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# Country Safeguard Systems: Legal Framework Assessments

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# Regional Legal Mapping Exercise

- Supported under ADB's technical assistance for strengthening & use of CSS
- Adapts tools for **country safeguard review** initially used by World Bank
- Equivalence Assessment Matrix



# Equivalence Assessment Matrix:

Policy  
Principle

Legal  
Provisions in  
CSS

Status of  
Equivalence

Recommended  
Actions

# Regional Legal Mapping Exercise

- Assessments completed:
  - ✓ Environment - all 40 borrowing members
  - ✓ Involuntary Resettlement – 18
  - ✓ Indigenous Peoples - 5

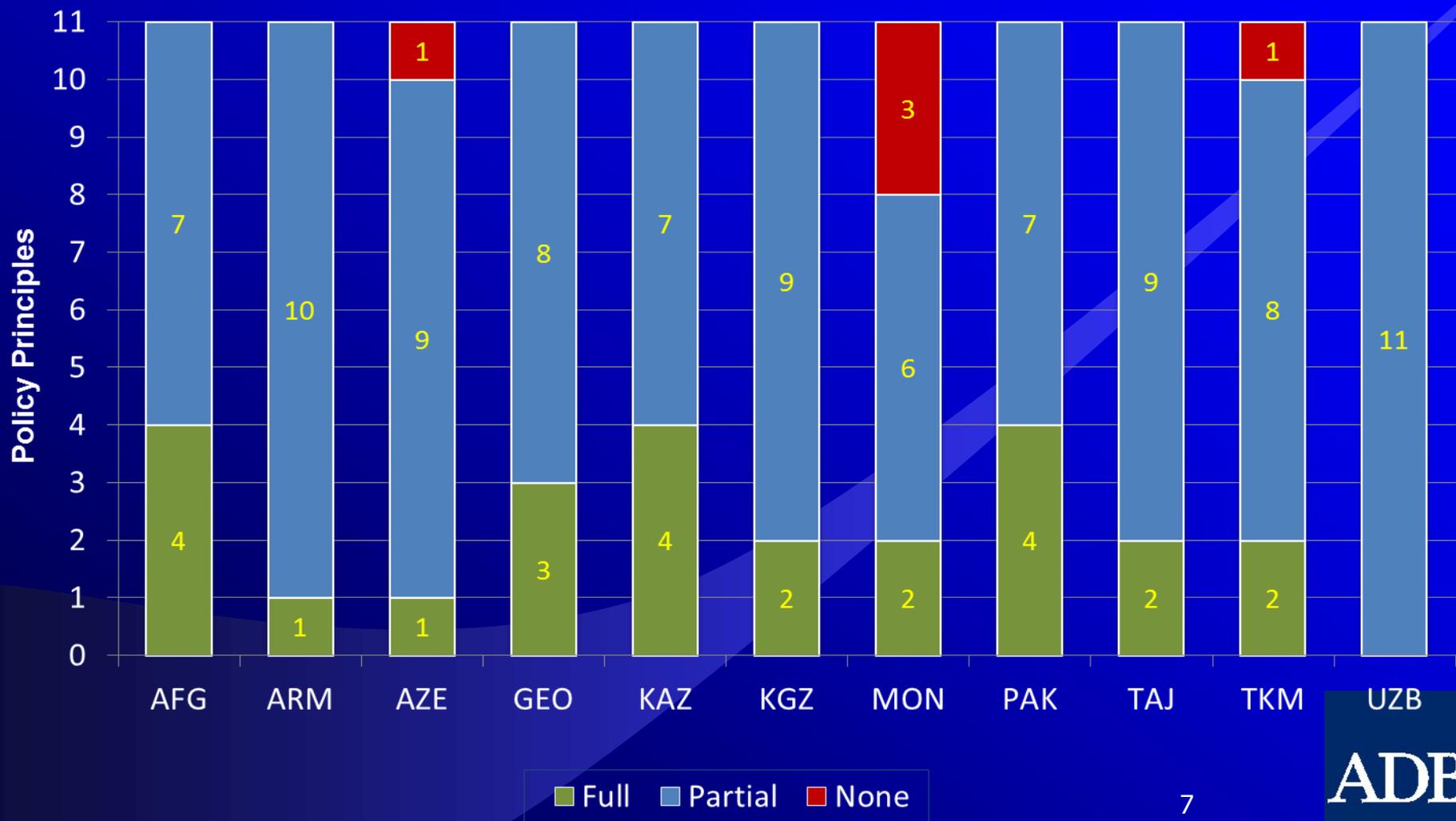
# Overview Results

- All developing members have existing legal frameworks in environment and land acquisition
- Some have them for involuntary resettlement
- Few for safeguarding Indigenous Peoples communities in the context of development projects

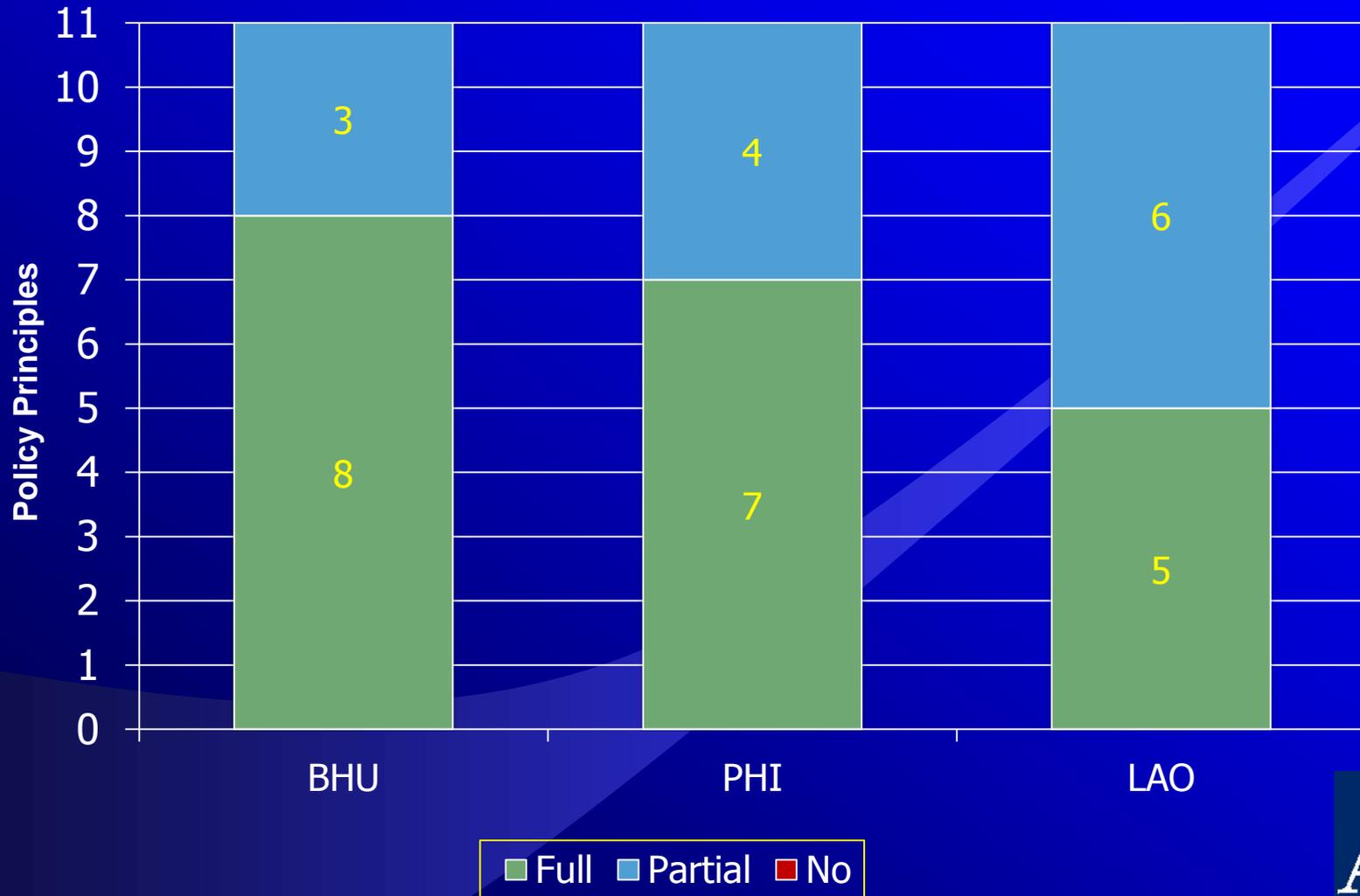
# Environment Safeguards

- ADB's SPS has 11 policy principles for environment
- The first 7 cover the environmental assessment process
- The last 4 cover biodiversity, pollution control, EHS and physical cultural heritage

# Environment Safeguards: Equivalence Assessment Results, Central West & Mongolia



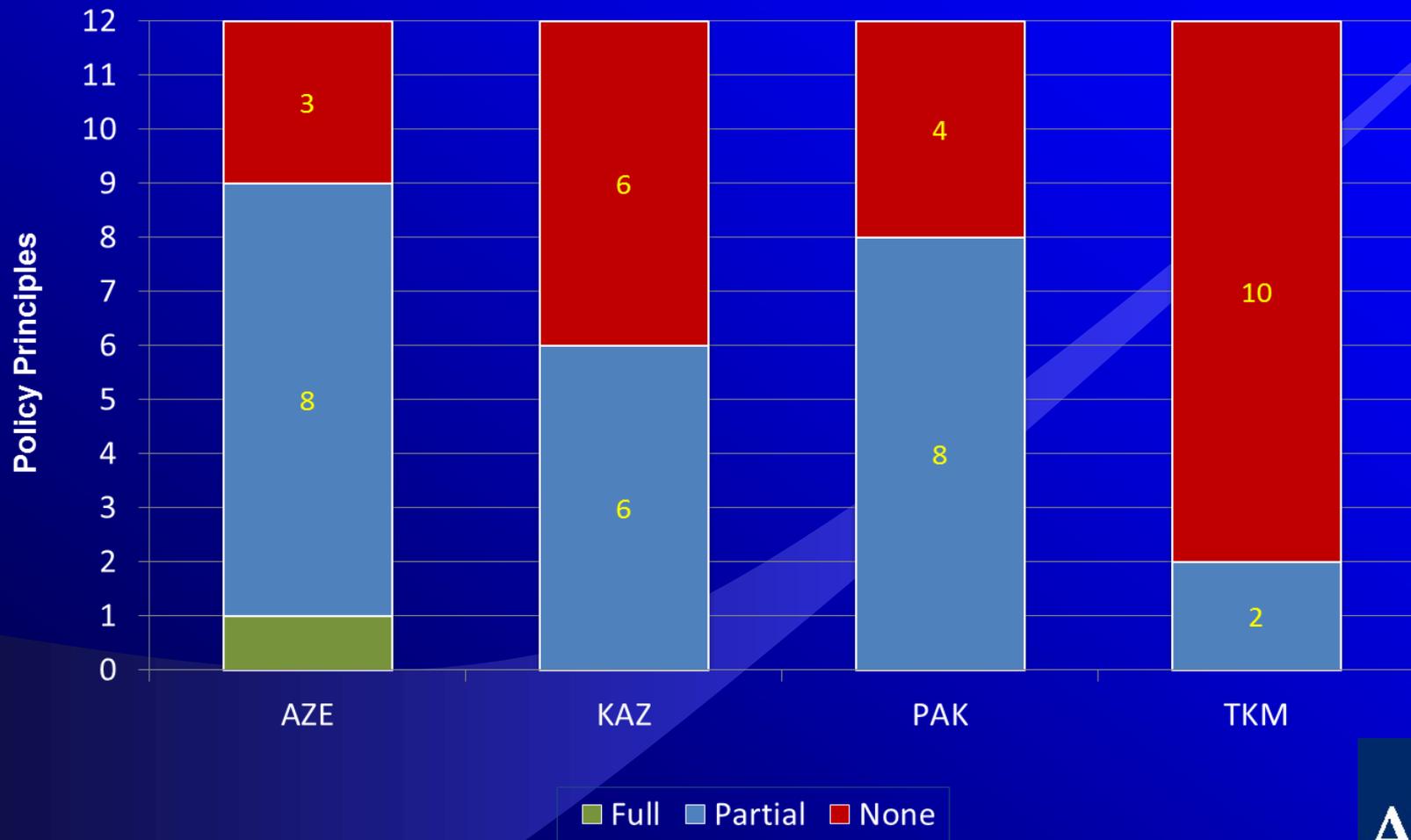
# Environment Safeguards: Countries with most equivalence



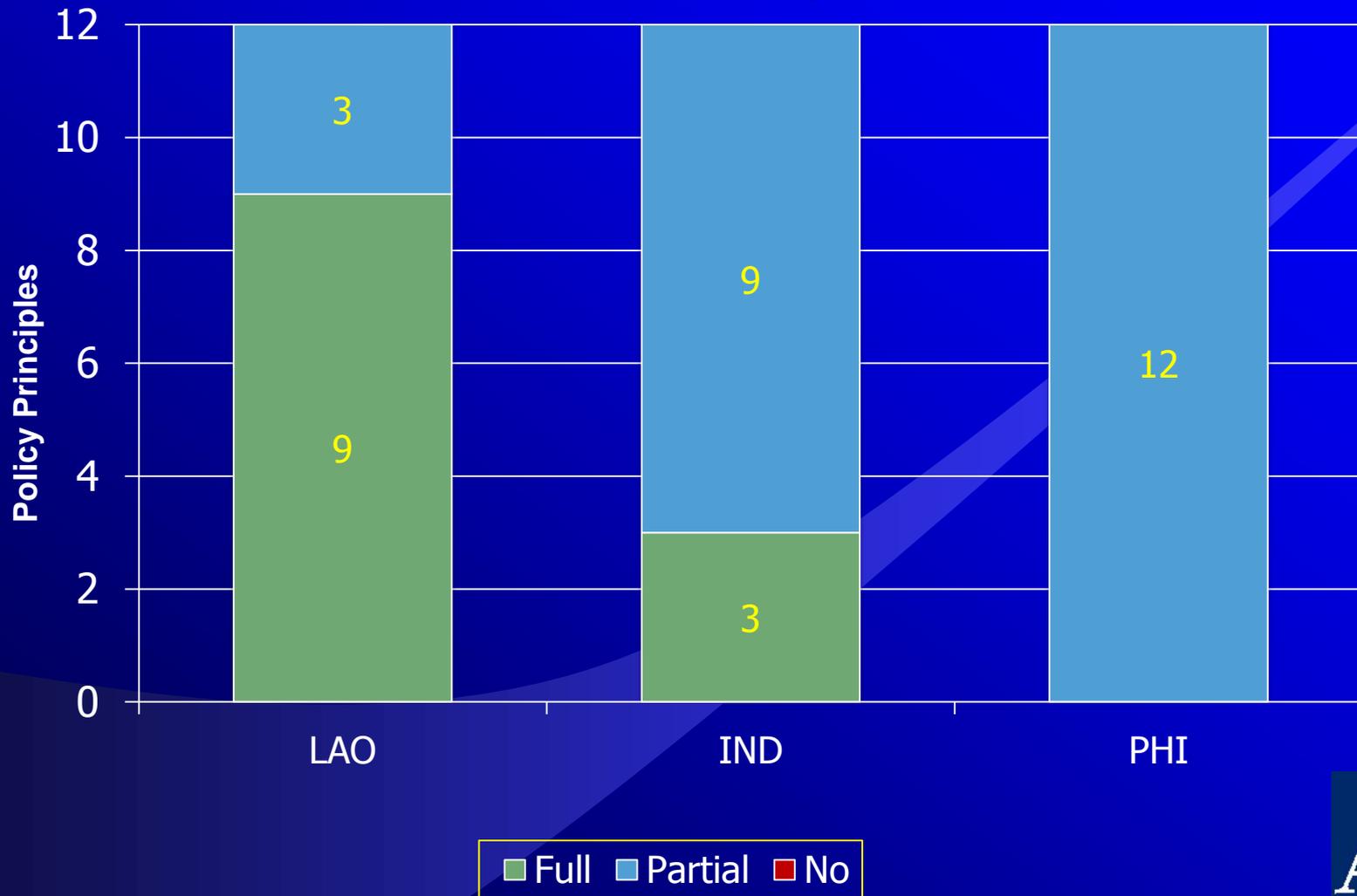
# Involuntary Resettlement Safeguards

- ADB's SPS has 12 policy principles for involuntary resettlement
- 2 on consultation, disclosure, grievance redress
- 10 on impact screening, assessment, planning, implementation and monitoring

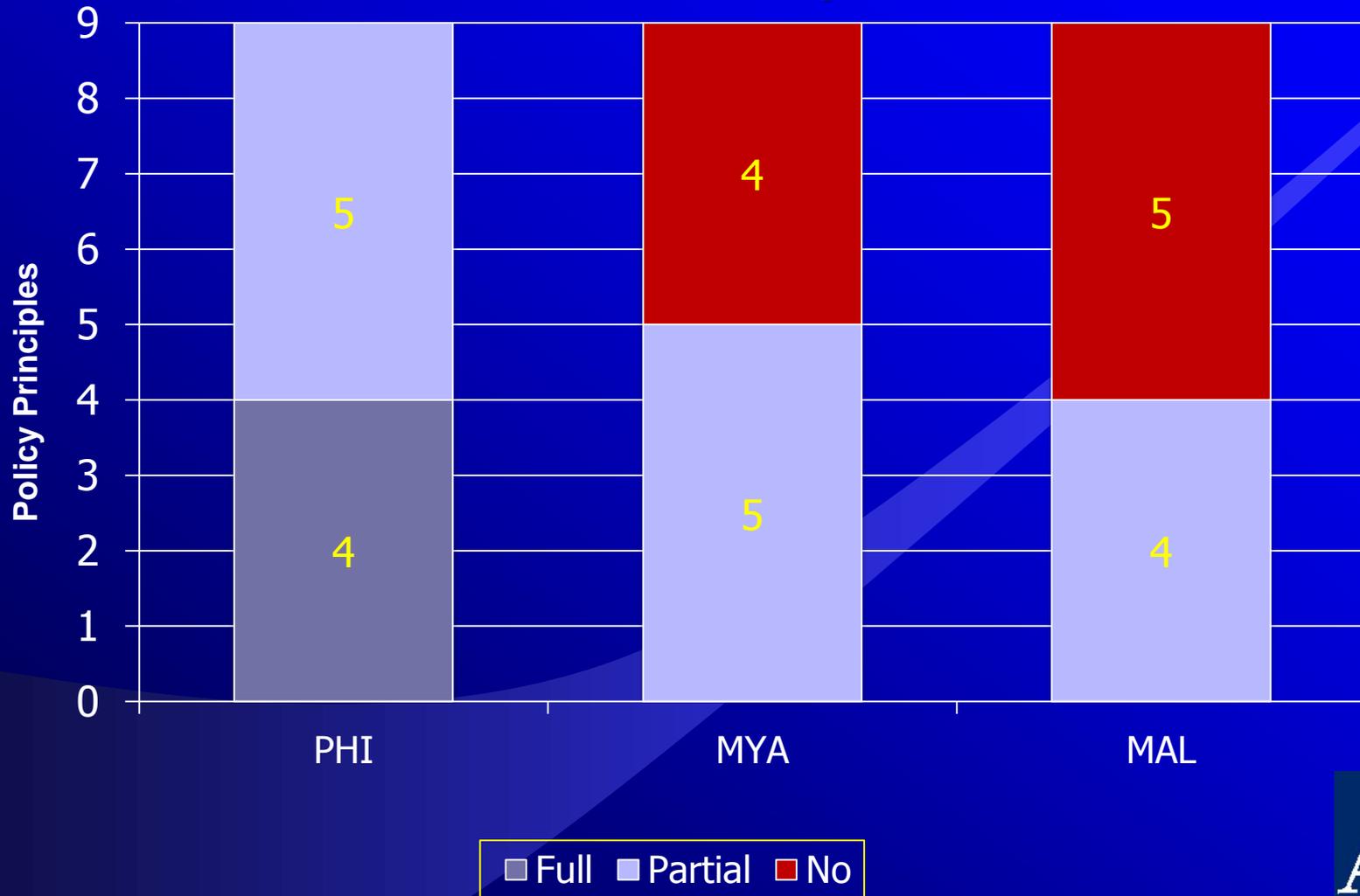
# Involuntary Resettlement Safeguards: Equivalence Assessment Results, CWRD & Mongolia



## Involuntary Resettlement Legal Framework : DMCs with most equivalence



## Indigenous Peoples Legal Framework: DMCs with most equivalence



# Conclusion

- CSS have improved tremendously towards international standards
- Legal frameworks for environment safeguards have provisions that are fully or partially equivalent to the SPS in all DMCs. Where there is partial equivalence, the gaps can easily be filled through specific regulation, guidelines, and/or project-specific measures
- In contrast, there is a wider legal gaps in many CSS for involuntary resettlement and especially for Indigenous Peoples safeguards. These would have to be addressed through legislative reform.

# CSS Website

<http://countrysafeguardsystems.net/>

The screenshot displays the Country Safeguard Systems website. The main content area features a map of Asia with various countries labeled, including Kazakhstan, Mongolia, Georgia, Azerbaijan, Armenia, Kyrgyz Republic, Uzbekistan, Tajikistan, Turkmenistan, Afghanistan, Pakistan, Nepal, Bhutan, Bangladesh, India, Sri Lanka, Myanmar, Lao People's Democratic Republic, Thailand, Viet Nam, Cambodia, Philippines, Malaysia, Indonesia, Timor-Leste, Papua New Guinea, Solomon Islands, Vanuatu, Palau, Federated States of Micronesia, Marshall Islands, Nauru, Tuvalu, Samoa, Fiji, Cook Islands, and Kiribati. The left sidebar contains a navigation menu with the following sections: COUNTRIES, THEMATIC AND ANALYTICAL WORK, LEGAL INSTRUMENTS, PUBLICATIONS, LINKS, and DEVELOPMENT PARTNERS. The DEVELOPMENT PARTNERS section includes buttons for USER LOGIN and REGISTER. The top right corner of the website shows logos for ADB, JICA, and a globe icon. The bottom of the screenshot shows a Windows taskbar with various application icons and a system tray displaying the time as 3:47 PM on 05/05/2016.

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# Thank You, მაგლოზა

## For more information:

- <http://www.adb.org/site/safeguards/main>
- <http://www.adb.org/site/safeguards/country-safeguard-systems>
  - [llaurito@adb.org](mailto:llaurito@adb.org)