

BBL on How to Note on Application of Social Safeguards to CDD



WORLD BANK GROUP
Social, Urban, Rural & Resilience

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Overview of presentation

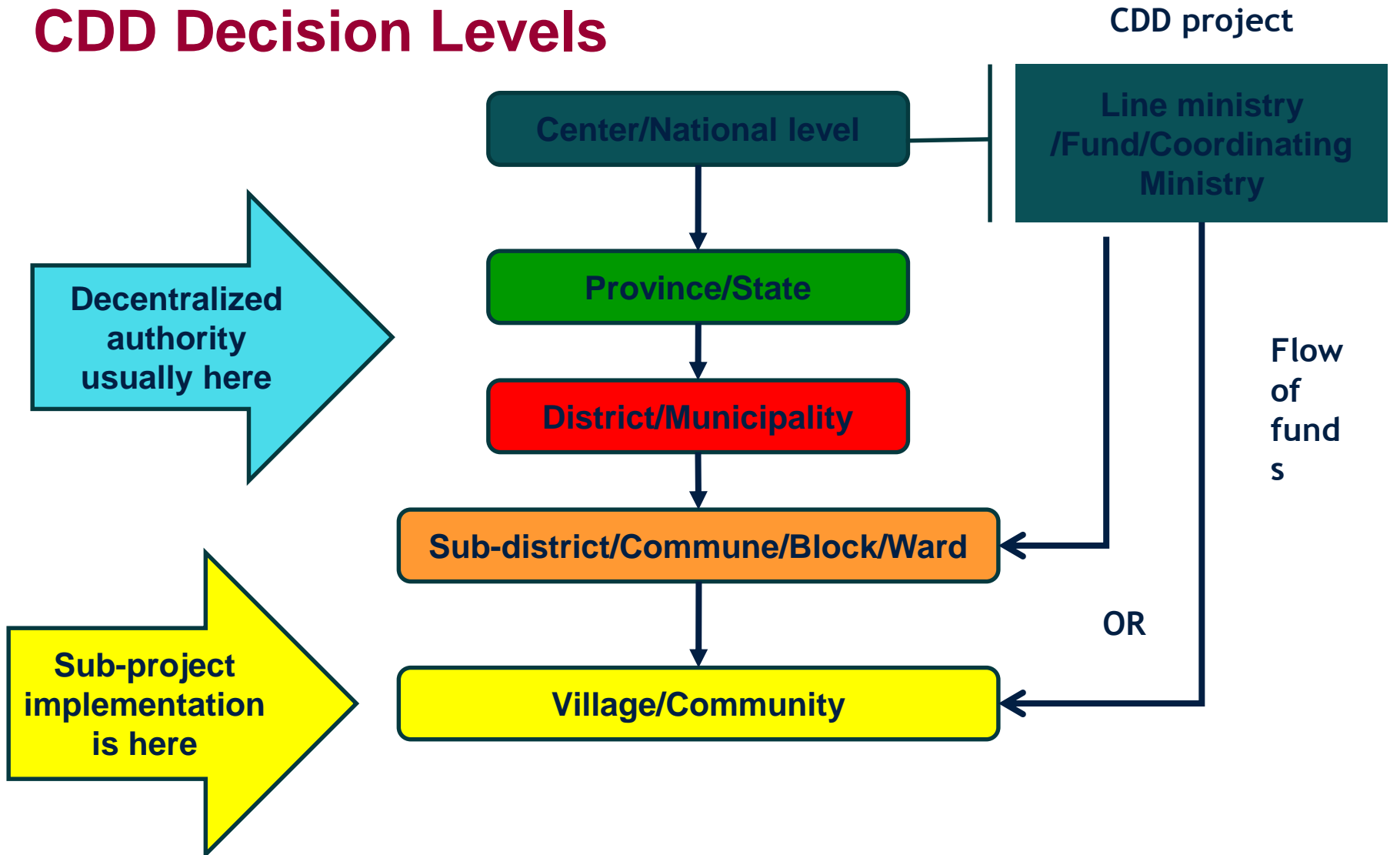
- ❑ Defining CDD operations
- ❑ Framework approach for CDD
- ❑ ESMFs
- ❑ IPPFs (application to CDD)
- ❑ RPFs (application to CDD)
- ❑ Guidelines for land donations
- ❑ Key implementation issues for land donations
- ❑ Frameworks: Constraints and challenges for CDD

Defining CDD: 5 Key Elements



- So CDD is not a project
- It is a social and political transformation to embed these elements in the way local development is done across a country

CDD Decision Levels



CDD Typology

**Micro
Small-Scale**



Medium



Larger Scale



Framework Approach for CDD

WHY

Projects that Ex-ante do not define exact nature of subprojects/activities to be implemented



WHAT

Provide Approach that *Defines Principles/Rules/Responsibilities* for Assessing and Incorporating Safeguards into Subprojects



Frameworks

ESMF, EMF, ESSAF, IPPF, RPF, Process Framework

Frameworks – Key Principles for CDD

- Ensure environmental and social sustainability of sub-projects
- Clear **screening** system for sub-project proposals for their environmental and social impacts
- Design simple measures to avoid, minimize or mitigate any identified potential impacts proportional to sub-projects (e.g. a **negative list to exclude proposals with excessive impacts**)
- Clear procedures and responsibilities for each planning step – **(incorporated into OM)**
- Sound process for **consultation, disclosure and grievances**
- Standard **audits of safeguards** in performance reviews
- Clear process for the Bank’s review of sub-project proposals

Frameworks – Key Preparation Work for CDD

- Review of national legal framework and identify gaps with WB Policies (e.g. often national regulations do not apply)
- Consultation with relevant stakeholders, e.g. potential beneficiaries and implementing agencies
- Assess application of Framework for repeater projects
- Assess the capacity, limitations and multiple work loads of local district and village level staff
- Assess cost implications and allocate resources to implement framework and sub-project safeguard measures
- Assess and design opportunities for improving safeguard performance at local level and for regional authorities

Contents of ESMF for CDD (OP 4.01)

- Screening Process for sub-projects (ref: Negative List)
- Identification and assessment of impacts
- Measures to address impacts – technical guidelines, checklists and matrices based on actual subproject types:
 - Good engineering design / DOs and DON'Ts
 - Simple Environmental Forms/Checklist
 - Examples of different type of projects, anticipated adverse environmental impacts, and proposed mitigation options
 - Picture books of good and bad environmental management practices, and good and bad infrastructure
- Support to help technical facilitators and local communities

IPPF – When is it required in CDD?

- ***Scenario 1: Policy is triggered but no separate IPPF is required:***
Where all or an overwhelming majority of beneficiaries of a CDD project are Indigenous Peoples, there is no need to prepare an IPPF. Instead, similar planning elements to those required in an IPPF should be integrated into overall project design and into the PAD.
- ***Scenario 2 – Policy is triggered and IPPF is required:*** If a CDD project is developed for the benefit of Indigenous and non-Indigenous communities, preparation of an IPPF (or of an *Ethnic Minorities Development Plan – EMDP*) is required in order to ensure the representativeness of community decision-making and equitable access to project benefits. A summary of the IPPF (or EMDP) should be annexed to the PAD.

IPPF – When is it required in CDD?

- In project contexts where IPs or ethnic minority groups as well as non-Indigenous vulnerable groups may be affected by the project, it is good practice to develop an **Integrated Community Development Plan (ICDP)** rather than focusing only on Indigenous Peoples or on ethnic minority groups.
- If and when it is determined at a later stage that a specific subproject will affect Indigenous Peoples, an **Indigenous Peoples Plan (or an Ethnic Minorities Plan)** must be prepared and publicly disclosed.

Contents of IPPF for CDD (OP 4.10)

- Overall targeting criteria to include Indigenous Peoples
- Inclusive participatory planning and decision-making process for different communities and sub-groups within a community
- Baseline data on the ethnic and social composition of the project area as well as of individual beneficiary communities
- Monitoring to confirm that IPs are included in decision-making and benefit equally compared with other groups
- Training of community-level facilitators in participatory approaches and IP issues to achieve social inclusion
- Appropriate menu of eligible subprojects developed through consultations with them

RPF – When is it required in CDD?

Scenario 1 – Resettlement Policy is not triggered when:

- a) Physical displacement, land acquisition or restriction of access to economic, communal or natural resources are identified as proscribed activities in the CDD project's **Negative List**; and
- b) Where small amounts of land are required for a given sub-project in a CDD operation, they are conducted on the basis of **voluntary land donations** at the community level or on the basis of **willing buyer/willing seller transactions** between private parties at the community level.

When such circumstances apply, **no RPF is required.**

RPF – When is it required in CDD?

However, a **clear technical justification** should be provided to put such activities in the Negative List, such as lack of capacity by local government agencies and community-based organizations to manage resettlement, high transaction costs for management of impacts, etc.

Note: Systematic exclusion of physical displacement, land acquisition or restriction of access to resources from a CDD project risks by use of Negative List also risks leading to **exclusion of otherwise viable subprojects**.

Note: Where there may be **incentives to coerce land owners** into donating their land for activities under the project, the Policy should be triggered and an RPF prepared.

RPF – When is it required in CDD?

Scenario 2 – Resettlement Policy is triggered when:

- It is not clear prior to appraisal whether the project will actually require that land be acquired or restrictions of access to resources be required or not. In such a case, an RPF is required and a summary of the RPF must be annexed to the PAD.
- If and when it is determined at a later stage that the project or a specific subproject will actually require resettlement, a **Resettlement Plan or Abbreviated Resettlement Plan** must be prepared and publicly disclosed.

Approaches to acquiring land in CDD

- **Voluntary land donations (VLD):** Communities or individuals may agree to voluntarily provide land for sub-projects for desired community benefits. The operative principles in voluntary land donation are “informed consent and power of choice”
- **Acquiring land with agreed conditions:** Individuals may agree to transfer land ownership or using right to sub-projects with certain conditions, such as compensation in kind or cash
- **Land acquisition:** Acquisition of land for some public purpose by government, as authorized by the law, from individual landowner(s) after paying a government fixed compensation in lieu of losses incurred by land owner(s) due to surrendering of his/their land to the concerned agency

Application of OP 4.12 to VLD

- OP 4.12 does not apply to voluntary land donations (VLD) or to “willing buyer/willing seller” land transactions
- However, OP 4.12 may apply to CDD operations when other approaches of acquiring land cannot be excluded
- Clear guidelines on VLD need to be included either in the Project Operations Manuals or in the RPF

Proposed Guidelines for VLD in CDD

- Land to be donated must be identified by the community through a participatory approach
- The impacts of proposed activities on donated land must be fully explained to the donor
- The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign
- The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities

Proposed Guidelines for VLD in CDD (cont'd)

- The donor may request monetary or non-monetary benefits or incentives as a condition for donation
- The proportion of land that may be donated cannot exceed the area required to maintain the donor's livelihood or that of his/her household
- Donation of land cannot occur if it requires any household relocation
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land

Proposed Guidelines for VLD in CDD (cont'd)

- Verification must be obtained from each person donating land (either through documentation or through confirmation by witnesses)
- The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry
- Any donated land that is not used for its agreed purpose by the project is returned to the donor.

Key implementation issues for VLD in CDD

- Proper guidelines need to be included in project manuals
- Communities to be well informed about principles, approaches, and documentation requirements of land donation and acquisition process
- All people involved should have easy access to information and complaint mechanisms
- Information related to land donation and acquisition needs to be adequately documented, recorded and disclosed
- Adequate facilitation, capacity building and support needs to be provided
- Supervision and monitoring by Bank and Client are needed

Frameworks – Constraints and challenges for CDD

- **IEG Safeguards Review:** Found that Frameworks are less well supervised than projects with specific risk assessment and management plans
- Frameworks lead to complexity in documentation, disclosure, consultation and monitoring/supervision
- Limited capacity of implementing agency
- Lack of, or difficult, coordination with local agencies (e.g. for EA policies)
- In general the Bank's TT has limited resources and capacity to supervise projects with multiple sub-projects.

Frameworks – Constraints and challenges for CDD

Experiences from Indonesia/Philippines:

- Limited distribution of picture books
- Low awareness and attention to safeguard issues especially among local work units
- Not enough training time for empowerment and technical facilitators on environmental and social safeguards
- Village cadre does not receive training on environmental and social safeguards
- Exclusion of vulnerable groups.

Conclusion

- Need to assess and design opportunities for improving safeguards performance at local level and for regional authorities
- Ongoing work at EAP Regional safeguards unit and in Global Programs Unit on developing and disseminating adapted guidance for CDD operations
- Ongoing work on including guidance on voluntary land donations in Guidance Notes for Draft ESS 5



Thank you



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