

**CAREC – Border Crossing Point Improvement and
Single Window Development Project**

**The ADB Safeguards Policy on Land
Acquisition/Resettlement and Indigenous
Peoples: Challenges and Recommended
approaches for the Proposed Loan**

A. GENERAL

1. In preparing/implementing the loan, the the 2009 ADB Safeguards Policy (the ADB Policy) requirements for Land Acquisition and Resettlement (LAR) and for Indigenous Peoples (IP) will have to be implemented. This means that:
 - a. If in one country there are multiple projects involving LAR or IP impacts a LAR Framework (LARF) or an IP Framework (IPF) in English and local language will have to be prepared based on the ADB policy provisions. A LARF specifies the Affected Parties (AP) compensation and rehabilitation entitlements and general LAR implementation mechanisms for the country. An IPF details the principles to address IP issues in the country.

- b. For projects with LAR a LAR Plan (LARP) will be prepared in English and local language and disclosed to the AP as a project approval condition. LARP implementation and full AP compensation will be condition to start project civil works. A LARP requires intensive field tasks and a fully dedicated team with international and local expertise and survey teams to carry out: i.) a full impacts measurement survey; ii.) a socio-economic census and iii.) intensive consultation with all APs.

- c. For projects with IP impacts an IP Plan (IPP) will be prepared in English and local language and disclosed to the AP as a project approval condition. IPP implementation will be condition to start project civil works. Also in this case an IPP requires intensive field tasks and dedicated international and local expertise.

B. CHALLENGES and Recommendations

1. As all of you can easily see the implementation of the ADB Policy for the Loan will be a very difficult task.
- If the projects under the loan involve LAR or IP issues a full social safeguards team composed by an international and a local specialist plus ad hoc survey teams will have to be hired for each country.
 - If the projects trigger LAR or IP safeguards Loan administration will be very complex and will have to pay attention to several project implementation conditions related to safeguards.

4. Given the above challenges the project team has considered the following:
 - a. Project classified as “A” for LAR or IP (Projects with LAR impacts affecting more than 200 individuals) may have to be declared as un-eligible to financing under the loan.
 - b. The same may apply to projects classified as “B” for LAR (affecting less than 200 individuals) although in exceptional cases however these project could be financed.

C. Processing Issues

1. To fit these recommendations close specific mechanisms are to be included in loan processing and project selection and implementation. In particular these tasks will have to be carried out in 3 distinct phases:
 - i) **Phase 1** (under loan processing) will focus on Project selection and social safeguards screening. Projects “B” for LAR may be exceptionally considered for implementation.
 - ii) **Phase 2** (under loan administration) will focus on Project design and on the preparation/implementation of eventual Projects “B”.
 - iii) **Phase 3** after LARP implementation the civil works will begin.

3. In the case of projects with LAR it will be important that technical solutions and alternatives to avoid LAR are considered. The LAR screening work to be carried out in during phase 1 should closely involve the safeguards specialists, the engineers and the project economist.