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Country Safeguard Systems

Sharing ADB's Experience

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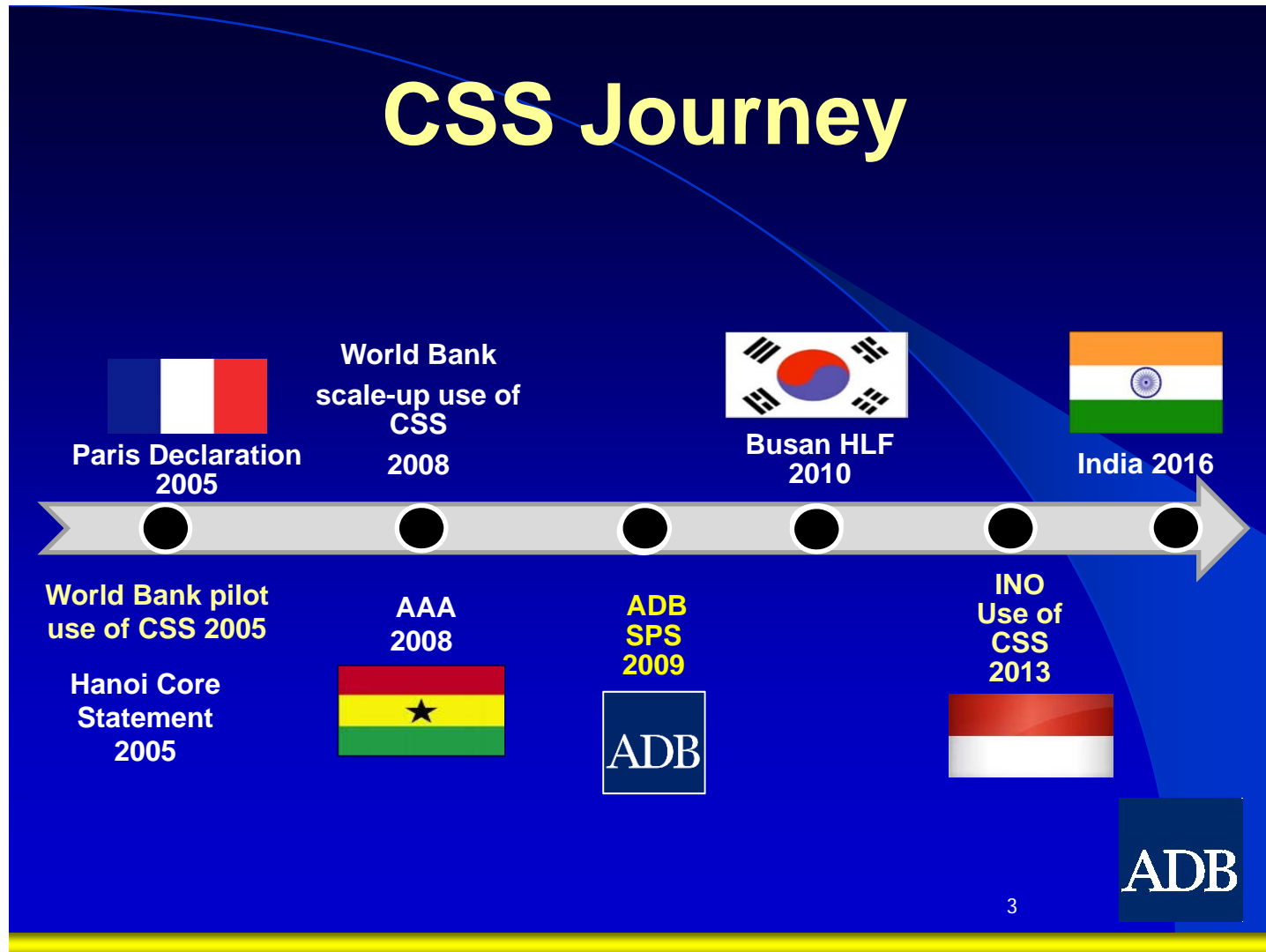
Subregional Workshop on CSS
Ho Chi Minh, 23 August 2016

ADB

What is CSS?

- **Country's legal & institutional framework pertaining to safeguard policy areas**
- **Consisting of relevant laws, regulations, rules, and procedures**
 - National, sub-national, or
 - Sector, implementing institutions

CSS Journey

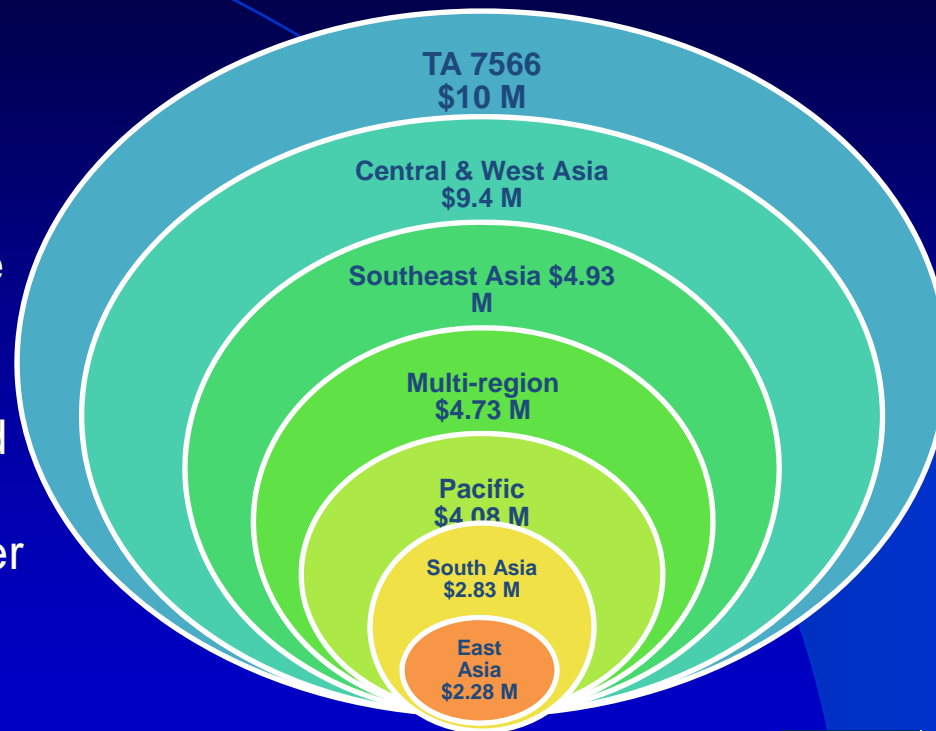


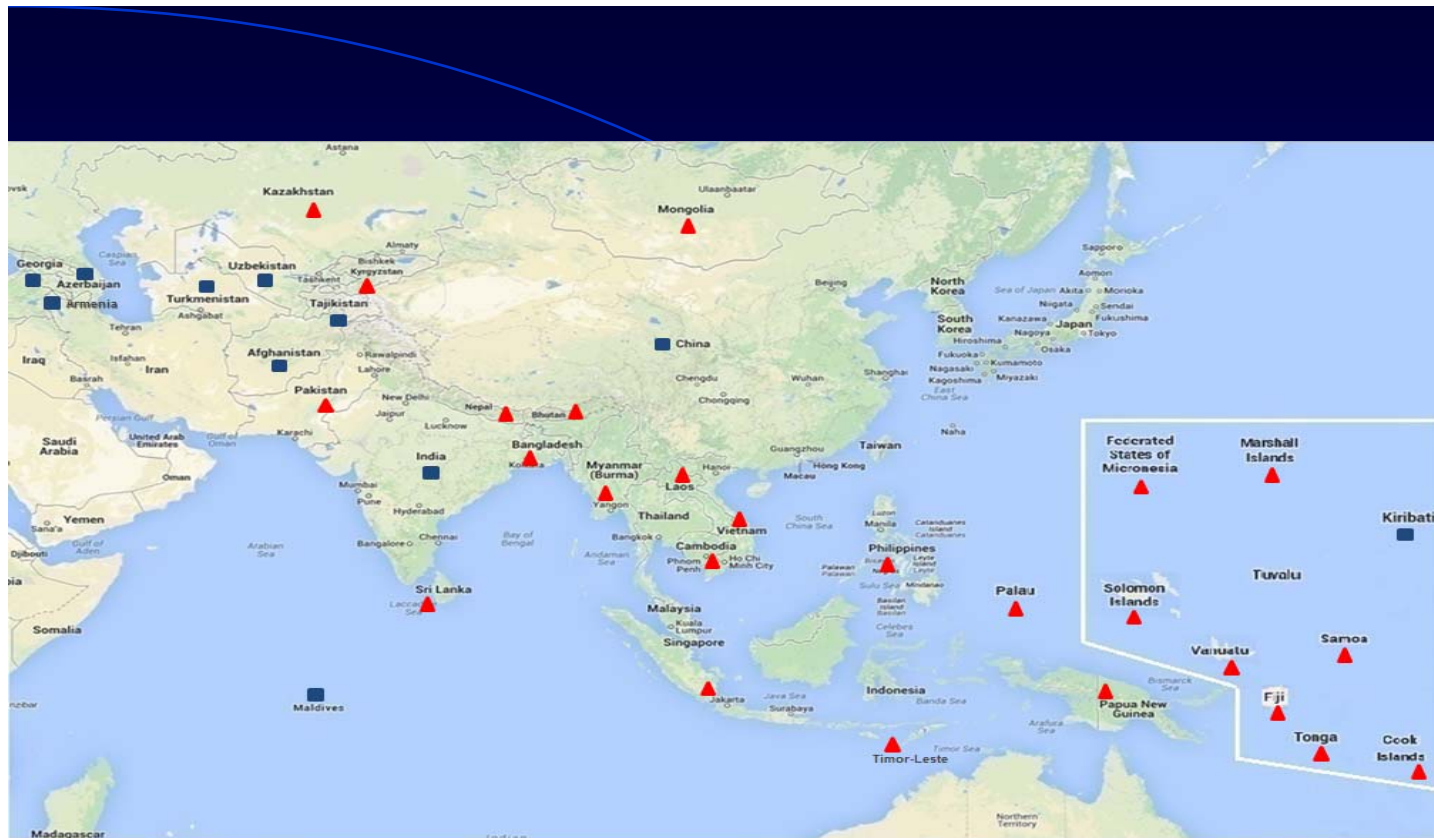
ADB Policy & CSS

- **At policy level: 1st MFI with CSS provisions**
“Help borrowers strengthen safeguard systems”
- SPS emphasizes **strengthening** & allows **use** of CSS
- SPS calls for:
 - ✓ Establishment of a trust fund
 - ✓ Formation of partnerships

Policy Dialogue & TA since 2009

- 27 TAs approved; additional TAs are being proposed
- 36 DMCs involved
- > \$38 million under implementation





▲ TA 7566: Strengthening and Use of CSS
■ Other regional and country TAs



TA 7566: Strengthening and Use of CSS

- Corporate priority TA, July 2010
- \$10 million
- 29 subprojects in 25 DMCs

TA 7566 Subprojects

Regional

1. ESMS Capacity Building for Private Sector FIs
2. EIA Clearinghouse & Capacity Strengthening through Twinning

Central & West Asia

3. **KAZ** - Strengthening Consultation & GRM in Committee of Roads
4. **KGZ** - Strengthening Capacity for Strategic Environ. Assessment I
5. **PAK** - Environmental Training for Civil Servants

East Asia

6. **MON** - Reform of IR Legal and Regulatory Framework I
7. **MON** - Reform of IR Legal and Regulatory Framework II
8. **MON** - Improvement of EIA Regulatory Framework & Enforcement

The Pacific

9. **PNG** - Country Safeguard Review
10. **TIM** - Developing Resettlement Safeguards Capacity in Transport Sector
11. **TIM** - Strengthening Regulatory Framework for EIA
12. **VAN** - Strengthening Implementation Capacity for EIA
13. **COO, FIJ, RMI, FSM, PAL, PNG, SAM, SOL, TON** – Training and Knowledge Sharing for CSS Strengthening

TA 7566 Subprojects

South Asia

14. **BAN** - Strengthening EIA System & Implementation Practices
15. **BHU** - Strategic Environment Assessment for Road Sector Master Plan
16. **NEP** - Strengthening IR Safeguard System
17. **NEP** – Preparation of Pollution Control Strategy & Action Plan
18. **SRI** - Strengthening National-Level Capacity for IR System

Southeast Asia

19. **CAM** - Preparation of Sub-Decree on Informal Settlers - Consultation
20. **LAO** - Strengthening WREA Capacity to Implement Resettlement Policies
21. **PHI** - Enhancing EIS System Improvement Initiatives
22. **INO** - Capacity Development for Social Safeguard Prep & Implementation
23. **INO** - Strengthening Capacity of EIA (AMDAL) System
24. **MYM** - Capacity-Building for Implementing E&S Safeguards Systems
25. **MYM** - Institutional Strengthening & Capacity Devt. for Min. of Construction
26. **VIE** - Capacity Development to Implement Environment Decree
27. **VIE** - Amending the 2003 Land Law & its Implementing Decrees
28. **VIE** - Mainstreaming Biodiversity Considerations into CeSS
29. **VIE** - Good Practices: Income Restoration - Expressway Projects

Approach to Use of CSS

Use of CSS requires Country Safeguard Review to determine:

- **Equivalence** of borrower's legal framework with SPS policy objectives & principles
- **Acceptability** of borrower's safeguard delivery procedures, institutional capacity and performance relative to requirements of CSS legal framework
- **Agreed Action Plan** to fill gaps and build borrower's capacity

Approach to Use of CSS

Country Safeguard Review

**Equivalence
Assessment**

**Acceptability
Assessment**

**Gap-Filling
Measures**

**Consultation
and Disclosure**



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Indonesia: Findings on IR

- **Full** equivalence (8 of 12 ADB PP)
- **Partial** equivalence (4 of 12 ADB PP)
 - ✓ Full equivalence (36 of 40 key elements)
 - ✓ Partial equivalence (2 of 40 key elements) → “significant impact” & “no reference to baseline conditions”
- **No** equivalence (2 of 40 key elements)
 - Benefits to host communities & provision for formalizing land tenure for displaced persons

CSS – Lessons Learned

- Strong demand on CSS strengthening
- Increased appetite for Use of CSS
- ADB/WB's Safeguards are appropriate benchmark for policy convergence
- Diagnostic assessment requires improved methods – *broad equivalence*
- **Shift of emphasis:**
equivalence review → review of capacity to implement safeguards