



Myanmar Land Workshop

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OVERVIEW OF INTERNATIONAL GOOD PRACTICE STANDARDS FOR THE PRIVATE SECTOR

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IFC Performance Standards



PS1: Assessment and Management of E&S Risks and Impacts



PS2: Labor and Working Conditions



PS3: Resource Efficiency and Pollution Prevention



PS4: Community Health, Safety and Security



PS5: Land Acquisition and Involuntary Resettlement



PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources



PS7: Indigenous Peoples



PS8: Cultural Heritage



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PS1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS

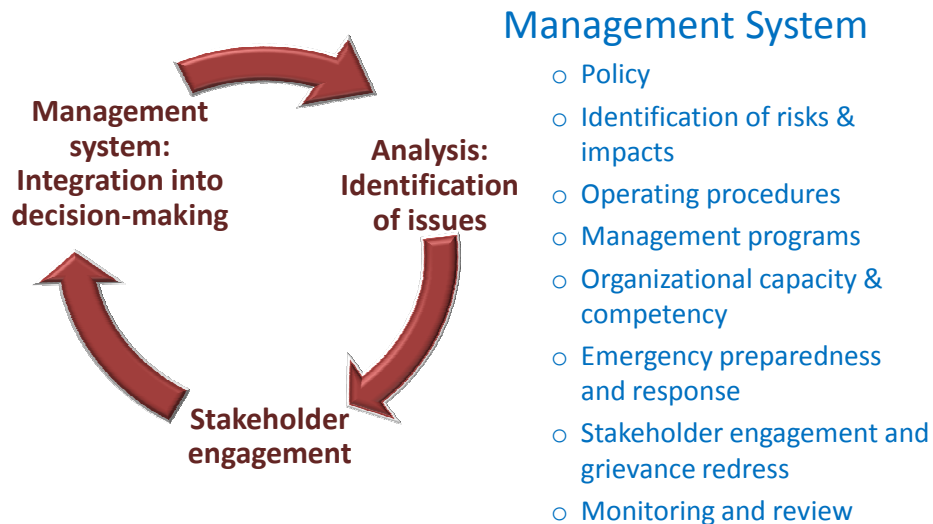
Objectives

- Identify project E&S risks and impacts
- Adopt mitigation hierarchy:
Anticipate – Avoid – Minimize - Compensate or offset
- Implement E&S Management System (ESMS)
- Engage with Affected Communities, and other stakeholders
 - Throughout project cycle
 - Includes disclosure, and grievance mechanisms



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THE “MUST HAVES” OF PS1



STAKEHOLDER ENGAGEMENT

Risks levels:
Significant



Low

Indigenous Peoples in certain circumstances:
Free, Prior and Informed Consent (FPIC)

Indigenous Peoples, and significantly adversely affected communities: **Informed Consultation and Participation (ICP)**

Adversely affected communities and stakeholders:
Consultation, Grievance Mechanisms

All investments: **Transparency and disclosure**

STAKEHOLDER ANALYSIS & ENGAGEMENT PLANNING REQUIREMENTS

Impacts		Influence	
☺	☹	☺	☹

- ☐ Identify stakeholders impacted by or interested in project activities
- ☐ Develop and Implement **Stakeholder Engagement Plan (SEP)**
- ☐ Tailor to interests and characteristics of stakeholders
- ☐ Participation of vulnerable groups
- ☐ If SEP involves Community Investment, make it strategic



Information Disclosure



Provide access to information on:

- Nature and scale of project
- Duration of project activities
- Potential risks & impacts on communities and proposed mitigation measures
- Stakeholder Engagement process
- Grievance mechanism

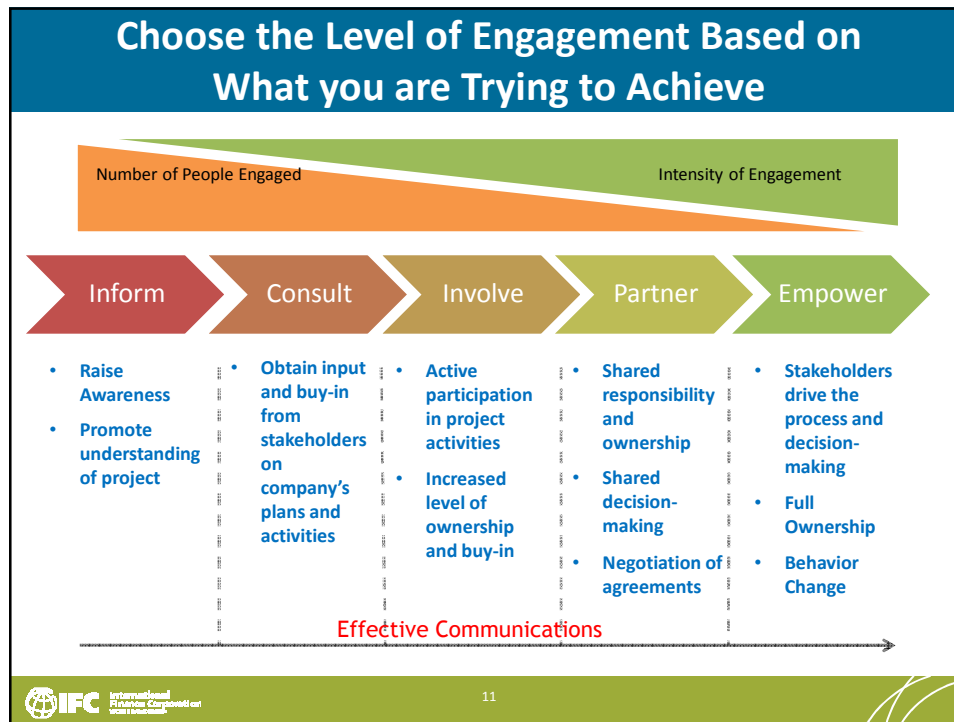
Consultation

- Degree of consultation commensurate with risks and impacts
- Two-way, iterative process
- Based on prior information disclosure
- Early and ongoing
- Inclusive and capturing views of both men and women
- Free from coercion or intimidation
- Documented

Grievance Mechanism

- Ways that the Project can receive and resolve complaints from communities
- Transparent and culturally-appropriate
- Timely, free of cost, and free of retribution
- Should not impede access to judicial recourse
- Well publicized as part of SEP and **accessible**
e.g. 24/7 hotlines vs social media vs community liaison persons





PS5: Land Acquisition and Involuntary Resettlement



OBJECTIVES

- Avoid, minimize adverse E&S impacts from land acquisition or restrictions on land use
 - Avoid or minimize displacement
 - Avoid forced eviction
- Improve or restore livelihoods and standards of living
- Improve living conditions among displaced persons e.g. adequate housing, security of tenure

Land and Resettlement: A Comprehensive Approach

- Compensation of lost assets at full replacement costs
- Restitution of livelihood losses
- Respecting different tenure systems
- Consultation & engagement



KEY RISKS



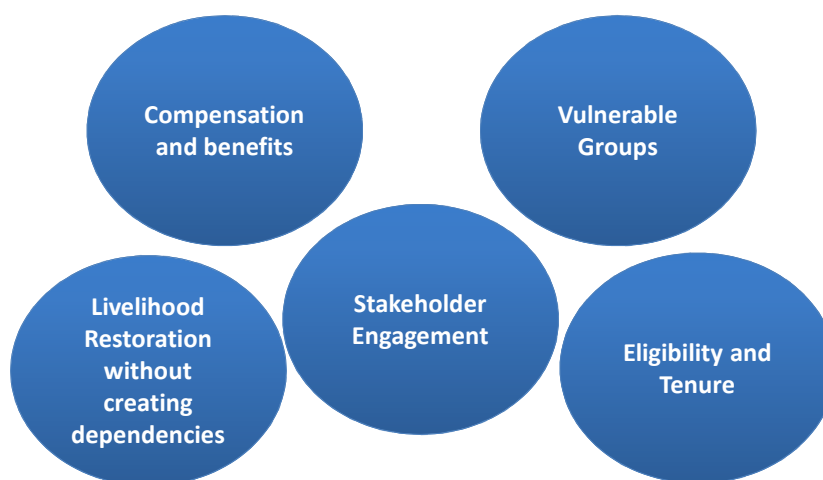
For Affected Persons

- Impoverishment - homeless, landless, jobless, marginalized
- Breakdown of social and cultural networks
- Difficulty in transitioning to new lives

For Governments and Companies

- Loss of social license to operate
- Business disruption and budget overruns
- Public scrutiny -> increased transaction costs

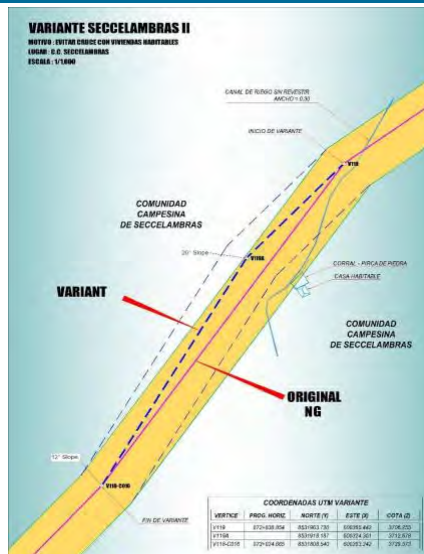
KEY ISSUES AND CHALLENGES RELATED TO INVOLUNTARY RESETTLEMENT



MITIGATION REQUIREMENTS

Project Design

- Anticipate, avoid & minimize displacement
- Determine the potential cost for mitigation, compensation, and livelihood restoration



MITIGATION REQUIREMENTS

Resettlement Planning

- Census, Asset Inventory, Socio-economic baseline, Tenure, Eligibility
- Consultation
- Establishing cut-off date
- Resettlement Action Plan or Livelihood Restoration Plan (or Framework)

Resettlement Implementation

- Replace, compensate, assist
- Monitor and evaluate
- Consultation and Grievance Mechanism
- Completion Audit



PRIVATE SECTOR RESPONSIBILITIES

- Resettlement and Livelihood Restoration Planning and Implementation
- Community Engagement and Grievance Mechanism
- Compensation and Benefits for Displaced Persons
- Monitoring – Process and Outcomes
- Private Sector Responsibilities under Government – Managed Resettlement (Supplement Resettlement Plan, Environmental and Social Action Plan)

EUCALYPTUS PLANTATION PROJECT - MALAYSIA



Mining Project - Vietnam



OTHER INTERNATIONAL STANDARDS

INTERNATIONAL ENVIRONMENTAL & SOCIAL STANDARDS

Why follow international E&S standards?

- Protect people and the environment
- Improve project outcomes and helps gain “license to operate”
- Meet financing requirements (donors/banks)
- Desire to adhere to global good practice
- Enhance risk management and financial performance

MANY INTERNATIONAL STANDARDS SHARE COMMON PRINCIPLES



IFC Performance Standards



THE WORLD BANK
IBRD • IDA

World Bank Safeguards /
Environmental and Social Standards



Asian Development Bank's
Environmental and Social Safeguards



JICA Guidelines for Environmental and
Social Considerations



**EQUATOR
PRINCIPLES**

Equator Principles III for Financial
Institutions



UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

- Global standard for preventing and addressing human rights risks linked to business activities
- Establish private sector's "responsibility to respect" human rights

Companies "should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved."

This aligns with the PS "mitigation hierarchy" to anticipate and avoid, minimize, and compensate/offset impacts
- Define Human Rights Due Diligence for companies

These share many components with the PS approach to E&S assessment and management
- International consensus on fundamental principles of consultation and participation, accountability, transparency, access to remedy

**FAO VOLUNTARY GUIDELINES ON
THE RESPONSIBLE GOVERNANCE OF TENURE**

**Framework to promote & clarify secure tenure
rights and equitable access to land, fisheries,
and forests**

- Identify responsibilities of states and businesses
 - States → recognize and respect legitimate tenure holders and rights;
 - Businesses → act with due diligence; avoid infringing on tenure rights
- Recognizes a wide range of different tenure systems
- Private sector aspects of FAO Guidelines consistent with many Performance Standards and human rights principles