



Environment Safeguards and Climate Resilience

Strengthening Capacity
for Environmental Law in the Asia Pacific
“Developing Environment Law Champions”

Train the Trainers Program
Manila

Sonia Chand Sandhu
Sr. Environment and Climate Change Sp.
SEUW

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Presentation Outline

- **Environmental Sustainability**
- **Context** of ADBs Safeguard Policy Statement (SPS 2009)
- **Principles** for application of environment safeguards
- **Key project stages**, milestones, documents

Environmental Sustainability in ADB Projects

I. Environment Operations Directions Paper

- Promoting a shift to sustainable infrastructure;
- Investing in natural capital;
- Strengthening environmental governance and management capacity; and
- Responding to the climate change imperative.



Environmental Sustainability in ADB Projects

II. ADB Safeguard Policy Statement (SPS) Approved by ADB's Board of Directors in July 2009.

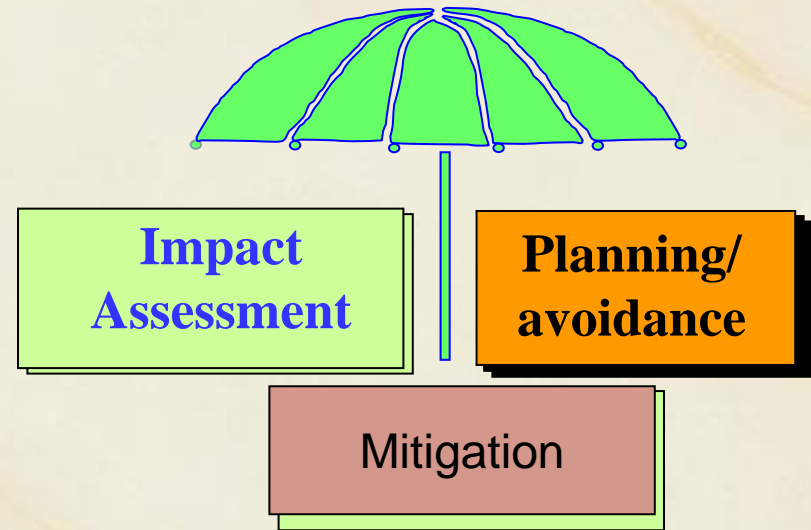
- Environmental and social safeguards are a cornerstone of ADB's support to inclusive economic and environmentally sustainable growth
- Ensure the environmental soundness of projects and integration of environmental and social considerations into the project **design and decision-making** process.



Safeguard Policy Statement (SPS 2009)

Integrates :

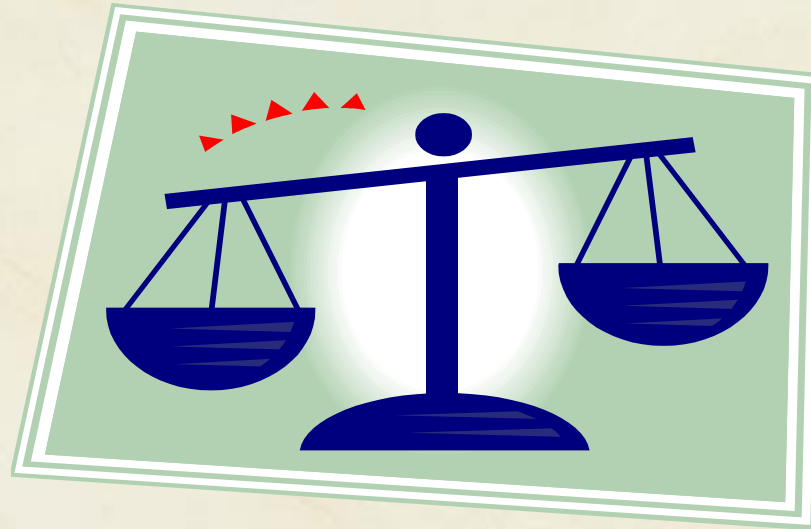
- Environment
- Involuntary Resettlement
- Indigenous Peoples



Key Objectives:

- **Avoid** adverse impacts of projects on the environment and affected people;
- **Minimize, mitigate, and/or compensate for adverse impacts** on the environment and affected people when avoidance is not possible
- **Strengthen** country safeguard systems and develop capacity to manage environmental and social risk
- **Develop** meaningful environment, climate resilience and social standards

Environment management : **Striking the Balance**

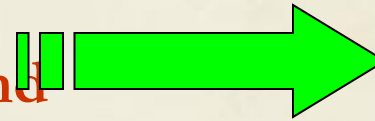


**Environment and Natural
Resources**

**Planning and
Engineering design**

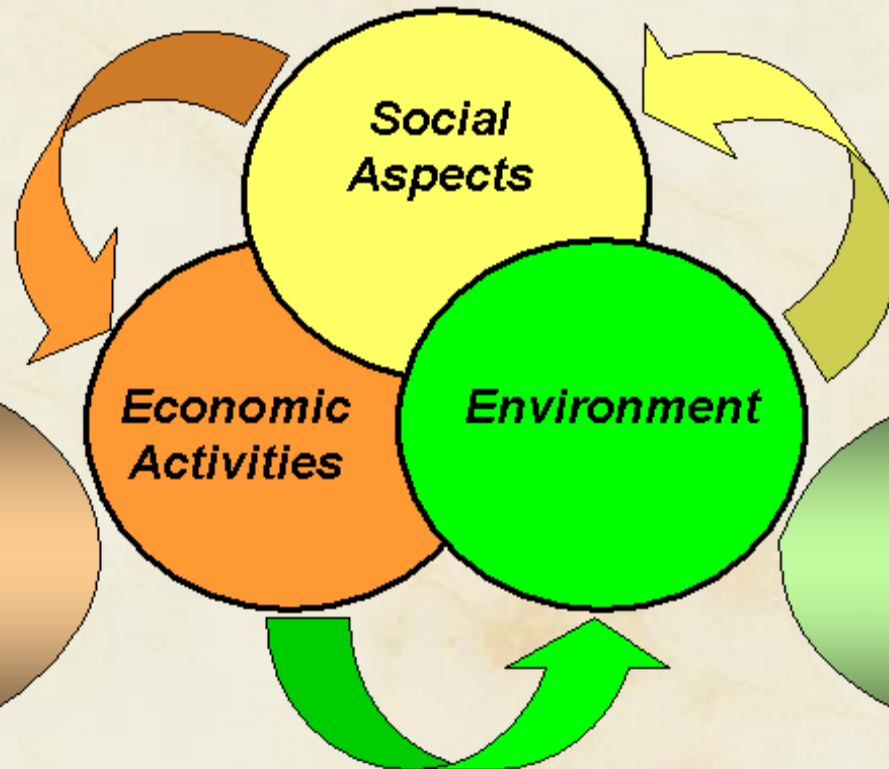
**Creating Sustainable
Assets**

**Stronger integration
Environmental, Social and
Economic**



**More Sustainable
Assets**

Envt. Impacts +
project Activities
can have impact
on social aspects



Environmental
Impacts can affect
people and their
perceptions

Project
viability can
change
dramatically

Environment Safeguards

Policy Principles and Requirements

1. Project **screening** and categorization
2. Environmental **assessment**
3. **Alternatives** examination
4. Environmental **management** plan
5. **Consultation** and **grievance redress mechanism**
6. Information **disclosure**
7. **Monitoring** and reporting
8. Biodiversity **protection** and natural resources management
9. Pollution **prevention** and abatement
10. Occupational and community health and safety
11. Physical cultural resources

Triggers of Principles & Requirements

1. Project screening and categorization
2. Environmental assessment
3. Alternatives examination
4. Environmental management plan
5. Consultation and grievance redress mechanism
6. Information disclosure
7. Monitoring and reporting
8. Biodiversity protection and natural resources management
9. Pollution prevention and abatement
10. Occupational and community health and safety
11. Physical cultural resources

Always triggered for Category A and B projects,

Sometimes triggered

Very frequently triggered

Very frequently triggered

Sometimes triggered



Policy Principles and Requirements

1. Screening and Categorization

Conduct screening and categorization at the early stage of project preparation to

- reflect the significance of potential impacts and risks
- identify the extent and scope of impact assessment and institutional resources required
- determine the best means of disclosure and outreach



Policy Principles and Requirements

1. Screening and Categorization

- **Category A** (OM 20): *Projects with potential for significant adverse environmental impacts. **EIA required***
- **Category B** (OM 20): *Projects judged to have some adverse environmental impacts, but of lesser degree and/or significance than those for category A projects. **An initial environmental examination (IEE) is required***
- **Category C** (OM 20): *Projects unlikely to have adverse environmental impacts. **No EIA or IEE** is required, although environmental implications are still reviewed.*
- **Category FI** (OM 20): *Projects are classified as category FI if they involve a credit line through a financial intermediary or an equity investment in a financial intermediary. **ESMS required***

Categorization based on the Most Environmentally Sensitive Component



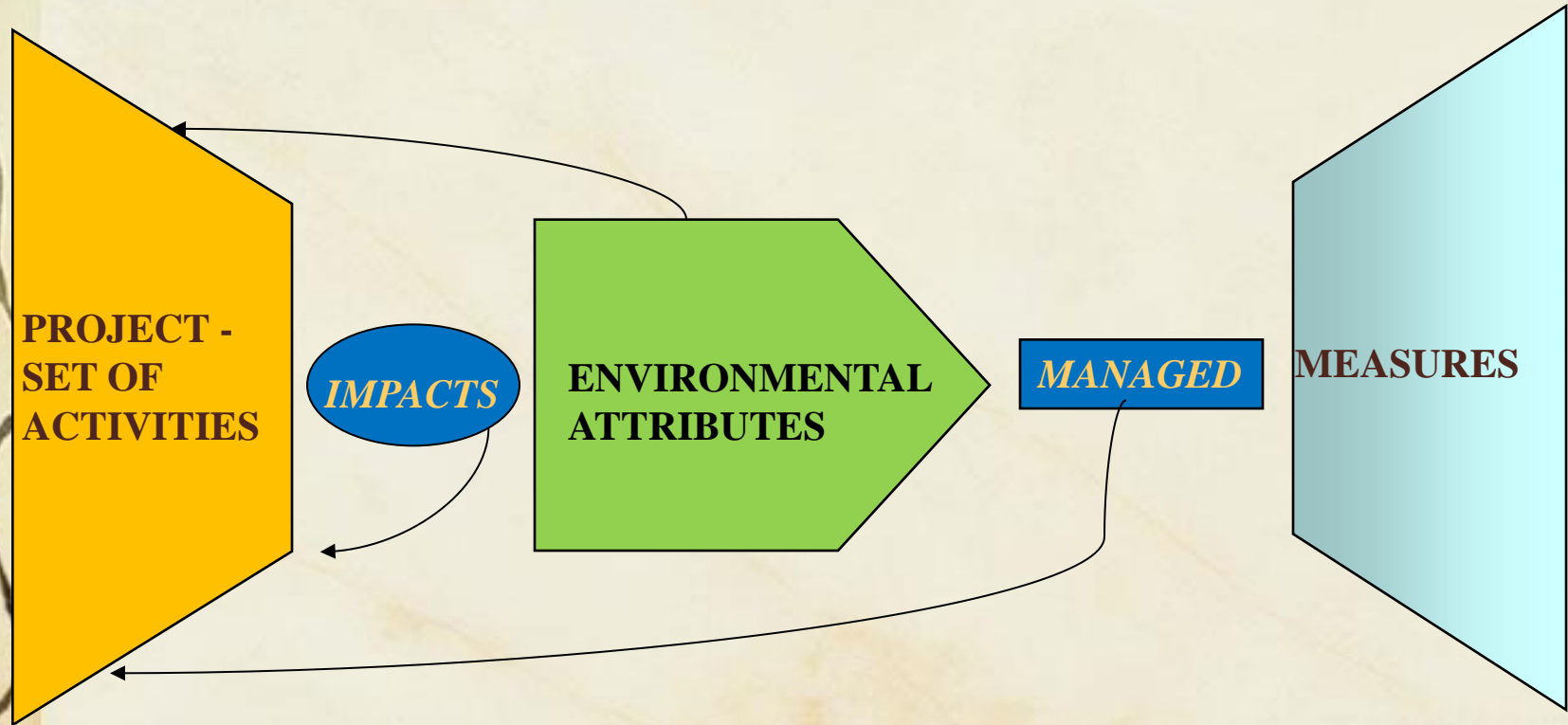
Policy Principles and Requirements

2. Environmental Assessment (EA) or Initial Environment Examination (IEE)

- Conduct an EA to identify potential impacts:
 - physical
 - biological
 - socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues)
 - physical cultural resources
 - impacts related to climate change

.....in the context of the project's area of influence.

EIA ◀▶ Project Development



EIA / IEE influences project design, implementation & operation



Policy Principles and Requirements

2. Environmental Assessment (EA)

The project's **area of influence** encompasses:

- (i) primary project site(s) and facilities that the borrower/client develops or controls
- (ii) associated facilities :
 - that are not funded as part of the project,
 - whose viability and existence depend exclusively on the project and
 - whose goods or services are essential for the successful operation of the project



Policy Principles and Requirements

2. Environmental Assessment (EA)

(cont.)

- (iii) cumulative impacts from further planned development of the project, any existing project, and other project-related developments that are realistically defined at the time the assessment is undertaken, and
- (iv) induced impacts from unplanned but predictable developments caused by the project that may occur later or at a different location

The area of influence does not include potential impacts that might occur without the project.



Policy Principles and Requirements

3. Alternatives Examination

For projects with potential significant impacts, EIA will

- Examine alternatives to the project's location, design, technology, and components, for Cat. A, B projects
- Document the rationale for selecting the particular project location, design, technology, and components
- Consider "no project" alternative.....

**Opportunity to enhance project's
development impacts and environment
benefits**



Policy Principles and Requirements

4. Environmental Management Plan (EMP)

- The borrower/client will be required to prepare an EMP for Cat. A and B projects
- EMP will be prepared to **avoid, minimize and mitigate adverse impacts** and/or offset adverse impacts and enhance positive impacts. If some **residual impacts** are likely to remain significant after mitigation, the EMP will also include appropriate offset measures
- EMP will also address the third-party risk when such risk is high and the borrower/client has control

Policy Principles and Requirements

4. Environmental Management Plan (EMP) (Cont.)

- EMP will include:
 - (i) minimization and mitigation measures
 - (ii) monitoring and reporting requirements
 - (iii) institutional arrangements
 - (iv) capacity development and training measures
 - (v) implementation schedule , time line aligned with project
 - (vi) cost estimates and
 - (vii) performance indicators



Policy Principles and Requirements

5. Consultation & Grievance Redress Mechanism

- The borrower/client will carry out **meaningful consultation** with affected people (AP) for their informed participation - ensure women's participation in consultation and other concerned stakeholders (NGOs, CSOs, Govt. agencies etc)
- Meaningful consultation is a process that:
 - begins **upstream** and is carried out on an ongoing basis
 - provides timely disclosure of relevant and adequate information accessible to affected people
 - is undertaken in an atmosphere free of intimidation
 - is gender inclusive and responsive, and tailored to the needs of vulnerable groups
 - enables the incorporation of all relevant views



Policy Principles and Requirements

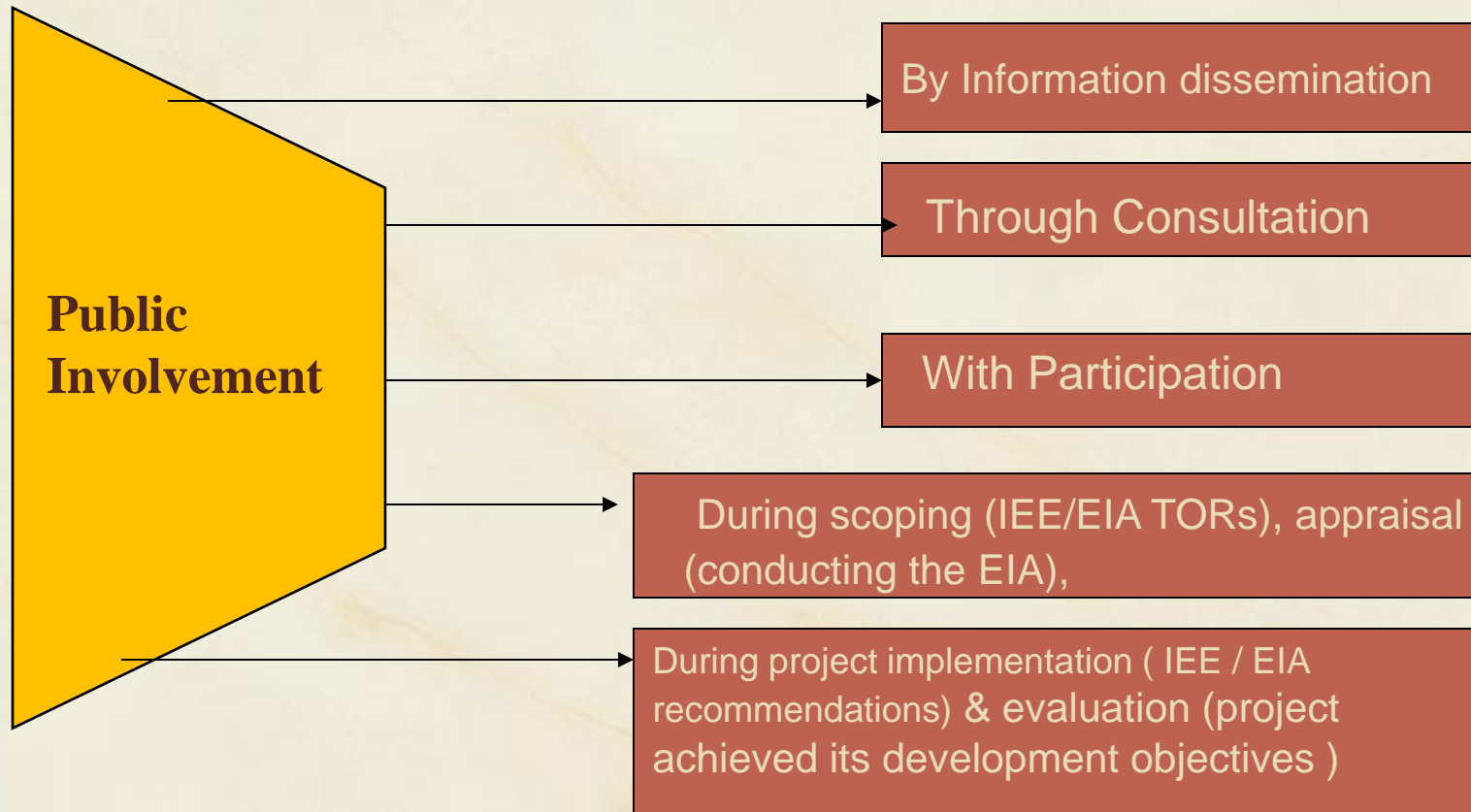
5. Consultation & Grievance Redress Mechanism

The project will establish a mechanism to receive and facilitate resolution of affected people's (AP) grievance

- Scaled to the risks and impacts
- Address AP's complaints promptly, using a transparent process that is gender responsive and readily accessible to the AP
- Does not impede access to the country's judicial or administrative remedies
- Inform AP about the mechanism

Public Consultation

“Heart of EIA and Sustainable Environment Design Solutions”



Critical for project ownership and sustainable decision making



Policy Principles and Requirements

6. Information Disclosure

ADB will post on its website:

- (i) draft IEE/ EIA reports for all projects (120-day rule for A category project)
- (ii) draft EARF
- (iii) final or updated EARF, EIA/IEE, and environmental monitoring reports before MRM

Borrowers/Clients are required to:

- (i) Submit to ADB the above documents for disclosure
- (ii) Provide relevant information, including information from the above documents in a timely manner, in an accessible place and in a form and language(s) understandable to AP and other stakeholders



ADBs - Accountability Mechanism

An independent forum and process whereby people adversely affected by ADB financed projects can voice and seek resolution of their grievances.

2 phases :

- (i) Consultation phase led by ADBs special project facilitator reporting directly to the President
- (ii) Compliance review phase, led by three member panel that reports to the Board of Directors.

The **Compliance Review Panel** investigates alleged violations of ADBs operational policies and procedures, including safeguard policies and recommends how to ensure project compliance.



Policy Principles and Requirements

7. Monitoring and Reporting

The project implementing agency will:

- Implement the EMP and prepare monitoring reports on EMP implementation and corrective actions if any
- (if needed) retain qualified and experienced external experts or NGOs to verify its monitoring information, for Cat. A and / B projects
- Submit to ADB (i) semiannual reports during construction; (ii) annual reports during operation for category A and B projects; and (iii) quarterly reports for highly complex and sensitive projects



Policy Principles and Requirements

8. Biodiversity Protection and Sustainable Natural Resource Management

- Identify measures to avoid, minimize, or mitigate potentially adverse impacts and, as a last resort, propose compensatory measures/biodiversity offsets, to **achieve no net loss or a net gain** of the affected biodiversity
- Sets out specific requirements on natural habitat and biodiversity protection
- Requires the borrower/client to demonstrate the sustainable management of natural resources



Policy Principles and Requirements

8. Biodiversity Protection and Sustainable Natural Resource Management

(i) Modified Habitats

Exercise care to minimize any further conversion or degradation of habitat, identify opportunities to enhance habitat

(ii) Natural Habitats

The project will not significantly convert or degrade such habitat, unless:

- There are no alternatives
- The overall benefits from the project will substantially outweigh the environmental costs
- Any conversion or degradation is appropriately mitigated



Policy Principles and Requirements

8. Biodiversity Protection and Sustainable Natural Resource Management

(iii) Critical Habitats

No project activity will be implemented unless:

- No measurable adverse impacts on the critical habitat which could impair its biodiversity value or the ability to function
- Not anticipated to lead to a reduction in the population of any recognized endangered or critically endangered species
- Any lesser impacts are mitigated

The borrower/client will retain qualified and experienced external experts to assist in conducting the EA



Policy Principles and Requirements

8. Biodiversity Protection and Sustainable Natural Resource Management

(iv) Legally Protected Areas

In addition to the requirement specified for critical habitats, the borrower/client will:

- Act in a manner consistent with **defined protected area management plans**
- Consult protected area sponsors and managers, local communities, and other key stakeholders on the proposed project
- Implement additional programs, as appropriate, to promote and enhance the conservation aims of the protected area



Policy Principles and Requirements

9. Pollution Prevention and Abatement

- The project will apply pollution prevention and control technologies/practices consistent with those reflected in the World Bank (WB) Group's EHS guidelines
- Promote the reduction of project-related GHG emissions in a manner appropriate to the nature and scale of project operations and impacts
- When host country regulations differ, the project will achieve whichever is more stringent
- If less stringent levels/measures are appropriate in view of specific project circumstances, provide full and detailed justification



World Bank Group's EHS Guidelines

General EHS Guidelines

- The General Guidelines contain information on cross-cutting environmental, health, and safety issues potentially applicable to all industry sectors. It is designed and should be used together with the relevant industry sector guideline
 1. Environment
 2. Occupational Health and Safety
 3. Community Health and Safety
 4. Construction and Decommissioning



Policy Principles and Requirements

10. Occupational Health and Safety

- Provide workers with safe and healthy working conditions (World Bank Group's EHS)
- Prevent accidents, injuries, and disease by
 - (i) identifying and minimizing the causes of hazards
 - (ii) providing preventive/protective measures and equipment
 - (iii) training
 - (iv) documenting and reporting
 - (v) having emergency preparedness/response arrangements in place



Policy Principles and Requirements

10. Community Health and Safety

- Identify/assess the impacts/risks to affected communities during the project design, construction, operation, and decommissioning, and establish measures/plans to prevent and address them
- Water quality and availability; structural safety; fire safety; traffic safety; hazardous materials; disease prevention
- Establish emergence response (training, resources, responsibilities, communications, emergency response procedures)
- Provide appropriate information to affected communities
- Engage external experts when structural elements such as dams, tailings dams, or ash ponds, are situated in high-risk locations, and their failure or malfunction may threaten the safety of communities



Policy Principles and Requirements

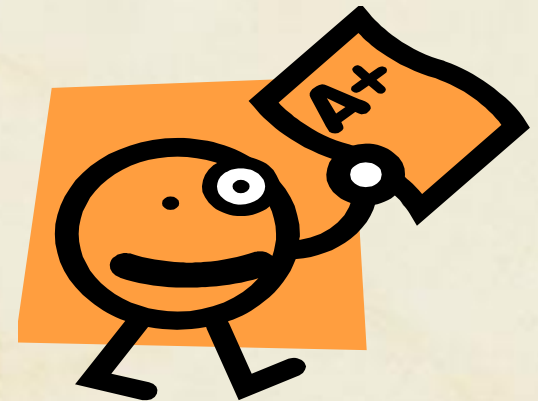
11. Physical Cultural Resources (PHCR) Protection

For projects with potential impacts on PHCR:

- Hire qualified experts to assess impacts using field-based surveys
- Consult with affected communities and relevant national/local agencies
- Identify measures for avoiding or mitigating the impacts
- Include **chance finds procedures in the EMP** and chance finds shall not be disturbed until an assessment by expert(s) is made and preventive and mitigation measures are identified

Typical EIA /IEE Report Structure

- Executive Summary
- Policy, Legal, and Administrative Framework
- Description of the Project
- Description of the Environment (Baseline Data)
- Anticipated Environmental Impacts and Mitigation Measures
- Analysis of Alternatives
- Environmental Management Plan
 - Mitigation
 - Monitoring
- Conclusion and Recommendation



Key documents



- Initial Environment Examination or Environment Impact Assessment covering all sub-projects with :
 - Executive Summary
 - Documentation of Public consultations and Grievance redress
 - EMP with estimated costs
- Environment Assessment and Review Framework (EARF) incase of Sector loans when investments are not known
- Environment Categorization Form with brief project description including a map showing sub-projects coverage
- Rapid Environment Checklists for sub-projects
- Letter of endorsement and approval of IEE from Executing Agency – including commitment to update IEE with any change in sub-project design or site location.
- Letter authorizing ADB for disclosure of safeguard documents on ADB website

Project / Program and Safeguard Requirements

Project Cycle – key stages	Safeguard Milestone - Key Activities
<p>Project Preparation Phase : ADB and Client</p> <ul style="list-style-type: none"> •Concept •Feasibility Study - PPTA mobilization •Results Based Lending Modality 	<ul style="list-style-type: none"> •Env. Categorization Forms approved • Scope EIA/ IEE TORs •Initiate REA Checklists for sub-projects •ADB consensus/ approval by RSES •Stakeholder consultations initiated •Program Safeguard Systems Assessment (E&S integrated)
<p>Loan Fact Finding ADB and Client</p>	<ul style="list-style-type: none"> •Complete draft EIAs/ IEEs/ EARFs – •EMPs (framework) prepared •Revise Env Categorization Forms / Update REA checklists •Finalize institutional mechanism •Govt approval of EIAs. IEEs initiated •Approval by RSES for A and agreement on B Cat. •Disclosure / APs consultations documented • Draft RRP and PAM
<p>Management Review Meeting (MRM and / or SRM) ADB</p>	<p>Disclosure of safeguard docs (EIA/ IEEs. EARF) – Govt. endorses draft EARF. Cat A project - EIA disc 120 days before board date; Complete SPCM Agree with Client on PAM</p>
<p>Loan Negotiations / Board Approval</p>	<p>Approved RRP and PAM inclusive of safeguard inputs – EMP should be part of the loan covenants</p>
<p>Loan Effectiveness Implementation</p>	<p>Design detailed – EMP upgrade and implementation ! Training and capacity building – Supervision, Monitoring, Reporting</p>

Sources of Information

- For queries about the SPS, please call:
 - SPS Helpdesk at ADB (local) 6673
- For more information, please visit:
 - <http://www.adb.org/Safeguards>

Environment Protection is everyone's responsibility



Lets watch our ecological footprint together and “safeguard” future generations.

