



ADB's Safeguards Policy Statement: Environment and Social, Pakistan Context

Armine Yedigaryan, Safeguards Specialist (Environment), OSFG
Irina Novikova, Principal Safeguards Specialist (Social), OSFG
Ma. Roserillan Robidillo, Senior Safeguards Officer, OSFG

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What Environment and Social Safeguards is about



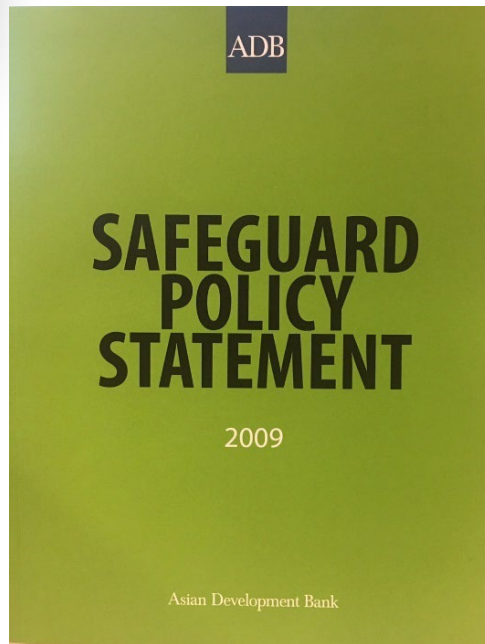
- **Challenge**

Infrastructure development projects may cause severe economic, social and environmental risks on affected communities and vulnerable groups

- **ADB's Approach**

Commits to avoid, minimize, mitigate, and compensate for the adverse impacts through well-designed and appropriately-implemented plans on ***Environmental management, Resettlement and indigenous peoples.***

Overarching Objectives of the Safeguards Policy Statement (SPS)



- **Avoid** adverse impacts of projects on the environment and people, where possible;
- **Minimize, mitigate, and/or compensate** for impacts when avoidance is not possible; and
- Help borrowers/clients to **strengthen systems and capacity** to manage environmental and social risks.

Applies to all ADB-financed and/or ADB-administered sovereign and non-sovereign projects.

Environment Safeguards Requirements

- Project Screening
- Assessment of Impacts
- Planning Documents/
Management Plans
 - EIA, IEE, EARF, EMP and sub-plans
- Information Disclosure
- Meaningful Consultations
- Grievance Redress Mechanism
- Monitoring and Reporting
- Biodiversity Conservation and Sustainable Natural Resource Management
 - Modified, natural or critical habitats
 - Legally-protected areas
 - Invasive alien species
 - Management and Use of Renewable Natural Resources
- Pollution Prevention and Abatement
- Occupational and Community Health and Safety
- Physical Cultural Resources

Project Screening and Safeguards Categorization

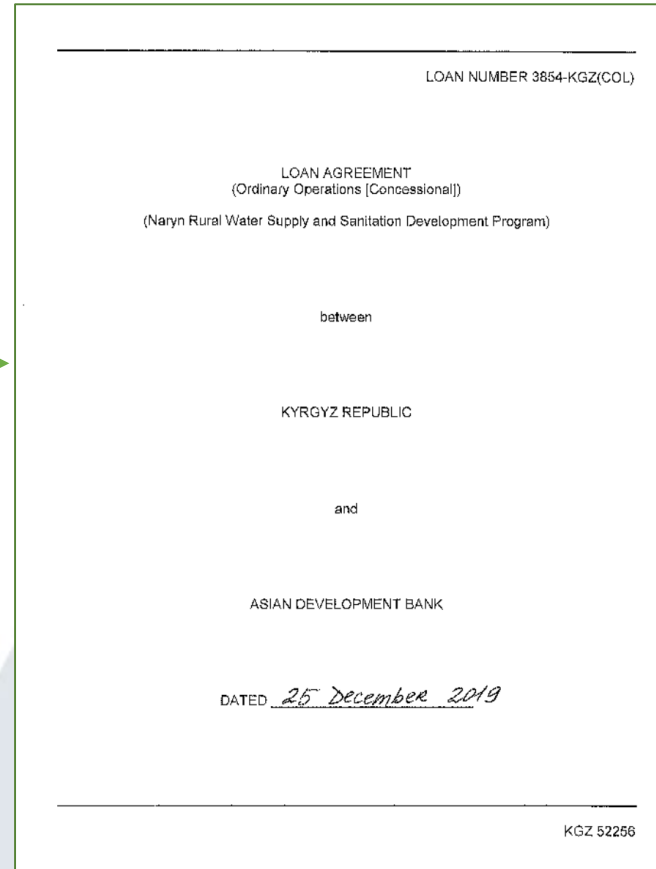
- Potential impacts/risks on ENV identified, and their significance determined
- Projects assigned to category A, B, C or Financial Intermediary (FI)
- Highly complex and sensitive projects
- Categorization ongoing and can be reviewed

**Safeguards categorization depends on the significance of expected impact!*

Compliance with ADB SPS



Achieved
through
Legal
Covenants



Covenant: A legally binding and enforceable promise.

Separate covenants for three safeguard areas: ENV, IR, IP

“Standard safeguards covenants”: Non-negotiable and are in all ADB’s loan and grant agreements.

Extent/scope: Safeguards characterization.

Special covenants: Biodiversity plan; Cultural Heritage Plan: IR payments from loan, sectional approach to IR payments/ works under linear projects etc.

Relevant Documents

- Loan Agreements
 - Schedule 5
- Project Administration Manual
 - Safeguards Section
- EIA and IEE, EMP, EARF
 - Findings, recommendations, EMP, costs, implementation arrangement, GRM, stakeholders engagement plan, monitoring and reporting
 - Other: Environment and Social Management System (ESMS), Project Safeguards System Assessment (PSSA) etc.
- SAEMRs and SASMRs
 - Quality trends, progress, scope changes
 - Complaints/grievances/feedbacks
 - Corrective actions for non-compliances
 - Follow-up actions

Involuntary Resettlement (IR) Safeguard

Objectives

- **Avoid** IR, wherever possible
- **Minimize** IR by exploring alternatives
- Enhance or at least **restore livelihood** in real terms
- Improve **standards of living** of poor/ vulnerable



Types of Displacement



Economic Displacement

Loss of land, assets, access to assets, income sources or means of livelihood, whether fully or partially or permanently or temporarily

Physical Displacement

Loss of residential land or loss of shelter, whether fully or partially or permanently or temporarily





Significant Impacts:

If 200 or more persons are:

- Physically displaced from housing, and/or
- Lose 10% or more of their income generating assets



WHAT IS
INVOLUNTARY
(LAND
ACQUISITION
AND)
RESETLEMENT?

When persons are displaced and are not given the right and option to refuse either land acquisition and/or their displacement from land, inclusive of restriction of access to assets and resources



3 Categories of Displaced Persons Under the SPS

1. Persons with **formal legal rights/titles** to land lost
2. Non-titled occupants of land with **recognizable claims under national law**
3. **Non-titled occupants** of land without recognizable claims – who have neither formal legal rights nor recognized or recognizable claims (**informal settlers, squatters, encroachers**)

Challenges Related to Implementing the IR Safeguards



Compensation rates are not at replacement cost: cadastral values, revenue system-based, deficient market rates



Past land acquisition with multiple gaps (re rates, consultations, not all impacts covered, displacement prior to displ't)



Civil works cannot start (or site be handed over to the contractor) until compensation is paid



Restriction of access and land use: ROW clearance, informal trade and livelihood activities.



Not all types of affected persons are accounted for.
Need for additional legal instruments

Indigenous Peoples (IPs) Safeguards

Objectives

Foster full respect for identity, dignity, human rights, livelihood systems, and cultural uniqueness of Indigenous Peoples, so that IPs:

- Receive culturally-appropriate social and economic benefits
- Do not suffer adverse impacts
- Participate actively in projects



Indigenous Peoples (IPs) Safeguards

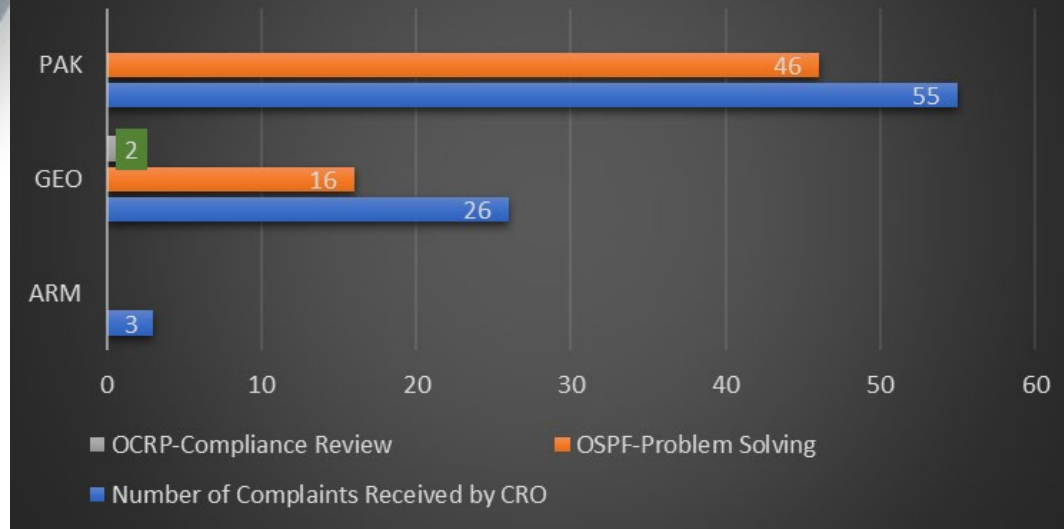
Scope and triggers

- A project that directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IPs; or
- Affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as an ancestral domain or asset.
- Limited application in Pakistan: Typically triggered in projects involving the Kalash communities

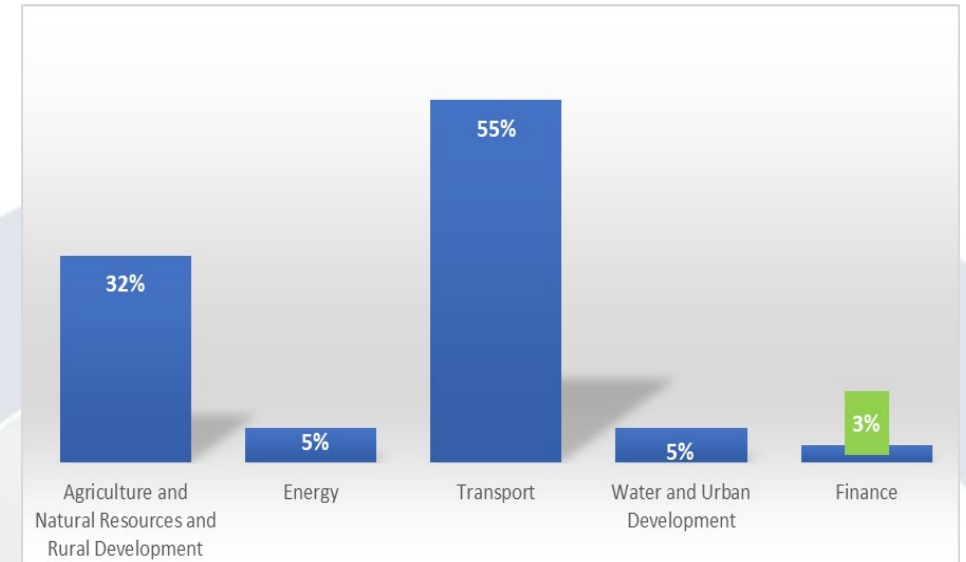
Complaints from Pakistan

2012 Accountability Mechanism, May 2012-to date

Complaints Received from CW



Complaints by Sector

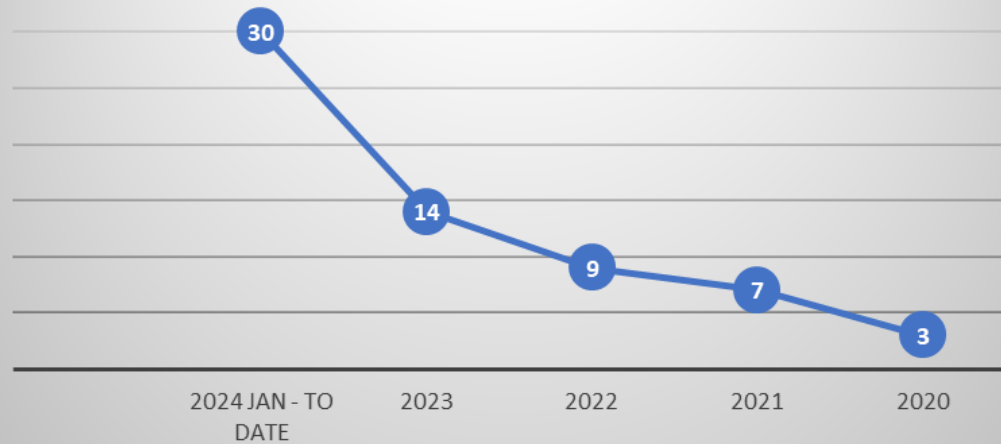


2012 Accountability Mechanism Policy (May 2012 - to date)

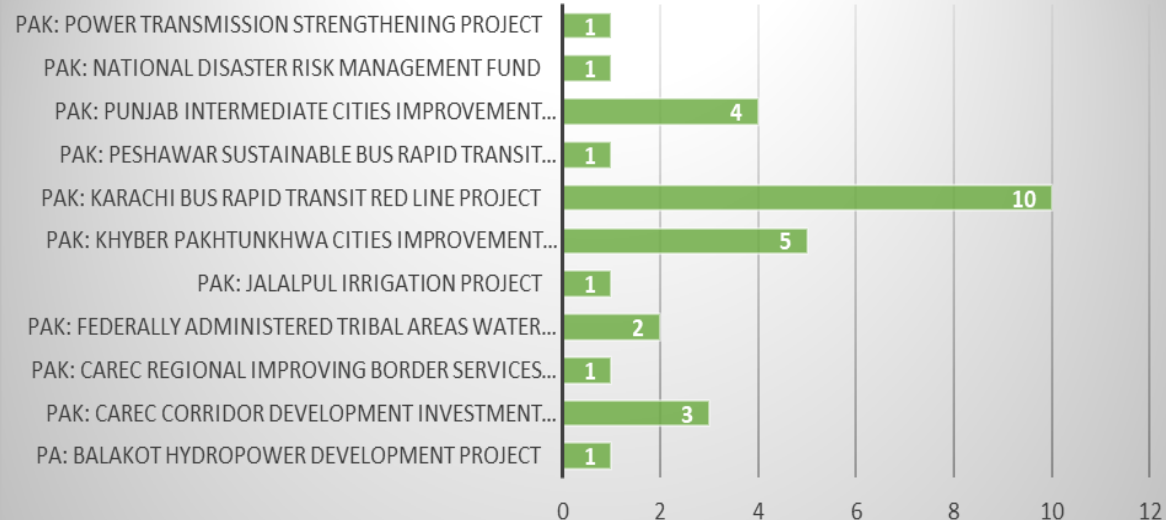
	Total number of Complaints Received (OSPF)	Eligible for the Problem-Solving Function	Eligible for Compliance Review
GEO	16	6	2
PAK	46	7	0

Complaints from Pakistan

CRO: Safeguards-Related Complaints Received from Pakistan

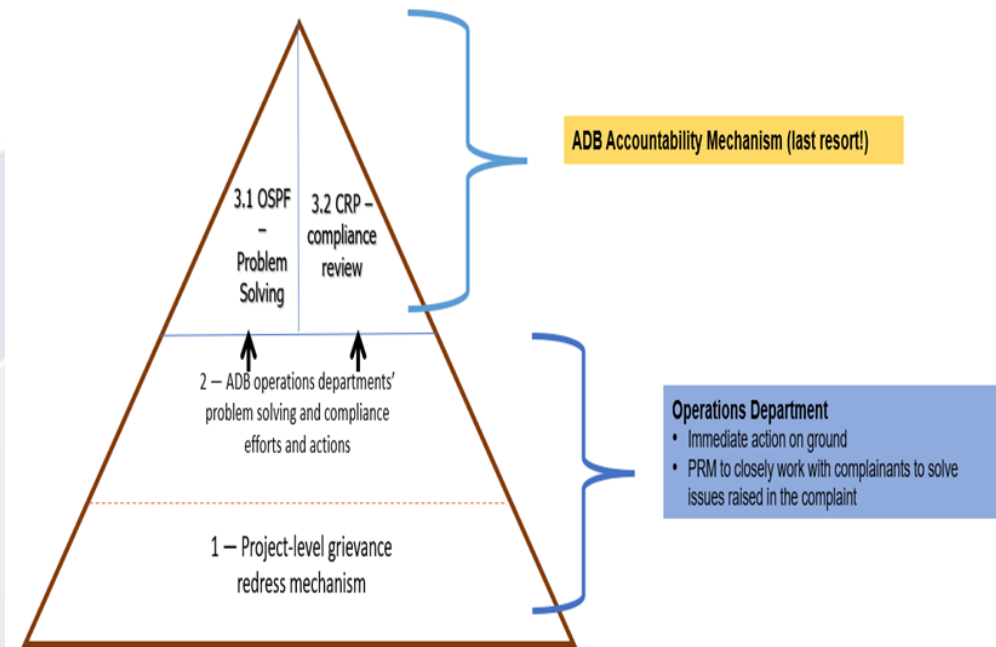


Frequency of Complaints per Project, January 2024 – to date



Complaints: Trends and Patterns and Complaint Continuum

- From 2020, number of complaints reaching ADB AM is increasing.
- Even with operational GRMs, some complainants still go directly to ADB-AM for complaint resolution.
- Lack of understanding on complaints continuum in ADB
 - GRM
 - Operations Department (PRM)
 - ADB Accountability Mechanism
- Complaints that reach OSPF are often deemed ineligible for OSPF facilitation due to lack of good faith efforts to solve issues with OD



Complaints: Lessons Learned

- Awareness and access of complainants to the project GRM is still low. With internet access, it might be more convenient to file a complaint with the AM.
- Delayed resolution of complaints in the GRM. Ineffective GRMs.
- Capacity of project implementing authorities on handling grievances
- Inadequate consultation and information
 - Those who complain were missed out
 - Consultation, consultation, and more consultations with all stakeholders
- Active monitoring and Improved project supervision to avoid escalation of complaint to the AM



Thank you!

