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Country Safeguard Systems

Sharing ADB Experience

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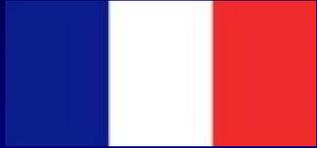
Sub-regional Workshop on CSS
Tbilisi, 30 May 2016

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



**Paris
Declaration
2005**

**WB
scale-up Use
of CSS 2008**



**Busan
HLF
2010**



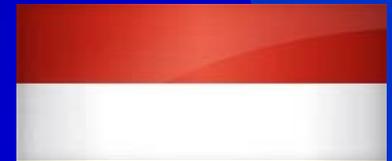
**WB pilot
Use of CSS
2005**

**AAA
2008**

ADB SPS 2009

**INO
Use of
CSS
2013**

**Hanoi Core
Statement
2005**

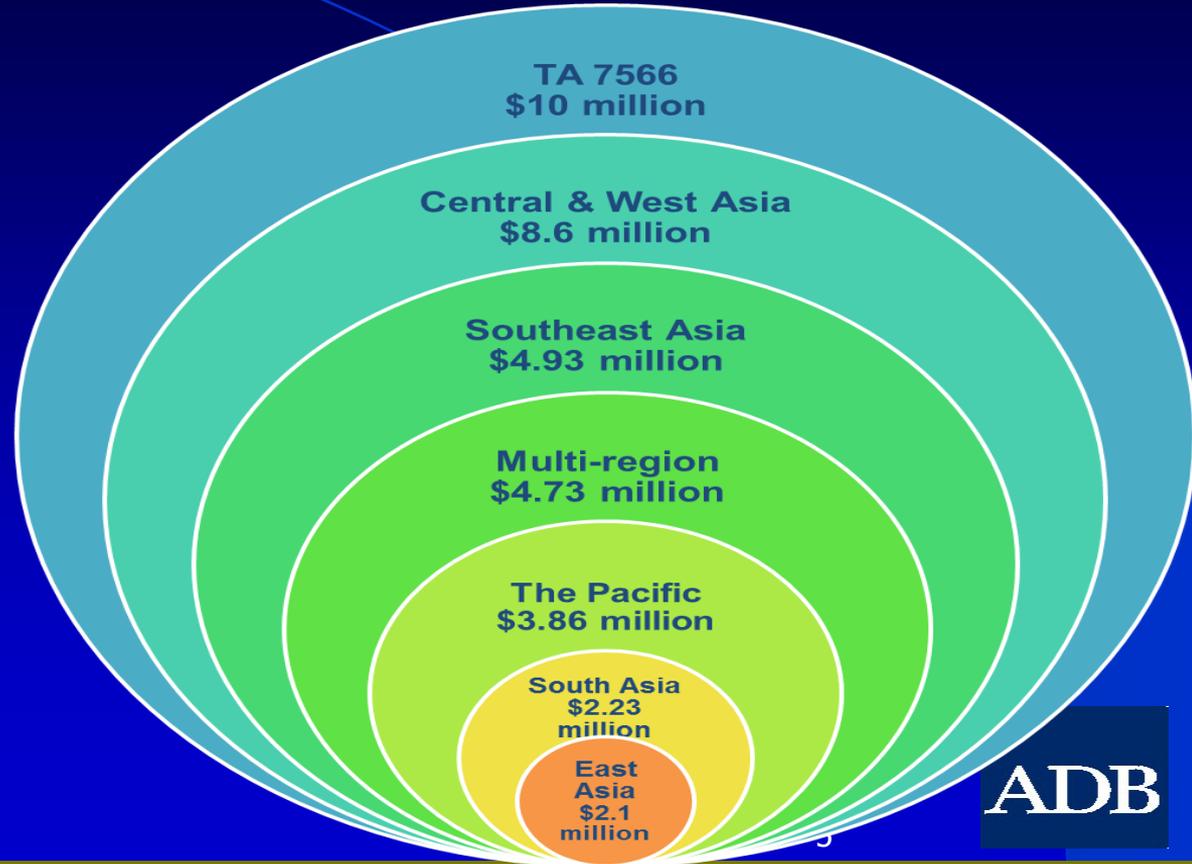


ADB Policy & CSS

- **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

- **26** TAs approved; additional TAs are being proposed
- **36** DMCs involved
- **> \$36** 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
- 28 subprojects in 24 DMCs

TA 7566 Subprojects

Regional

1. ESMS Capacity Building for Private Sector FIIs [Private Sector]
2. EIA Clearinghouse and Capacity Strengthening through Twinning

Central & West Asia

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

East Asia

6. **MON** - Reform of Legal and Regulatory Framework for IR – Phase I
7. **MON** - Reform of Legal and Regulatory Framework for IR – Phase II
8. **MON** - Improvement of EIA Legal and 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. **Cook, Fiji, Marshall Isl, FSM, Palau, PNG, Samoa, SOL, Tonga** – Training

TA 7566 Subprojects

South Asia

14. **BAN** - Strengthening EIA System & Implementation Practices
15. **NEP** - Strengthening IR Safeguard System
16. **NEP** – Preparation of Pollution Control Strategy & Action Plan
17. **SRI** - Supporting & Strengthening National-Level Capacity for IR System

Southeast Asia

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



Proposed Use of CSS

Indonesia: request sent in July 2013

- Country Safeguard Review Ongoing

India Powergrid

- Initial process for CSR

Indonesia: Finding on IR

- Full equivalence for 8 of 12 ADB Policy Principles
- Partial equivalence for 4 ADB PPs
- Fully equivalent to 36 of 40 Key Elements
- Partial equivalence for 2 Key Elements → “significant impact” & “no reference to baseline conditions”
- No equivalence for 2 Key Elements → benefits to host communities & provision for formalizing land tenure for DP

CSS Partnership

- ADB, DFAT, JICA, WB collaborate in CSS knowledge-sharing, joint training, publication
- Develop CSS Regional Mapping
- Set-up safeguards learning centers
- Signed the Principle of Collaboration for CSS in Nagoya, 14 May 2016

CSS – Lessons Learned

- Strong demand on CSS strengthening from DMCs
- ADB/WB's Safeguard Policies are appropriate benchmark for policy convergence
- Diagnostic assessment requires improved methods – *broad equivalence*
- **Shift emphasis:** equivalence review → assessment of implementation capacity