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ADB Safeguard Policy Review and Update: Involuntary Resettlement

REGIONAL CONSULTATIONS

6-8 December 2021



SAFEGUARD
POLICY REVIEW
AND UPDATE



ADB



The Safeguard Policy Review and Update Phase II consultations intend to provide opportunities for stakeholders to express their views and opinions on ADB's environment and social safeguards in the most meaningful and safe manner.

All stakeholders are encouraged to articulate any project-related input and concerns they have during the consultation sessions, all of which will be recorded and duly documented during each event proper, allowing ADB to review, consider and respond to, if necessary. Background materials on the thematic areas have been released for the reference of participants in preparation for the dialogues.

All types of project feedback are welcome and will not be used to lead to any retaliation, abuse, or any kind of discrimination. Written session documentations containing the summary of feedback will be open for review by participating stakeholders prior to disclosure to the public to ensure the comfort and safety of stakeholders, and the accuracy and transparency of proceeding records.

If you have any issues or concerns on confidentiality, potential risks, abuse, or any kind of discrimination during the course of the consultations, please get in touch with the SPRU Secretariat through safeguardsupdate@adb.org.

Gentle Reminders



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AND UPDATE

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- ✓ If possible, join from a quiet, distraction-free area
- ✓ Ensure your audio and video are working
- ✓ Put your microphone on mute when you are not speaking
- ✓ Virtually raise your hand on the Zoom feature to raise a point or question
- ✓ Be respectful to other joining participants
- ✓ Be conscious of time as per the agreed agenda

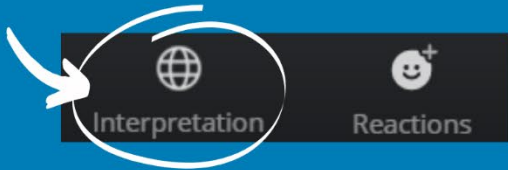




HOW TO LISTEN TO INTERPRETATIONS

1

Click on the Interpretation button at the bottom of your Zoom screen.

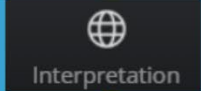


2

Select your preferred language among the list of available interpretations.



Click Mute Original Audio to mute the English audio.



3

CHANGING YOUR NAME ON ZOOM

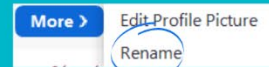
1

Click on the Participants button at the bottom of your Zoom screen



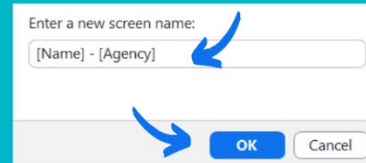
2

On the right hand of your screen, look for your name. Click on the More button on the right side of your name.



3

Click on the Rename button, type in your Name and Agency, then click OK.

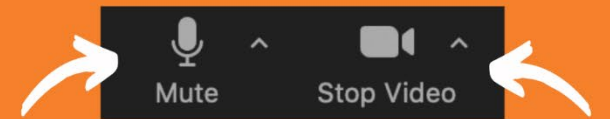
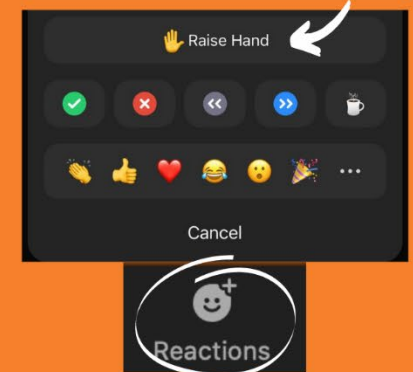


USING ZOOM BUTTONS



Send a message, question or feedback by clicking the chat button.

To comment or raise a question live in the language you prefer, click on the smile icon (Reactions button), and then click on Raise Hand.



To speak and unmute yourself, click on the microphone icon.

To show your video, click on the video icon.



AGENDA



SAFEGUARD POLICY REVIEW AND UPDATE

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- 1. Introduction** (5mins)
Azim Manji, Session Moderator and Stakeholder Engagement Team Leader
- 2. Welcome and Overview** of the Safeguard Policy Statement (2009) and Update Process (5 mins)
Bruce Dunn, Director Safeguards Division
- 3. Session 1:** Safeguard Requirement 2: Involuntary Resettlement Safeguard and Review Process (7 mins)
Irina Novikova, Senior Social Development Specialist, SDSS
- 4. Session 2:** Study Findings and Key Issues (10 mins)
Ralf Starkloff, ADB Consultant
- 5. Session 3a:** Moderated Discussion Part 1 (30 mins)
Moderated by Reisha Jones, Consultant, SDSS
- 6. Break** (5 minutes)
- 7. Session 3b:** Moderated Discussion Part 2 (45 mins)
Moderated by Reisha Jones, Consultant, SDSS
- 8. Event Evaluation** (5 minutes)
- 9. Wrap up** (5 minutes)
Bruce Dunn, Director Safeguards Division

Welcome Remarks

Bruce Dunn, Director, Safeguards Division



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POLICY REVIEW
AND UPDATE**

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Session I: Overview of ADB Involuntary Resettlement Safeguard and Review Process

Irina Nonikova, Senior Social Development Specialist
Sustainable Development and Climate Change Department (SDCC)



ADB Safeguards Policy Statement, 2009 (SPS): Overview

Three Policy Objectives

1 Avoid adverse impacts of projects on the environment and affected people, where possible;

2 Minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected people when avoidance is not possible

3 Help borrowers/clients to strengthen their safeguard systems and develop the capacity to manage environmental and social risks.

Scope and Architecture

- **Approved July 2009**, effective March 2010, 11 years of implementation experience
- **Scope:** 3 main policy areas: Environment (ENV), Involuntary Resettlement (IR), and Indigenous Peoples (IP)
- **Architecture:**
 - One umbrella policy statement. 3 sets of policy principles.
 - Borrower requirements for each of the 3 policy areas (Appendices 1-3)
 - Requirements for different finance modalities – e.g. sector loans, emergency assistance, policy-based lending, financial intermediaries, corporate finance
No coverage of results-based lending (Appendix 4)
 - Prohibited Investment Activities List (Appendix 5)
 - Strengthening and Use of Country Safeguard Systems (Appendix 6)

Involuntary Resettlement Safeguard: Quick Overview



Applies to all ADB-financed and administered sovereign and non-sovereign projects, and to actions conducted in anticipation of ADB financing

IR Safeguard: Objectives, scope and triggers and 12 policy principles; SR2 specifies roles and obligations of the Borrower/Client; shared policy delivery process

ADB Safeguards Policy Statement, 2009 (SPS): Overview

ADB

IR Safeguard Objectives

- 1 **Avoid** involuntary resettlement wherever possible
- 2 **Minimize** involuntary resettlement by exploring project and design alternatives
- 3 **Restore and enhance** the livelihoods of all displaced persons in real terms relative to pre-project levels
- 4 **Improve** the standards of living of the displaced poor and other vulnerable groups

Key Requirements

- **Triggers:** physical and economic displacement related to involuntary land acquisition, involuntary land use restriction, and involuntary restriction of access to resources/legally designated parks and protected areas; impacts can be full/partial, permanent or temporary.
- **Key requirements:**
 - Screening, categorization and assessment of IR impacts
 - IR planning: prepare/update and disclose resettlement plans
 - Stakeholder consultations with displaced persons and GRM
 - Restoration of livelihoods through replacement/compensation for lost assets at replacement cost; no displacement prior to compensation
 - Provision of assistance and support (cash and non-cash)
 - Protections for displaced persons without recognizable legal rights to land
 - Monitoring of resettlement outcomes and disclosure of reports

Independent Evaluation Department (IED): Findings and Recommendations for IR

- 1. Maximize the value added of the IR safeguard beyond compensation.** IED evaluation finds ADB's involuntary Resettlement (IR) safeguards performance to be generally satisfactory; however, it notes a primary reliance on compensation of affected persons with a simultaneous weakness of livelihood restoration and improvement, especially for severely affected poor and vulnerable households. Recommends clearer livelihood restoration provisions and mitigation approaches. Notes weaknesses in stakeholder consultations and disclosure of resettlement plans, and further recommends improved disclosure of safeguards documentation in local languages and improved participation of government staff in consultations.
- 2. Recommends a new integrated approach to risk assessment and categorization.** The use of a numerical threshold of 200 severely affected persons for IR category A projects is judged inadequate and insufficiently risk oriented, as it does not appropriately assess the variable risks within the socio-economic, institutional, and country contexts.
- 3. Recommends enhanced mechanisms to assess social risks in projects and impacts on communities, people and their livelihoods** which do not originate from involuntary land acquisition but may still lead to physical and economic displacement.

Analytical Study Methodology and Processes:



Analytical Study Objective:

- Study objective is to provide informed recommendations for the update of requirements related to land acquisition, land use restriction, and involuntary resettlement.

Analytical Study Methodology:

- Desk based document review - IED Report and ADB Management Response, project documents related to IR safeguards
- Benchmarking with other MFI polices - Comparative analysis with EBRD, IFC, IDB, World Bank
- Stakeholder consultations and workshops - ADB staff, developing member countries (DMCs), Private Sector clients and organizations, civil society organisations.

Session 2

Study Findings and Key Issues

Ralf Starkloff, ADB Consultant, SDSS
Sustainable Development and Climate Change Department (SDCC)



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AND UPDATE

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Objectives and Scope of Application

- ADB shares with other MFIs the objectives of avoiding and minimizing adverse IR impacts.
- Other MFIs include among the policy objectives avoidance of forced eviction, compensation at replacement cost and stakeholder engagement.
- Some MFI include requirements for voluntary land transactions, such as voluntary land donations.
- Some MFIs allow application of the IR standard to livelihood impacts not resulting from land acquisition.

Risk classification and categorization

- Except for ADB, all MFIs adopted a risk-based integrated environmental and social assessment.

Mitigation plans

- All MFIs require preparation of varying types of resettlement planning documents commensurate with the level of displacement.
- All MFIs permit the use of resettlement frameworks for projects without impact assessments prepared before project approval
- ADB limiting the use of frameworks to four finance modalities.

Stakeholder engagement

- All MFIs require disclosure of relevant information about displacement impacts and mitigation measures in local languages and an accessible culturally appropriate manner.
- Some MFIs detail the kind of information required.
- Except for ADB, none of the MFIs explicitly require full disclosure of resettlement documents on their websites.

Monitoring and implementation

- ADB explicitly mandates the public disclosure of monitoring reports on its website.
- To ensure verification of the completion of RP implementation, especially for IR category A, other MFIs may require land acquisition IR completion reports and/or external compliance reviews.
- ADB does not require standalone IR completion audits and reports but mandates ongoing M&E and discloses completion of RP implementation in project completion reports.

Roles and responsibilities

- The division of responsibilities is comparable to ADB.
- MFIs undertake screening, due diligence, supervision, support and capacity building.
- Borrowers implement all requirements for safeguard management of the standards.

Key issues for further consideration



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Architecture and Integration

1. Adoption of a performance standard approach, with binding requirements for Borrowers and ADB, including for staff, with clarification of differential roles and responsibilities for the management of land acquisition and land use restriction (LA/LUR).
2. Adoption of a risk-based approach to screening, scoping and categorization of LA/LUR without a numerical threshold for impact significance.
3. Adoption of an integrated environmental and social impact assessment as an overarching assessment tool to cover all anticipated social risks and impacts of a project, with specific requirements for LA/LUR.

Key issues for further consideration



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Scope of Application

1. To cover both involuntary and voluntary forms of LA/LUR, improve implementation practices and provide clearer guidance
2. To clarify provisions related to land use restriction and restriction on access (regarding both infrastructure and natural resource management related impacts)
3. To clarify provisions for the social impacts of associated facilities, existing facilities, legacy issues and cumulative impacts and their mitigation.
4. To clarify provisions for mitigation of livelihood impacts & asset losses not caused by land acquisition.

Key issues for further consideration



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Strengthening of other provisions

1. To link LA/LUR planning with the readiness of the technical design through either
 - implementation ready land acquisition plans, or
 - a framework approach coupled with enhanced scoping
2. To further clarify LA/LUR related provisions for
 - valuation of lost assets
 - livelihood restoration
 - relocation of non-titled displaced persons
 - vulnerability
 - gender
 - mitigation measures for host communities
 - strengthening of the Borrower's capacity for LA/LUR management
 - external and third-party monitoring and verification

Session 3: Moderated Discussion

Moderator: Reisha Jones, Consultant, SDSS



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Please share your Feedback

1. What do you expect from the SPS Update for the proposed Standard on Land Acquisition?
2. What issues need to be covered?
3. What changes would you like to see?

Sequence for Q&A



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1st sequence – Open for statements and sharing of perspectives and recommendations (raised hands to speak)

2nd sequence – Questions sent in advance (through Zoom registration)

3rd sequence – Questions posted on the chat box and participants raising hands will be called in batches

We will be having a short break



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What are your views on the following issues?

Time remaining for the break

05:00

ADB

1. The scope of the standard to cover both voluntary and involuntary land acquisition and land use restriction
2. The use of an integrated risk assessment and categorization
3. Matching land acquisition planning requirements with the readiness of the technical design
4. Addressing impacts on livelihoods & other losses not caused by land acquisition
5. Monitoring compliance with requirements for the mitigation of land acquisition and land use restriction



Quick Poll



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From 1 (not effective) to 5 (highly effective),
how would you rate the effectiveness of this consultation?

Quick written feedback via www.menti.com
Please Click the link on the chat box:

Wrap Up and Synthesis

Bruce Dunn, Director, Safeguards Division



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THANK YOU!

GET INVOLVED

Please send us your feedback and suggestions



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<https://www.adb.org/who-we-are/about/safeguard-policy-review>
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