, JICA project, or World Bank project) is seen as an externally driven process requiring integration of the results of the intervention into government programs. From another perspective, it is clear that safeguards are no longer externally driven. All countries have EIA laws and a desire to address social concerns. The challenge is how to learn from others and how to move toward common approaches. Ways that are acceptable to the current and local situation need to be found, and measures need to be more efficient, effective, and timely.

## Common Principles and Approaches

Many panelists highlighted common safeguard principles and approaches. International financial institutions are converging to a common set of principles. Common approaches also include the harmonization of multilateral and bilateral financial institutions' safeguard systems—methodology, tools, and collaborative implementation. These also include approaches for capacity development, including South–South cooperation and triangular cooperation. Within countries, there is a need to consider differences across sectors in developing procedures and guidelines.

## Innovative Approaches

From the private sector viewpoint came innovative ideas for broadening safeguards: (i) insurance against environmental risks—there is no structured coverage. This approach would indemnify the project owner and provide for compensation to the environment and people in case of significant environmental and social impacts, (ii) inclusion of environmental risk in the assessment of credit risk. This approach would increase scrutiny of investments and promote more sustainable projects.

## Need for Continued Support

The need for continued support for strengthening country safeguard systems was emphasized. Examples include workshops for exchange of experience, comparative studies, and capacity building in human resources and institutions. In the long term, South–South or triangular cooperation may be the best approach.

## Continued Capacity Development

Both country representatives and the multilateral and bilateral agencies recognized that there is a need for further capacity development. In some cases, this is driven by increased demand for development and development financing in countries where country safeguard systems are not well developed. In other cases, the need is driven by the increasing sophistication of the legal, regulatory, and administrative framework for safeguards within the countries. Countries expressed a desire to create “capacity to do the right thing” through development of the legal framework and implementation enforcement.

With respect to use of country systems, more opportunities are needed for countries to experiment with using their own systems to satisfy the safeguard requirements associated with lending projects of international financial institutions. There is also a need to provide resources to undertake the necessary diagnostic assessments to enable donor use of country systems.

## Land Acquisition and Involuntary Resettlement Safeguards

Land acquisition, rehabilitation, and resettlement rest fundamentally on the ability of a country to administer its land resources in an equitable manner. Gaps still exist between international best practice and countries' safeguard systems for land acquisition and involuntary resettlement. Many countries need new regulations as well as an accurate land registry and land records. There is a common need to strengthen capacity to manage land acquisition and involuntary resettlement through land law and to make land records systems accessible and up-to-date. All countries can learn from each other. It was proposed to have a technical workshop on land registration, including systems for computerization of land records.

## Scope of Social Safeguards

Social safeguards must be broader to ensure inclusive development as well as transparency of the process. Social concerns cannot be limited to involuntary resettlement and indigenous peoples. There are large challenges on the social side, e.g., vulnerable groups, land issues, and historical and cultural sites.

## South–South Cooperation

Many panelists saw South–South cooperation as an excellent strengthening mechanism. The need for more opportunities to share knowledge and experience between countries was highlighted. Twinning was seen as a workable cost-effective mechanism.

## Convergence and Coordination

The workshop highlighted the convergence of development partners to common principles and approaches. It demonstrated the benefits for a coordinated approach to strengthening country safeguard systems. Since the developing member countries know what help they need, and they are seeking assistance from multilateral and bilateral agencies, now is the time to build on the complementarity of the development partners.

## Knowledge Management and Networks

There is a need to further develop communities of practice and well-functioning networks. However, it was cautioned that existing networks should be strengthened rather than establish new ones. It was also recommended that a website or portal be established for country safeguard systems. It was noted that the World Bank, with support from ADB, AusAID, and JICA, is developing a Community of Practice Initiative and Community of Excellence in East Asia. The success of this workshop was noted, and ADB offered to look into holding a follow-up workshop in 2013.

## SYNTHESIS, NEXT STEPS, AND CLOSING REMARKS

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CONCURRENT CHIEF COMPLIANCE OFFICER AND PRINCIPAL DIRECTOR, OFFICE OF INFORMATION SYSTEMS AND TECHNOLOGY, ADB

Mr. Chander said the three objectives of the workshop mentioned by Vice-President Lohani and Mr. Ahmad at the opening session were met, if not surpassed:

First, the workshop provided the opportunity to reflect on the status, celebrate the progress, and learn about innovations in safeguard policy and practices that are taking place across countries in the region and outside. This objective is especially important because Asian solutions to Asia's problems are not being sought, but rather global solutions to Asia's problems. Hence, it is important to take views from anywhere, wherever good practices may be.

Second, understanding of country perspectives on their capacity needs and priorities was enhanced, therefore allowing capacity development initiatives to be better targeted. This objective is important because fulfilling needs of clients begins with understanding them.

Third, and possibly the most important, dialogue and sharing of experience among all was promoted to identify opportunities for South–South cooperation and North–South cooperation, including knowledge sharing in the field of environmental assessment, involuntary resettlement, and indigenous peoples' safeguards.

Based on these observations, Mr. Chander focused on three points to emphasize some of the ways ahead:

First, the continued convergence of all development partners to a set of common safeguard principles is critical. This is important to avoid needlessly complicating the country safeguard system alignment and harmonization process. The safeguard policy principles of multilateral development banks have, and will continue to have, an important and well established role as the reference points or benchmarks for the evolution of international best practice on environmental impact assessment, involuntary resettlement, and protection of indigenous peoples.

Nevertheless, multilateral development banks need to continue to harmonize their safeguard policies around the shared set of principles that has emerged over the years and which is embodied and clearly laid out in ADB's new Safeguard Policy Statement.

It is important that bilateral agencies also harmonize around these safeguard principles, and it is very positive that good progress on this was reported by JICA and AusAID during the workshop.

ADB's DMCs are now seeking to continue to converge even more toward these common safeguard principles, and this, of course, needs to be delivered in the context of each country's own institutional frameworks and processes.

Second, presentations and discussions at the workshop have confirmed that DMCs have made tremendous progress in developing their own country safeguard policies and systems, but the journey is long and difficult and they need help.

The presentations at this workshop have shown very clearly that EIA regulations around the region are on a par with those of the World Bank and ADB. Of course, many challenges continue to exist, such as lack of capacity to implement the EIA requirements. New challenges, such as how to deal with climate change, and new opportunities for innovation, such as how to best apply cumulative impact assessments and strategic environment assessments, also need to be addressed.

The same level of comparability, let alone equivalence, is not yet true for involuntary resettlement, and perhaps even less so for indigenous peoples' safeguards. For these social safeguards, the gaps between international best practice and country systems still remain significant. This is true for issues, such as the application of replacement cost as a basic principle for compensation and the treatment of non-titled affected people. This is quite expected since there is much subjective decision making in these areas.

However, even for social safeguards, it is very promising to see country-driven efforts to close these gaps and formulate new legislation and policies to ensure involuntary land acquisition is done fairly and with due process.

Third, much work still needs to be done to move the country systems agenda forward, and a collaborative process is needed for this.

A more coordinated approach is needed among partners to ensure that resources are used effectively and priority gaps are targeted. Already, the World Bank and ADB are working closely on country safeguard systems, and much more active support from bilateral agencies is welcome as evidenced by statements of AusAID, JICA, and the Government of Finland during this workshop. Together with its clients, multilateral and bilateral agencies need to undertake diagnostic studies to map out the gaps and identify the gap-filling measures.

Many at this workshop have called for regional knowledge sharing on safeguards and South–South collaboration. There have also been calls to establish regional compendia of laws, regulations, and best practices. Many countries are already benefitting from twinning arrangements and more of this would be very good. Many have also mentioned the need to bring together a community of practice of safeguard practitioners across the region, such as the one that exists in the form of the Asian Environmental Compliance and Enforcement Network.

Many DMCs also mentioned the need to access financing to help strengthen their country safeguard systems. One option, already foreseen in ADB's SPS, is the establishment of a multi-country, multi-donor trust fund, which has also been suggested by many people here. ADB will be looking at the feasibility of setting up such a fund.

Mr. Chander acknowledged that these were all good ideas and assured participants that ADB would work on these with all of them. ADB's large-scale regional program on country safeguard systems would be one vehicle for making this agenda happen, and he invited others to join in this unified effort.

In conclusion, Mr. Chander said that common approaches for safeguards and better results were the way forward and that this journey must continue. He said that friendships made and the ideas exchanged at this workshop would make the journey that much easier and likely to succeed. He encouraged everyone to carry this spirit as they proceed with the journey.

Country Safeguard Systems Regional Workshop: Towards Common Approaches and Better Results  
18–19 April 2012, ADB Headquarters, Manila

## Program

18 April – Morning

Time	Session	Speakers
8:00–8:30	<b>Registration</b>	
8:30–8:40	<b>Opening Remarks</b>	Nessim Ahmad, Director, Environment and Safeguards, Regional and Sustainable Development Department concurrently Practice Leader (Environment), ADB
8:40–9:10	<b>Plenary Session 1: Setting the Scene</b> Keynote Speech – Towards Common Approaches and Better Results	Chaired by Nessim Ahmad Bindu Lohani, Vice-President for Knowledge Management and Sustainable Development, ADB
9:10–10:30	Strengthening Country Systems for Aid Effectiveness in Viet Nam International and Asia-Pacific Experience on Country Safeguard Systems The Philippine Environmental Impact Statement System AusAID: Strengthening Country Safeguard Systems	Cao Manh Cuong, Ministry of Planning and Investment, Viet Nam Stephen Lintner, World Bank Analiza Rebuelta-Teh, DENR, Philippines Fiona Crockford, AusAID
10:30–10:45	<i>Coffee Break</i>	
10:45–12:15	<b>Plenary Session 2: Country Approaches to Country Safeguard Systems Strengthening</b>  New Developments on Land Acquisition, Rehabilitation, and Resettlement in India  Legal Framework and Implementation Practices for Land Acquisition and Resettlement in the People's Republic of China  Indonesian Law on Land Acquisition  South-South Cooperation	Chaired by Marie-Anne Birken, Deputy General Counsel, Office of the General Counsel, ADB  Prabudayal Meena, Ministry of Rural Development, India  Wang Baiyuan, Land Policy Research Center, China Land Surveying and Planning Institute, PRC  Kurnia Toha, Center of Legal Study, National Land Agency, Indonesia  Peter King, AECEN, together with Cui Shuhong, Ministry of Environmental Protection, PRC Ramani Ellepola, Central Environmental Agency, Sri Lanka Phakkavanh Phissamay, MONRE, Lao PDR
12:15–1:15	Discussion  <i>Group Photo – ADB Courtyard</i> <i>Lunch – Executive Dining Room</i>	

# Annex 1



**Parallel Session 1: Implementing Environmental Impact Assessment: Good Practices and Challenges**

Time	Session	Speaker/Panel Members	Time	Session	Speaker/Panel Members
1:15–2:45	Improved Legal Framework for Strategic Environmental and Environmental Impact Assessments, and Future Activities in Viet Nam	Moderators: H. Cruda; H. Himberg  Mai Thanh Dung, Department of Impact Assessment and Appraisal with Lauren Sorkin, Viet Nam Resident Mission, ADB	1:15–2:45	Opening Remarks	Moderators: R. Starkloff; P. Leonard
	The Philippine Environmental Impact Statement System: Regulatory Framework, Key Features, Lessons Learned, Improvement, Initiatives, and Directions	Gilbert C. Gonzales, Environmental Management Bureau, Philippines with Jo Rowena Garcia, Consultant		Reform of Legal and Regulatory Framework for Involuntary Resettlement in Mongolia	D. Munkhbaatar, Ministry of Roads, Transport, Construction, and Urban Development, Mongolia with Scott Ferguson, ADB
	Panel Discussion	Panel Members: Josefo Tuyor, World Bank Philippines Country Office David Annandale, Consultant		Supporting and Strengthening National-Level Capacity for a Country Involuntary Resettlement Safeguard System in Sri Lanka	P. W. Senaratne, Consultant with Harsha Fernando, Consultant and Aruna Nanayakkara, ADB
2:45–3:00	<i>Coffee Break</i>			Strengthening Capacity to Implement the Lao PDR's Resettlement Policies	Thavone Vongphosy and Phakkavanh Phissamay, MONRE, Lao PDR
3:00–4:30	AMDAL Implementation in Indonesia	Ary Sudijanto, AMDAL Ministry of Environment, Indonesia with Pantja Putih Wardani, ADB	3:00–3:45	Social Safeguards: Challenges to the Use of Country Systems	Peter Leonard, World Bank
	The Progress of Strategic Environmental Assessment in the People's Republic of China	Zhang Hui, Ministry of Environmental Protection, People's Republic of China		CSS Strengthening Initiatives in: Timor-Leste	Joao Pedro Amaral Bernardo Almeida Gopi Nath Mainali Lal Shankar Ghimire Kurnia Toha
	Panel Discussion	David Annandale, Consultant Harvey Himberg, Consultant		Nepal	Naning Mardiniah
				Indonesia	Chhorn Sopheap
				Cambodia	Im Sethyra
				Viet Nam	Sim Samnang Ross Butler
4:30–5:00	Discussion Forum	Moderators	3:45–4:45	Discussion Forum	Moderators
5:00–6:00	Reception – Hosted by S. Chander, Director General, Regional and Sustainable Development Department, concurrently Principal Director, OIST, ADB				

## 19 April – Morning

Time	Session	Speakers
8:30–8:35	<b>Introduction to Day 2</b>	Facilitator
8:35–9:00	<b>Summary of Results of Parallel Sessions</b> Social Safeguards Environmental Safeguards	Ralf Starkloff, ADB Harvey Himberg, Consultant, ADB
9:00–10:30	<b>Plenary Session 3: Partnerships for Strengthening Country Safeguard Systems</b> Strengthening Environmental Management in the Lao PDR  Viet Nam–Canada Environment Project  POWERGRID Experience  JICA's Safeguard Policy  Discussion	Chaired by Kunio Senga, Director General, South East Asia Department, ADB  Antti Inkinen, Ministry of Foreign Affairs, Finland with Peter Jensen, Environmental Management Support Project and Phakkavanh Phissamay, MONRE, Government of the Lao PDR  Hoang Son, MONRE, Government of Viet Nam  R. K. Srivastava, Environment and Social Management Department POWERGRID with Sanjay Srivastava, Regional Safeguards Adviser, World Bank  Takaaki Kawano, JICA
10:30–10:45	<i>Coffee Break</i>	
10:45–12:15	<b>Plenary Session 4: Promoting Common Approaches to Safeguards for Carbon Financing Agreements</b> Emerging Experience with REDD+ Safeguards and Engagement with Indigenous Peoples and Local Communities  World Bank's Approach to Safeguards for Carbon Financing Agreements  Nongovernment Organization Role in Strengthening REDD+ Safeguards  Discussion	Chaired by WooChong Um, Deputy Director General, Regional and Sustainable Development Department, ADB  David McCauley, ADB  Peter Leonard, World Bank  Kathryn Michie, WWF Greater Mekong Program
12:15–1:15	<i>Lunch</i>	

## 19 April – Afternoon

Time	Session	Speakers
1:15–2:45	<b>Plenary Session 5: Environmental and Social Safeguard Systems for Private Sector Financial Intermediaries</b>  An Overview of ADB Capacity Building for Environmental and Social Management Systems for Private Sector Financial Intermediaries  Environmental Risk Management Guidelines: The Bangladesh Experience  People's Republic of China's Green Credit Policy: Building Sustainability in the Finance Sector  The "Hearts-and-Minds" Approach: Ensuring Effectiveness and Achieving Results in Environmental and Social Management for the Private Sector  Discussion	Chaired by Robert van Zwieten, Director, Capital Markets and Financial Sectors Division, Private Sector Operations Department, ADB  Shih-Liang Tu, Private Sector Operations Department, ADB  Khondkar Morshed Millat, Bangladesh Bank  Rong Zhang, Social and Governance Department, International Finance Corporation (Beijing)  Louie Malixi, Lafarge Cement Services (Philippines) Inc.
2:45–3:00	<i>Coffee Break</i>	
3:00–4:10	<b>Plenary Session 6: Moving Forward</b>  <ul style="list-style-type: none"> <li>Challenges and Opportunities</li> <li>Partnerships</li> <li>Country Safeguard Financing Partnership</li> </ul>	Chaired by Xianbin Yao, Director General, Pacific Department, ADB  Panel Members: Cao Manh Cuong, Viet Nam Chinzorig Batbileg, Mongolia Cui Shuhong, People's Republic of China Fiona Crockford, AusAID Khondkar Morshed Millat, Bangladesh Bank Prabhudayal Meena, India Risa Teng, ADB Stephen Lintner, World Bank Xiaoying Ma, ADB
4:10–4:30	Synthesis, Next Steps, and Closing Remarks	S. Chander, Director General, Regional and Sustainable Development Department, concurrent Chief Compliance Officer and Principal Director, OIST, ADB

## Annex 2

# Country Safeguard Systems Regional Workshop

Towards Common Approaches and Better Results

18–19 April 2012 | ADB Headquarters, Manila

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## **Country Safeguard Systems Regional Workshop Proceedings**

### **Towards Common Approaches and Better Results**

This publication records the proceedings of the Country Safeguard Systems (CSS) Regional Workshop on April 2012 at the ADB headquarters. Discussions focused on the evolution, current status, and future directions of CSS, and the CSS partnership between developing member countries (DMCs) and development partners. Participants from 15 DMCs and 10 multilateral and bilateral agencies discussed the significant convergence of CSS with international best practice achieved in the past 2 decades, particularly environmental assessment and involuntary resettlement practices, and remaining challenges, including filling gaps in legal frameworks, building implementation capacity, and ensuring stakeholder engagement. DMCs expressed their desire to further strengthen CSS through policy dialogue, technical assistance, and South–South cooperation. Representatives of ADB, the Australian Agency for International Development, Japan International Cooperation Agency, and the World Bank confirmed their readiness to collaborate in providing assistance to advance CSS.

### **About the Asian Development Bank**

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to two-thirds of the world's poor: 1.7 billion people who live on less than \$2 a day, with 828 million struggling on less than \$1.25 a day. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.

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