

Module

Review of Social Best Practices

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Safeguard Policies - What are they?

- Operational policies are vital for poverty reduction and sustainable development.
- A subset of operational policies
- Singled out to stress the importance of
 - environmental and social objectives,
 - enhancing quality of project operations.
- World Bank pioneered; ADB 1987 and 1995.
- Moving from state-centric to people-centric approach
- Accountability and sustainable development

Key Safeguard Policies

- Environment (Env)
- Involuntary Resettlement (IR)
- Indigenous Peoples (IP)

Safeguard Best Practices/Policies for What?

- prevent and mitigate harm to
 - people
 - Environment in development process
- maximize development opportunities
- build project ownership and accountability among local population
- addresses reputational risk to EA & donors

What is the Scope of Safeguards?

- Public and private sector investments
- Project and associated facilities
- Partial or fully funded by a donor
- Temporary or permanent project impacts
- Planning, implementation and monitoring

Triggers

- Land Acquisition and Resettlement(LAR) in anticipation of the project
- Permanent and temporary land acquisition
- Physical and economic displacement
- Restricted use or access denied to customary land and communal land

Trigger Activities

- Compulsory acquisition of land rights/land-use rights
- Failed negotiated settlement - compulsory procedures
- Relocation of people without formal, traditional, or recognizable usage rights - cut-off date
- Restriction on access to or use of natural resources
marine and aquatic resources, timber and non-timber
forest products, water sources, medicinal plants

Non-trigger Activities

- Voluntary and market transactions
- Indirect Land Acquisition and Resettlement (LAR) impacts on incomes or livelihoods
- Land titling/regularization activities
- Land use planning to promote sustainability
- Regulation or planning of natural resources

Key Objectives of Land Acquisition and Resettlement (LAR)

- LAR to be avoided, where feasible.
- If unavoidable, compensate & rehabilitate
- Integrate LAR measures into project design
- Address throughout project cycle
- LAR measures designed with time-bound actions and a sufficient budget

Elements of Effective Safeguards

- Inputs timely and front-loaded for better results
- Sufficient financial resources available
- Adequate institutional capability
- Robust social impact assessment
- Appropriate planning and instruments
- Affected public and NGOs informed and consulted

Non-compliance of Involuntary Resettlement Safeguards - Why

- Inadequate consultation and disclosure
- Poorly defined entitlements particularly of the poor and vulnerable groups
- Poor institutional capacity
- Inadequate budget
- Clashes between local laws and international best practices

Challenges

Complaints are mostly related to:

- Lack of consultation with affected people and NGOs
- Failure to disclose project information and plans
- Poor planning and implementation safeguard docs.
- Inadequate financial and institutional resources
- Often not legally binding
- Stand side by side with laws and regulations – not assimilated
- Often limited donor-funded projects