

Implementing safeguard policies in infrastructure programming

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Question

What works in implementing safeguard policies on infrastructure programming? What are the risks associated with exclusion factors more broadly? What lessons can we learn from elsewhere on how to strengthen safeguard policies and implementation? (in particular around child labour/ exploitation etc.) We are not specifically interested in safeguarding children – we would like to draw the lessons from this (more on the implementation side) that address all vulnerable groups and the environment.

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1. Introduction

DFID's infrastructure position paper states that 'improved infrastructure service provision is crucial to delivering DFID's economic and human development objectives' (DFID 2013). This work includes energy, transport, water and sanitation, information communications technology (ICT), housing and urban infrastructure (DFID 2015). Infrastructure is central to achieving economic development and providing poor people with opportunities to escape poverty. 'Reliable, accessible energy, transport and communication services support increased productivity, facilitate trade and create an environment in which business can flourish' (DFID 2015). Access to infrastructure enables people to take advantage of economic opportunities and access markets, jobs, information and training. However, in sub-Saharan Africa and South Asia, many hundreds of millions of people still lack access to electricity, transport and water and sanitation and inadequate infrastructure is consistently identified as a major barrier to doing business (DFID 2015). DFID's recent infrastructure aims included: water, sanitation and hygiene programmes, building rural roads and providing sustainable energy services. They do this through multiple partners in multiple countries (DFID 2015).

However, it is also important to consider how these infrastructure policies are implemented and ensure that people, the environment and safety issues are considered and protected. This can be done through writing and implementing safeguarding policies. Safeguarding is an established part of the planning process, designed to ensure that land which has been identified for major infrastructure projects is protected from conflicting developments (UK Government 2013). Social safeguards are defined as the policies in place to ensure that project-affected people are consulted about the project throughout the life of the project, from conception through to operation and removal, and that these people benefit from the project (World Bank, 2016). This definition of social safeguards is underpinned by notions of social justice and researchers have conceptualised this as entailing both a procedural and a distributive component (Boström 2012, p.5, Nordensvard et al. 2015, p. 247). The procedural component of social justice relates to the consultation of those affected by a project, the distributive component to sharing the benefits of the project with those affected by it. Discussions on distributive social justice are frequently embedded in a broader discourse on equitable development (Kircherr et al 2017).

The World Bank has 10 safeguard policies covering the following (MPWT 2010):

- Environmental Assessment
- Natural Habitats
- Forests
- Pest Management
- Physical Cultural Resources
- Indigenous Peoples
- Involuntary Resettlement
- Safety of Dams
- Projects on International Waterways
- Projects in Disputed Areas

Each of the policies as above have specific objectives, which are to be operationalised through specific principles. These have been clearly stated by the World Bank. It is important to note that

having policies is not enough, and there needs to be good implementation of these policies during the projects, to ensure they are not just rhetoric.

This report firstly discusses safeguarding issues (section 2). The report then goes on to discuss several infrastructure projects and the recommendations that have come from these to ensure good implementation of safeguarding policies (sections 3-8). The recommendations for good implementation are listed at the end of each section. Section 9 includes additional useful resources.

Much of the literature argues that safeguarding has been taken more seriously in recent years and that the root cause for enhanced implementation of safeguarding is social mobilisation. Enhanced social safeguard legislation in host countries and funder countries, stricter rules of funders and cooperation of developers with international players have also facilitated this change.

The report gives many recommendations but the literature and particularly Kircherr and his team (who have worked and published on this issue) includes these two key recommendations to strengthen adoption of international social safeguards:

- Fund environmental NGOs that function as the watchdogs for many private sector players
- Strengthen legislation/enforcement capabilities in host countries

2. Safeguarding issues

Safeguarding is a difficult issue for many infrastructure projects. Kircherr et al (2017) distinguish between three different influencers of social safeguards in their recent paper. These are host country norms, funder norms and international norms. First, host country norms are the norms of the country the developers are operating in (codified by the host country government). This type of norm overlaps with laws since there is a legal obligation for dam developers to comply with them. Host country social safeguard regulations would be an example of such host country norms.

Second, the norms of the country the developer originated in (codified by developer country decision-makers). These norms are usually not legally enforceable for activities outside the originating country (with several exceptions such as international tax evasion, for instance). An example for such norms would be principles on foreign investment published by China's State Council. Third, global norms such as the Hydropower Sustainability Assessment Protocol (HSAP) (codified by international organisations). These international norms are usually non-binding from a legal perspective with dam developers voluntarily adopting them.

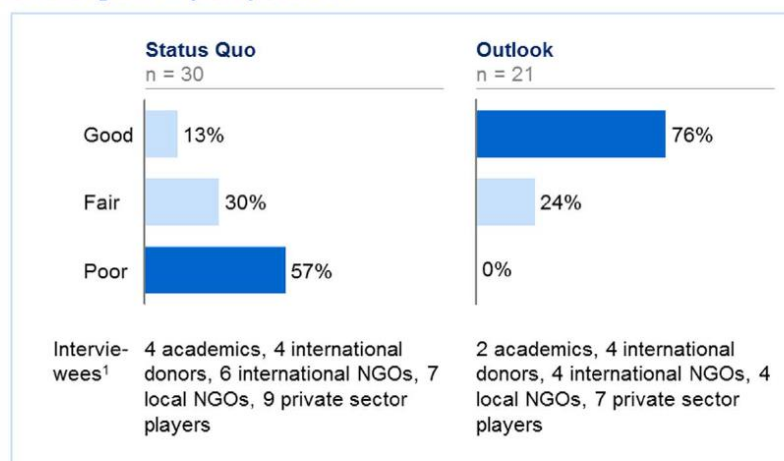
A prerequisite for the adoption of norms are the capacities of those expected to adopt them. What if transnational corporations do not have sufficient capacity to enforce the safeguards to which they have committed? Even if these actors were motivated to adopt certain norms, these norms may be violated due to lacking capacities; particularly companies with limited experience overseas (such as Chinese dam developers in the early 2000s) may be lacking the capacities to implement international norms.

These issues are important to consider when ensuring that policies are implemented as they show the motivations and legal enforcement capacity behind safeguarding policies.

3. Chinese infrastructure projects in Myanmar, Laos and Cambodia

Social safeguard norms adopted in Chinese-led projects in Myanmar, Laos and Cambodia have significantly changed in the past 15 years. Chinese dam developers claimed to adopt host country social safeguards upon the launch of China's Going Out Policy. Yet no social safeguard legislation was in place in Myanmar and Cambodia in the early 2000s and compliance with Laotian social safeguard norms by Chinese dam developers is contested. At times, more ambitious Chinese standards would be adopted in Chinese-led dam projects in the early 2000s – with various relevant Chinese legislations introduced particularly from the mid-2000s onwards. Only in recent years were international norms employed more frequently in Chinese-led dam projects. Kircherr et al conducted interviews and the majority of the interviewees (76%) believed that mostly international norms will be adopted in Chinese-led dam projects in Myanmar, Laos and Cambodia in the near future (see figure below).

How do you see social safeguards project performance in Chinese-led dam projects in Myanmar, Laos and Cambodia from an international social safeguards perspective?



¹ Interviewees responding to this question

Fig. 2. Social Safeguards Status Quo and Outlook in Chinese-Led Dam Projects in Myanmar, Laos and Cambodia.

Kircherr et al 2017 then go on to describe some safeguarding issues with their case study projects. The Chinese-led projects implemented in Myanmar, Laos and Cambodia upon the launch of China's Going Out Policy in 2001 largely claimed to adopt the social safeguard norms of the host country, according to the interviews they did. This was seen as a reflection of “China's promise of ‘non-interference in domestic affairs’”, a principle criticised by many Western players with international donors such as the World Bank usually tying their loans to a set of policies to be implemented by the recipient country, e. g. anti-corruption measures, in order to, allegedly, further accelerate the recipient country's development.

Yet the Chinese dam developers' emphasis of host country social safeguard norms could imply that no norms whatsoever were adopted since no codified social safeguards policies were in place in Myanmar and Cambodia in the early 2000s, as outlined in the previous section. An example of a Chinese-led dam project commenced in the early 2000s that was particularly criticised for its lacking social safeguards (with farmers allegedly resettled to non-arable land, a

major violation of distributional social justice) is Myanmar's Paunglaung Dam whose construction started in 2004 (Lone, 2013; International Rivers, 2014).

Social safeguard policies were in place in Laos in the early 2000s, but it is contested that these were (and are) adhered to by Chinese players. A Chinese-led project whose construction started in 2001 "without public consultation or participatory planning" (Sayatham and Suhardiman, 2015) (and thus lacking procedural social justice) is the Nam Mang 3 Dam. Also there are seven dam projects pursued by Sinohydro on the Nam Ou River since 2011; these are particularly criticised for the limited information provided about them and are allegedly built with very little oversight from the Lao government (with the government not even having the financial resources to visit the site at times). These projects thus also reportedly lack procedural social justice

Kircherr et al (2017) note that various relevant pieces of safeguards legislation were introduced by Chinese authorities in recent years. While their adoption is voluntary, as outlined in the previous section, International Rivers still calls them "a signal to overseas dam builders [...] to act responsibly". NGOs – the key watchdogs of dam developers – were the most critical regarding current project performance. Of the 13 NGOs responding to this question, over 75% believed current project performance was poor from a social safeguards perspective. The ambiguity found in the interviews is also reflected in two recent rankings, compiled by International Rivers (see figure below).

● Good ● Fair ● Poor

| Rankings | Company Name | Environmental Management Scores | Community & Labor Relation Scores | Risk Management Scores | Overall Scores |
|----------|-------------------------|---------------------------------|-----------------------------------|------------------------|----------------|
| 1 | Sinohydro International | ● | ● | ● | ● |
| 2 | Gezhouba | ● | ● | ● | ● |
| 3 | Datang | ● | ● | ● | ● |
| 4 | PowerChina | ● | ● | ● | ● |
| 5 | Three Gorges | ● | ● | ● | ● |
| 6 | Huadian | ● | ● | ● | ● |
| 7 | Huaneng | ● | ● | ● | ● |

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| 1 | Sinohydro International | ● | ● | ● | ● |
| 2 | Gezhouba | ● | ● | ● | ● |
| 3 | Three Gorges | ● | ● | ● | ● |
| 4 | Huadian | ● | ● | ● | ● |
| 5 | PowerChina Resources | ● | ● | ● | ● |
| 6 | Huaneng | ● | ● | ● | ● |
| 7 | Datang | ● | ● | ● | ● |

SOURCE: International Rivers (2015)

Overall, the interviewees believed that international norms may soon prevail in projects implemented by Chinese dam developers, though. "The Chinese have now understood that it is not sufficient if there is a stamp on all of your papers and all permits are approved", an NGO leader collaborating with a major Chinese dam developer said. "It is now widely accepted [by Chinese dam developers] that affected people are the first beneficiaries", a representative from a

global dam association said when asked about distributional justice in Chinese-led dam projects. The prevalence of international norms in Chinese-led dam projects may not silence critics, as already indicated in the previous section, since the various international norms remain contested. For instance, the Theun Hinboun Dam project in Laos led by Statkraft, a Nordic player, was called a benchmark for social safeguard norms. Yet both procedural and distributional social safeguards deficiencies regarding Theun Hinboun were portrayed by Whittington (2012) and Virtanen (2006).

Ways to improve the implementation of safeguards in infrastructure projects (from Kirchherr et al 2017)

1. Improvements in social safeguard policies are induced by rational cost benefit-calculations of the Chinese dam developer – with the adoption of various international social safeguards ultimately less costly than their non-adoption. Social impacts “are just problems to get around”, an NGO leader said, so the benefits need to outweigh the costs.
2. “Chinese dam developers are very, very sensitive to public pressure” Kitcherr’s interviews showed. A Chinese dam developer acknowledged that “[protests can] lead to project suspensions [and thus additional costs]. To carry on, we have sometimes had to radically change our project management approach” social mobilisation as a root cause for norm adoption in the private sector. For instance, Laos’ Nam-Lik 1–2 Dam (with construction starting in 2007) was criticised regarding its compensation scheme with the infrastructure provided to resettleses allegedly being substandard. A second project also criticised for its limited social safeguards is Cambodia’s Kamchay Dam (whose construction started in 2008) (Siciliano et al., 2015; Middleton et al., 2015; Hensengerth, 2015).
3. A third controversial project that allegedly was influential in changing the norms adopted in Chinese-led dam projects was Myanmar’s Myitsone Dam. The project was suspended in 2011 due to massive public protests (Lynn, 2011; Linn, 2013). “This suspension was a really painful punch in the stomach”, a Hydropower Sustainability Assessment Forum participant said. Only upon the suspension of the Myitsone Dam project, did Chinese dam developers begin to see the halting of a project by a government in Myanmar, Laos and Cambodia (partly) due to lacking social safeguards as a credible scenario.
4. “Chinese state owned enterprises learnt a great deal out of the Myitsone project”, a former employee of a Chinese dam developer stated. Therefore supporting host country groups to promote safeguarding is important. Social mobilisation likely has led to stricter host country and Chinese legislation, stricter rules of Chinese funders (partly as a consequence of Chinese governmental legislation) as well as cooperation with international players – both via ESIA’s and beyond. The collaboration with various international players was meant to not only to fend off civil society criticism, but also intended to address capacity issues of Chinese dam developers regarding social safeguards since these developers are not responsible for social safeguards when implementing projects in China (this is the responsibility of the Chinese government). Social mobilisation plays a key role in this process.
5. NGOs are an extremely important actor, and it is important to support them. One interviewee said ‘They are the independent police force that always will nag you and bite you and keep on your tail and make sure that you stay in line as a big, gigantic international cooperation’.

6. A fixed social safeguard budget can be useful, so that it is not slashed when project costs overrun.
7. "[Chinese dam developers] performed strongest at the project site if they were forced to do so by the laws of the host country". These government policy changes in standards are believed to be driven by social mobilization. So, it is important to support host country governments.
8. Those financing Chinese dams overseas (mainly China Exim Bank (CEB) and China Development Bank) adopted stricter social safeguard norms due to social mobilisation, which then, in turn, had to be adopted by the dam developer. CEB's evolved approach to environmental and social safeguards is reflected in its action regarding Gabon's Belinga Dam, for instance, with CEB suspending funding for the dam of upon safeguards concerns raised by various NGOs (Bosshard, 2010).
9. The research also suggests that Chinese dam developers now increasingly view the adoption of international social safeguards norms as less costly than their non-adoption.
10. The impacts of activists regarding the adoption of international social safeguards. This suggests that policy-makers keen to ensure adoption of international social safeguards in Chinese-led dam projects could usefully provide targeted funding for relevant environmental NGOs, in addition to the more obvious remedy of expanding host countries' capacity to develop and implement more robust social safeguard legislation and regulations. These can then continue to play and possibly expand their role as watchdogs of the dam industry. We note, though, that this recommendation is only tentative. Indeed, more single case study research is needed to further nuance the narrative from this regional case study.
11. One example of an organisation working on this is: International Rivers <https://www.internationalrivers.org/successes-for-the-movement> International Rivers has been a part of the global struggle to protect rivers and the people who depend on them for over thirty years. We often work with our partners to oppose large, destructive hydropower projects. But we also promote energy and water solutions that benefit the poor without causing the massive impacts of large dams. And we advocate for planning and decision-making processes that give local communities a place at the negotiating table.

4. Chinese infrastructure projects in Africa

Chinese players are now Africa's key partner for its infrastructure sector (including water supply projects), providing approximately two-thirds of investments since 2007. Kircherr et al (2016) write that the 'social impacts of these engagements during the construction phase are mostly portrayed in an alarmist tone within the popular press. Meanwhile, scholarly literature investigating them remains scarce'. Chinese dam developers claim to construct at least every second dam worldwide (Kircherr 2017). However, scholarly literature comprehensively investigating the social safeguard norms in these projects is rare (Kircherr et al 2017).

Kircherr et al 2016 focus on the Bui Dam, a major dam in Ghana, financed by China Exim Bank (CEB), the largest financier of infrastructure in Africa, and constructed by Sinohydro, the largest dam developer worldwide, as a case study to explore social impacts of Chinese engagements in the African water sector. A key criticism of the Chinese players in Africa is the lack of social safeguards. Whereas the World Bank's safeguard policies "are aspirational for [Sinohydro], at the

project level, local laws and regulations form the basic safeguards" for the company (International Rivers 2014: 2). In many developing markets, these local laws and regulations are underdeveloped, frequently even non-existent, as also acknowledged by a Chinese dam developer.

The paper found that social safeguards policies were not within the responsibility of Sinohydro. Furthermore, financing modalities were largely favourable from a Ghanaian perspective, comparable to World Bank conditions, partly due to the successful negotiations (from the Ghanaian standpoint) during the planning and design phase of the project. Most likely, the project would not have been implemented if CEB had not stepped in to provide funding.

The research also showed that most workers employed during construction were Ghanaian, paid significantly above the country's minimum wage. Nevertheless, working conditions overall were questionable. This case study highlights how Chinese engagement in construction of water infrastructure may help develop projects otherwise stuck in the planning and design phase. However, labour conditions during the construction phase of these projects need to be carefully managed (Kircherr et al 2016).

The Bui Dam may now operate for up to 100 years, providing irrigation for 30,000 ha of land as well as up to 980 GWh of electricity annually. However, that does come at an environmental and social cost. For water supply projects, where international funding is used without strong safeguards imposed, it remains the responsibility of the country to ensure environmental and social impacts are mitigated. One key area that was highlighted by this case study is the need for better management of labour conditions (Kircherr et al 2016).

Improvements for the implementation of safeguarding policies

1. For the Bui Dam, one of the criticisms – from a social safeguard perspective – is the lack of an appropriate consultation process during the construction of the Bui Dam: "None of the people [...] had any idea of when they were to be resettled, when they could expect compensation or how to make their grievances known". The interviewee conveys the impression this lack of consultation may be due to Sinohydro. "[The] evidence suggests [...] that consultation and participation has been kept to a minimum level so that construction can run as smoothly as possible." However, for the Bui Dam there is evidence that a range of stakeholders and communities were engaged in consultation, and further that it was not the role of Sinohydro to engage in the consultation and design social safeguards. This finding regarding roles and responsibilities of Sinohydro in dam projects is echoed by scholars investigating Chinese dam projects in the Mekong River Basin (Matthews & Motta 2013: 5).
2. The paper also identifies 6 players were key to its construction. This is important to see who is involved, their role and how they can assist with implementation of safeguarding policies.

| Stakeholder | Key tasks |
|--|--|
| Ministry of Energy (MoE) | ▪ Strategic oversight |
| Bui Power Authority | ▪ Day-to-day planning, execution and managing of project ▪ Implementing resettlement scheme |
| Coyne et Bellier | ▪ Developing dam design |
| Environmental Resources Management (ERM) | ▪ Carrying out environmental and social impact assessment |
| China Exim Bank | ▪ Providing loans for project |
| Sinohydro | ▪ Executing envisaged dam structure |

3. An Environmental and Social Impact Assessment (ESIA) was carried out by Environmental Resources Management (ERM), a British firm, including public consultations: "During scoping, [...] focus group discussions in the villages during which villagers' perceptions and expectations were discussed. A national consultation meeting [...] was well attended by over 120 participants from a wide range of [civil society organizations]". Civil society and those to be resettled continued to be involved during the construction period via the Ghana Dams Dialogue; between 84 and 150 stakeholders participated in each dialogue session. "Affected people have been sufficiently consulted at all levels of their resettlement".
4. An international donor interviewed by Kircherr et al pointed out how Ghana carefully studied a prior project's failing to ensure that the Bui Dam project did not repeat past. This prior project was the Akosombo Dam, constructed by an Italian consortium (Impregilo) from 1961 to 1965, and funded by the World Bank, the United States and the United Kingdom. It was originally conceptualised "as the engine of Ghana's accelerated transformation [removing] the shackles of colonialism" (Miescher 2014: 341ff.). However, many Ghanaians nowadays particularly remember the resettlement of 80,000 people due to the project, according to a new social media activist interviewed (Interview T20052015a); "different tribes [were] thrown together into standardized housing, [there was] inadequate water supply, poor soil" (Mettle 2011: 47). Sinohydro, as the construction contractor, was neither involved in the ESIA on the Bui Dam nor in the implementation of the resettlement scheme.
5. A World Bank official told us, that "the approaches the Chinese banks follow change and they change really fast. They are now much more in sync with the approach the World Bank and other development partners have because they learned from the difficulties they encountered". In the case of the Bui Dam, we did not find any evidence that CEB provided specific oversight. Limited oversight may have been needed in any case. After all, the ESIA was carried out by an established international player and "resettlement overall actually was rather smooth", a representative from the Ghana Dams Dialogue noted. The combination of CEB and Sinohydro in a water supply dam project is typical for

Chinese-funded water projects in Africa. In order to promote trade, loans by CEB are frequently tied to the participation of Chinese contractors in the project, in this case Sinohydro (Foster et al. 2008: 1). This combination reflects again the triple aim of China's foreign policy: Creating new profit pools for its SOEs, providing development assistance and strengthening ties to African leaders.

5. The Theun Hinboun Dam project in Laos led by Statkraft

The Theun Hinboun Dam project in Laos led by Statkraft, a Nordic player, was called a benchmark for social safeguard norms. Yet both procedural and distributional social safeguards deficiencies regarding Theun Hinboun were portrayed by Whittington (2012) and Virtanen (2006).

Statkraft put in the following safeguarding measures (Statkraft 2010):

During the preparation of the Resettlement Action Plan (RAP), a small number of ethnic minority and vulnerable groups were identified. Ethnic minorities are defined as being culturally different from the mainstream culture (lowland Lao), heavily reliant on natural resources, with unique languages and traditions and having little or no political representation. In the project area the majority of people are lowland Lao or related groups but there are also a small number of Mon-Khmer groups who traditionally have resided in the middle-hills (ca. 60 households), and Hmong, an upland group (ca. 80 households). The Asian Development Bank has a specific Safeguard Policy for Indigenous People and Ethnic Minorities. Vulnerable groups are classified on a household level as households that do not have adequate labour resources, such as households with single parents and young children, elderly couples, households with disabled members, etc. Experience from hydropower and other infrastructure development indicates that additional resources and funds are required in order to ensure that ethnic minorities and vulnerable groups improve their standards of living and become project beneficiaries. For this reason, the Social and Environmental Division has introduced a number of measures: employing ethnic minority people as staff in order to facilitate consultations with these groups, carrying out separate consultations and intense discussions on group and household levels, having an international anthropologist make regular visits and reports on status, and assigning staff specifically to follow up on these groups very closely.

Aspects of the approach that could be useful for other projects:

- Consultations in local languages and as separate ethnic groups to ensure that all points of view are recorded and that the weakest groups participate
- Different house designs that are specific to the different groups • Village layouts that group the different ethnic minorities together
- Each group carrying out rituals and religious ceremonies prior to resettlement
- Additional technical assistance for the weakest members of society during the restoration of livelihoods at the new resettlement sites – having technical staff work directly with households
- Assistance for food security (protein and rice) and additional medical support There are considerable challenges in working with vulnerable groups and ethnic minorities.

An “affirmative action” approach is new and contradicts traditional hierarchical thinking. Ethnic minorities have different socio-economic systems and cultural values from the majority, and one has to contend with stereotypes and prejudices when attempting to provide additional support. In

addition, the resettlement process has established higher standards of houses, infrastructure and services for all, leveling the social hierarchy of villages to some extent. While this has pleased most people, those who were formally exploiting poorer villagers are trying to reassert the former hierarchy. SED will continue to have staff full-time at all sites to ensure that these groups receive assistance and, in some cases, protection. All ethnic minorities are monitored separately for income and education.

6. Infrastructure projects in Cambodia

Sustainable use of Cambodia's natural resources is a key factor to the country's development (MWPT 2010). Approximately three-quarters of the population are directly engaged in agriculture and depend upon the land for their daily subsistence. Agriculture and forestry contribute nearly 40 percent of the country's Gross Domestic Product (GDP). Tourism, which is based on the country's cultural and natural wonders, also contributes significantly to economic development. Reliance on these industries means that sustainable management of natural resources and other aspects of the environment are vital for improving rural livelihoods and for economic growth. Upgradation and maintenance of roads and highways is a prerequisite for the development of a under developed countries like Cambodia. The MWPT (2010) paper shows an example of how a ministry can ensure good implementation of safeguard policies.

'It is the Ministry of Public Works and Transport (MPWT) and MRD policy to ensure that road development, including maintenance works, do not cause negative impacts on the local physical, biological as well as natural environmental including local communities. To achieve this objective, it is the responsibility of MPWT's/MRD to ensure that appropriate action, including monitoring, are undertaken during the project planning, designing, pre-construction, construction and post construction phases. Safeguard compliances performance of contractors is considered important and will be monitored closely because environmental management plan compliances is part Environmental Safeguard.

Efforts will be made to incorporate measures to reduce, minimise or compensate the associated impact that may occur during various phases of the project. MPWT's/MRD staff will also ensure that information related to the environmental and social impacts of the project is made available for the local public for review and will promote/ maintain close consultation and cooperation with local communities and local authorities.

Simultaneously with environmental safeguards, there is cause for being concerned about the social dimensions of projects. Involuntary resettlement is a complicated subject. To achieve resettlement objectives remains an inherently risky proposition and new projects bring to the fore new resettlement issues or challenges. The primary objectives of these guidelines in the paper are to provide detailed guidance to the project proponents in addressing social issues in development projects specifically in planning and implementation of resettlement plans, ethnic minority development plans, where necessary. The Guidelines also provide guidance for conducting social assessment in projects with indirect impacts on population within or beyond the project boundaries. The Guidelines explain in detail the processes and procedures necessary for collection of data, surveys and preparation of various documents in accordance with the provisions of the National Policy on Resettlement and Compensation, Herein after called the 'Policy'. The guidelines cover all phases of project process from project identification to implementation and post-implementation evaluation of resettlement activities on development projects' (MWPT 2010).

One example is environmental protection:

Environmental Assessment: The First Objective is to help ensure the environmental and social soundness and sustainability of investment projects. The operational principle is to use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment (EA) so that appropriate studies are undertaken proportional to potential risks and to direct, and, as relevant, indirect, cumulative, and associated impacts. Use sectoral or regional environmental assessment when appropriate. The Second Objective is to support integration of environmental and social aspects of projects into the decision.

Ways to improve the implementation of infrastructure projects (MWPT 2010)

1. Assessment of potential impacts of the proposed project on physical, biological, socioeconomic and physical cultural resources, including trans-boundary and global concerns, and potential impacts on human health and safety,
2. Assessment of the adequacy of the applicable legal and institutional framework, including applicable international environmental agreements, and confirm that they provide that the cooperating government does not finance project activities that would contravene such international obligations,
3. Making provision for the assessment of feasible investment, technical, and siting alternatives, including the "no action" alternative, potential impacts, feasibility of mitigating these impacts, their capital and recurrent costs, their suitability under local conditions, and their institutional, training and monitoring requirements associated with them,
4. Where applicable to the type of project being supported, normal application of the Pollution Prevention and Abatement Handbook (PPAH). Justification of the deviations when alternatives to measures set forth in the PPAH are selected, is to be provided;
5. Prevent and, where not possible to prevent, at least minimize, or compensate for adverse project impacts and enhance positive impacts through environmental management and planning that includes the proposed mitigation measures, monitoring, institutional capacity development and training measures, an implementation schedule, and cost estimates,
6. Involve stakeholders, including project-affected groups and local nongovernmental organizations, as early as possible, in the preparation process and ensure that their views and concerns are made known to decision makers and taken into account. Continue consultations throughout project implementation as necessary to address EA related issues that affect them,
7. Use of independent expertise in the preparation of EA where appropriate. Use independent advisory panels during preparation and implementation of projects that are highly risky or contentious or that involve serious and multi-dimensional environmental and/or social concerns, and
8. Provision of measures to link the environmental assessment process and findings with studies of economic, financial, institutional, social and technical analyses of a proposed project. In addition provision has to be made for the application of the principles as above to sub-projects under investment and financial intermediary activities.

EA is a process whose breadth, depth, and type of analysis depend on the nature, scale, and potential environmental impact of the proposed project. EA evaluates a project's potential environmental risks and impacts in its area of influence; examines project alternatives; identifies ways of improving project selection, siting, planning, design, and implementation by preventing, minimising, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts; and includes the process of mitigating and managing adverse environmental impacts throughout project implementation. The Bank favours preventive measures over mitigatory or compensatory measures, whenever feasible. EA takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples, and physical cultural resources); and trans-boundary and global environmental aspects. EA considers natural and social aspects in an integrated way. It also takes into account the variations in project and country conditions; the findings of country environmental studies; national environmental action plans; the country's overall policy framework, national legislation, and institutional capabilities related to the environment and social aspects; and obligations of the country, pertaining to project activities, under relevant international environmental treaties and agreements.

7. Road infrastructure in Africa

Over the last 15 years, the road sector in Africa has made great progress in both institutional and financing terms, in particular with the creation of road agencies and road funds financed, in many countries, from fuel levies, so that 80 per cent of the main road network in Africa is now deemed to be in either good or fair condition (World Bank 2010).

While there has undoubtedly been progress, the challenges remain immense. With an average of 204 kilometres of roads per 1,000 square kilometres of which only one quarter are paved, the density of national roads lags far behind the world average of 944 kilometres per 1,000 square kilometres, of which more than half are paved. According to the World Bank, in addition to the current small number of major regional trunk roads linking deep-sea ports to economic hinterlands, comprising no more than 10,000 kilometres, “[b]etween 60,000 and 100,000 kilometres of roads are required to provide intracontinental connectivity” in Africa. Low road density also means that Africa's fast-growing cities are affected by increasing congestion, which has an impact not only on economic development but is also a significant source of pollution and accidents. With a road traffic injury fatality rate of 32.2 per 100,000 inhabitants⁷ the corresponding rate in countries such as Sweden, the UK and France is between four and eight deaths per 100,000 population— African roads are the most dangerous in the world (Africa Energy Forum 2016).

The sub-Saharan African road network is still underdeveloped. Medium- and long-distance national and international corridors need to be developed or improved, so as to allow connectivity between capitals and other major urban and industrial centres. International corridors will benefit landlocked countries in particular, providing them with much-needed road access to deep-sea ports. There is also a need to facilitate all-season road connections between major cities and provincial regions, in particular “higher value agricultural regions” and mining areas, and to decongest high-density cities by building new, wider and safer paved roads facilitating access to, and circulation within, such cities (Africa Energy Forum 2016).

Land acquisition and environmental impacts (Africa Energy Forum 2016)

Land acquisition is always a sensitive issue in road projects (as with any linear infrastructure projects, such as rail and pipeline projects). Land acquisitions in sub-Saharan Africa and the safeguarding of the selected land corridor raise issues which are common to the development of infrastructure in most developing countries. For example, urban road projects crossing shanty towns raise not only individual expropriation compensation issues but also wider social concerns, as they generally require the displacement and resettlement of families as well as of economic and commercial activities.

The concession or PPP contract will often impose certain specific compensatory obligations on the private sector concessionaire or the PPP company which can sometimes extend beyond the normal scope of obligations of a roads concessionaire; for example, noise protection walls, planting of green spaces, improving sanitation and funding of community activities.

In rural areas, tribal land ownership rules can make land acquisition a long and complex exercise. Similarly, the environmental impact of the proposed road must be assessed and taken into account, including through environmental mitigation and compensation measures. For example, the first stretch of the Dakar-Diamniadio Highway project crosses the Mbao and Sébikhotane classified forests, which has resulted in the contract imposing specific environmental protection constraints and measures. As in the case of other infrastructure and power projects, the identification and proper management of environmental issues is particularly important for road projects involving multilateral agencies and international commercial lenders, which have increasingly stringent environmental and social impact management and compensation requirements.

8. Implementation of Asian Development Bank's Safeguarding Policies

This evaluation (Asian Development Bank 2016) examines the value added by the environmental and involuntary resettlement safeguards policies of ADB, and identifies what remains to be done to ensure their effective application. The evaluation uses a case study approach to assess the application of ADB's safeguards in 12 projects in three countries, Indonesia, Kyrgyz Republic and Sri Lanka. These countries were considered to be around the median in terms of the environmental and involuntary resettlement sensitivity of their roads, energy and water projects. The evaluation shows that while ADB's safeguard framework is seen as a benchmark there are areas that need strengthening in matters of design and especially implementation. It indicates both the progress and remaining gaps in both country safeguard systems and implementation of the safeguard policy for application to ADB-supported projects. A seminal benefits-cost analysis (BCA) concludes that safeguards implementation creates a positive net value, which tends to be higher for ADB's standards. The evaluation specifies that strong caution must continue to be exercised in moving to the use of country safeguard systems for ADB supported projects. An assessment of Indonesia's safeguard system shows that concerning involuntary resettlement, there are legal and regulatory differences with the ADB policy and these need to be addressed. Further, in all countries visited there were gaps in local implementation capacities within the relevant agencies. At the same time, the evaluation points out that ADB's program to promote the use of country safeguard systems in ADB supported projects should be more strategic and systematic, as indicated by the Safeguard Policy Statement (2009).

This evaluation draws on five sources: (i) analysis of ADB and government documents, (ii) country case studies, (iii) portfolio analysis of approved projects in 2007–2015, (iv) benefit–cost analysis, and (v) interviews with ADB staff and stakeholders. The country case studies provide a realtime assessment of ADB’s safeguard implementation in Indonesia, the Kyrgyz Republic, and Sri Lanka.

These countries were selected because of (i) their significance in major ADB regions; (ii) the availability of documents to assess CSS; (iii) the mix of projects in ADB’s primary investment sectors (transport, energy, and water) with environment and social safeguard categories A and B; and (iv) implementation of projects at central and local levels.

Ways to improve implementation of safeguarding:

Environment:

- Project implementation. The group of projects assessed in the three countries shows that while environmental lapses in compliance are mostly avoided due to the environmental plans, these lapses remain a risk due to insufficient government supervision and monitoring, and also insufficient monitoring by ADB.
- Strengthening of country safeguard systems. EIA legislation was found to constitute a good foundation for safeguard work in all three countries but local capacity for implementation is weak in all but a few of the agencies reviewed in the course of the project case studies.
- Use of country safeguard systems in ADB supported projects. The analysis for Indonesia found a basic equivalence between the Indonesia environmental laws and regulations, and ADB’s SPS. Nevertheless, five areas were identified of ambivalence in the legislation. No acceptability assessment was done for any agency, but observations from the field in the context of the project case studies led to the conclusion that if ADB grants the use of CSS in Indonesia for some projects, then gap filling action plans will need to deal with both the resolution of the ambivalences and capacity and readiness problems of agencies.

Involuntary Resettlement

- The group of projects reviewed suggests that there are significant issues in the preparation of involuntary resettlement plans. Several plans had insufficient attention for livelihood restoration measures, and were more generally built on rushed assessments and limited consultation, even when they were updated after project approval when there was more time. GRMs were not always worked out, and insufficient attention was sometimes given to institutional constraints in the government agencies responsible, and administrative arrangements.
- Project implementation. The case study projects indicate insufficiencies in recording, and more importantly problems in delivering compensations. Among seven projects which had reached the stage of resettlement plan implementation, only those in Sri Lanka operating under SPS could provide the evaluation team with records on compensation delivery. Overall, not all entitlements that the SPS mandates were delivered in the seven projects. This was particularly noticeable in the lack of special attention for poor and

vulnerable affected people, and the lack of properly worked out livelihood restoration measures.

- Strengthening of country safeguard systems. The review of the three country cases shows that there is progress in the development of CSS, but gaps remain particularly in the quality of local implementation capacity.
- Use of country safeguard systems in ADB supported projects. The analysis for Indonesia found four equivalence gaps and three partial gaps between the Indonesian laws and regulations on the one hand and ADB's SPS on the other.

Based on the findings and conclusion of this evaluation, the following four priority recommendations were offered to improve the implementation of safeguarding policies:

- Integrate safeguard work early in the project preparation and provide adequate time and resources to this task. Good safeguard measures need to start early and it takes time to obtain a good understanding of the borrower project, procurement and budget cycles, and safeguard management capacities and responsibilities. It requires discipline to ensure safeguards readiness and establish a workable grievance redress mechanism well before land acquisition and civil works start. It requires early monitoring, in order to be able to focus on the critical period of delivering entitlements. For both environment and involuntary resettlement safeguards, the poverty, gender and social analysis should be well integrated during the early stages, so that the right safeguard categorizations can be selected and the right plans can be made for livelihood restoration, and with special attention to the poor and the vulnerable among the affected people.
- Step up safeguard implementation support internally and in country agencies to fully achieve the safeguard policy objectives. Close supervision and monitoring is needed and this will be facilitated by deploying the necessary staff in headquarters and resident missions. Like project preparation, project implementation requires a good understanding of the legal steps, financing, mandates and responsibilities for safeguard application at all levels, and targeted capacity building for counterparts. Providing extra support for the poor and vulnerable affected and seeing livelihood programs through to completion – or beyond completion when necessary – are a must if ADB's safeguard policy principles are to be fully applied. ADB portfolio monitoring systems should be improved such that project officers and safeguard specialists are able to flag expected delays and lapses in safeguards well before they materialise. Government monitoring systems to report on the progress of safeguard measures need to be supported so that they are improved.
- Continue to exercise strong caution in proceeding with use of CSS, ensuring that the high ADB standards and its reputation are properly safeguarded; and systematically strengthen the CSS through dedicated technical assistance, especially the local implementation capacities, to pave the way toward its use in ADB supported projects. ADB's TA work is very suitable in building tangible capacity to promote legal and technical changes in CSS to lift standards and provide capacity development to improve agencies. The current country safeguards review protocol can be exploited further to enable regular assessments of the CSS and its appropriateness for use in ADB projects to be conducted for agencies with more advanced safeguard capacity. When the use of CSS is deemed appropriate for a pilot in some sector, area and agency (particularly for environmental safeguards), it will be prudent to appoint more staff in the resident missions with good knowledge of legal and policy requirements in the country, and a

background in specialized safeguard areas (a shift in some regional departments is already happening also without such piloting).

- Determine whether (a) the disclosure arrangements for involuntary resettlement plans, and (b) the definition and functioning of grievance redress mechanisms deserve more attention, and take appropriate actions. Rigorous assessment of GRMs regarding accessibility, transparency, fairness, and protection in projects is needed. Local, pre-existing grievance facilities may form the basis of the GRM providing they offer meet the key criteria access and fair process to all affected people, including women, without fear of retribution. An internal review of all aspects of GRMs by ADB may be helpful to clarify to staff what counts as effective disclosure of resettlement plans and what counts as a minimally acceptable GRM.

9. Additional useful resources

Many safeguarding toolkits are available at: <http://www.keepingchildrensafe.org.uk/resources>

Environmental protection of infrastructure projects in South Africa

https://www.environment.gov.za/sites/default/files/reports/epip15years_review.pdf

Based on the newly established branch, Environmental Protection and Infrastructure Programmes (EPIP) was also reconfigured with new programmes being brought into the new fold. To purpose of EPIP is to manage the identification, planning and implementation of the Environmental Protection and Infrastructure Programmes (Working on Waste, Working for the Coast, People & Parks, Wildlife Economy, Working for Land, Greening & Open Space Management and Youth Environmental Service throughout the country under the Expanded Public Works Programme using labour intensive methods targeting the unemployed, youth, women, people with disabilities and SMMEs. The main goal of the programme is to alleviate poverty through a number of interventions that are implemented in communities to uplift households especially those headed by women while empowering beneficiaries to participate in the mainstream economy in a manner that addresses the environmental management challenges facing the country.

The EIOP will contribute to these objectives by:

- Strengthening environmental protection in its contribution to improving the quality of life,
- Developing infrastructure in such a way as to respect the environment as a basis for economic transition,
- Developing infrastructure networks so enabling disadvantaged areas to develop economically

DFID (2008) Desk review of DFID's Private Sector Infrastructure Investment Facilities: Strategic Environmental Impact Assessment

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67761/ev685.pdf

Promoting sustainable resource use has environmental and economic implications. Taxation and subsidy policies to encourage better energy efficiency and the increased use of alternative energy sources can limit environmental damage and safeguard long-term energy supplies.

This paper provides some examples of safeguarding for example:

InfraCo is also able to draw upon the resources of other Facilities to form a total package that can mitigate some environmental risk. For example: In Uganda, the Kalangala Infrastructure Services Project is on the verge on fruition. InfraCo is developing a single large commercial project that will eventually be sold to the private sector; the project is made up of four distinct infrastructure components – a ferry refurbishment, water supply, electricity supply and local road improvements. International consultants have been engaged to undertake extensive public consultation works and to undertake an EIA that will satisfy national requirements as well as applicable WB safeguard policies. A number of local contractors will assume responsibility for a complex project that they have no previous experience of implementing or managing. Recognising the risk, TAF is being employed to provide TA to the contractors, both on construction methods and environmental monitoring.

With over 55 projects implemented there is a substantial body of available evidence to indicate that WB environmental safeguards are being followed. The 2007 GPOBA review cites the example of the Naandi Water Project in Andhra Pradesh, India. As part of the project preparation for this innovative water supply project, environmental and social studies were undertaken by WB to WB standards. The environmental studies are undertaken by the borrower and then reviewed by WB environmental and social specialists.

As all projects are subject to WB safeguard policies environmental and social compliance studies form part of the on-going monitoring process. Each grant is the responsibility of a WB task PIDG Facilities 12 manager. If it is a non Bank project this will be GPOBA staff (who are also WB staff). The task manager must ensure that the usual Bank policies of follow-up, including supervision missions are incorporated in mid-term reviews and implementation completion reports.

Additional ways to improve implementation of safeguarding policies:

- Sub-contracting the environmental due diligence process to a third party provides objective oversight within a set budget. A set policy removes all potential for conflict of interest.

Farrington, J., and Robinson, M., 2006, 'Introduction: Meeting the Challenges to Growth and Poverty Reduction' Development Policy Review, number 24, pp. 3-12

<http://www.gsdr.org/document-library/introduction-meeting-the-challenges-to-growth-and-poverty-reduction/>

Countries in East and South-East Asia have focused on growth, targeted through the promotion of liberalisation, stability, private investment, infrastructure and skills development. In South Asia, more public expenditure has been directed towards service delivery and social protection. Growth and poverty reduction can be threatened by external factors, related to the global economy, and internal variables, like governance, infrastructure and migration.

Various Asian development trends up to the MDG target date of 2015 are identified:

- Strong economic growth will continue, led by a vibrant commercial sector.
- Income poverty will fall, although only half the region's countries are set to meet the target to halve hunger.
- Environmental indicators – pollution, water availability, cultivable land availability, illegal logging – will probably deteriorate.

- Internal migration will lead to a majority of the population living in cities, with major demographic and socio-economic implications.
- Public participation will probably increase, with growing civil society activity.
- Gender and ethnic discrimination may lessen, although major disparities will persist.
- Basic education enrolment is rising, although high drop-out rates exist among girls.
- Child and maternal mortality rates remain high among minority groups and disease prevention programmes are still inadequate.

Average growth rates mask disparities between and within Asian countries, while fast growth can undermine social stability. Governments and international agencies should focus on enhancing equality, governance, private sector activity and environmental sustainability.

World Bank Project in Cameroon

<http://www.brettonwoodsproject.org/2016/09/world-bank-project-fails-safeguard-rights-workers-cameroon/>

Cameroon has ratified most International Labour Organisation conventions regulating labour and living conditions of workers. World Bank clients are obliged to enforce Bank directives on occupational health and safety and its safeguard policies. Despite these regulatory frameworks, China International Water and Electric Corporation (CWE) has grossly violated labour rights on the World Bank-financed Lom Pangar Hydro Power Project under the watchful eyes of the Cameroonian government and the project owner Electricity Development Corporation of Cameroon (EDC). The World Bank financed 44.75 per cent of the total \$295 million loan made to the project.

Despite repeated complaints made to the Bank by workers during Bank missions to evaluate progress in environmental and social management, human rights violations persist. Workers complain of unpaid work; corporal punishment; non-payment of social security contributions; dismissal and absolute neglect. Abandonment of work accident victims and discrimination in favour of Chinese workers were amongst other serious concerns evidenced by frequent industrial actions and more than ten cases filed at the local Bertoua courts and the labour inspector's office.

Disturbed by inhumane living and working conditions at Lom Pangar, some current and former workers filed a complaint to the World Bank Grievance Redress System, including a request for the complete payment of their unpaid lodging allowances and overtime pay and the reinstatement of all workers dismissed after testing hepatitis B positive. While the GRS is considering all breaches of worker's rights mentioned above, it seeks to waive the mandatory requirements for compensations regarding inadequate lodging conditions arguing that the contract between the Bank and the Government of Cameroon does not make reference to housing conditions. However, before funding the project, the Bank obliged EDC to conduct an environmental and social impact assessment. This resulted in an environmental and social management plan requiring EDC to ensure the contractor (CWE) respects the plan and environmental and social guidelines based on both national legislation and World Bank safeguard policies.

Made in Africa Foundation

<http://www.madeinafricafoundation.com/#mission>

Providing finance for feasibility studies for African businesses and projects involved in the development of major infrastructure projects across Africa

Developing countries told: Implement safeguard measures for infrastructure projects

<http://www.businessmirror.com.ph/developing-countries-told-implement-safeguard-measures-for-infra-projects/>

The Independent Evaluation Department (IED) at the Asian Development Bank (ADB) has urged the Manila-based multilateral institution and developing member countries (DMCs) to implement stronger safeguard measures for infrastructure projects.

In a news statement, the IED said infrastructure demand in Asia's developing economies, including the Philippines, can reach \$8 trillion until 2020. With this demand, IED said the ADB and DMCs like the Philippines must be more vigilant in the financing and implementation of these projects.

"Narrowing wide infrastructure gaps will be vital for Asia to secure strong and sustained growth," Marvin Taylor-Dormond, director general of Independent Evaluation at the ADB, said. "Robust safeguards to protect the environment and affected communities are needed more than ever, amid the risk of increasing environmental degradation and the rising threat of climate change."

The IED report found that few government agencies employed regular environmental specialists to enforce safeguards on ADB-financed projects, and that ADB's specialists were overstretched.

It added that there are also gaps in the involuntary resettlement of people affected by new infrastructure, such as roads, on land owned by them. IED said ADB's safeguards policy also requires the government to provide compensation for lost assets at replacement value, and special livelihood support for the poor to get them to national minimum living standards.

While progress was made on the compensation side, but the IED said, less evidence was found of governments providing livelihood support.

"The stakes are too high for safeguard standards to slip at a time of rapidly unraveling development pressures across Asia; the response needs to be stronger safeguards not more flexible ones," Taylor-Dormond said.

The report examines the benefits and costs of implementing safeguards, an area that has received relatively little attention due to lack of data.

Safeguarding policy for an infrastructure project in Georgia

<http://documents.worldbank.org/curated/en/821881468032948200/Georgia-Infrastructure-Pre-investment-Facility-Project-safeguard-framework>

This paper summarises the approach to safeguards to be taken during the implementation of the project, which will include the preparation of appropriate environmental and social assessments for the follow-on investments.

10. Safeguarding nature becomes second nature

http://africa.chinadaily.com.cn/weekly/2015-10/30/content_22313614.htm

This is an interesting news article looking at how safeguarding has become more important in Chinese infrastructure projects.

REACH- Improving water security for the poor

<http://reachwater.org.uk/research/a-risk-based-framework/>

A conceptual framework for the research programme addresses the interactions between water security risks and poverty reduction across three intersecting dimensions: resource sustainability, inclusive services and sustainable growth.

Achieving water security for the poor requires decision making across a wide range of choices, each with different outcomes.

A risk-based framework is useful because it investigates the likelihood and consequences of harm, and enables us to study the trade-offs and outcomes of different decisions. We are interested in outcomes that influence water system sustainability, economic growth, or poverty reduction.



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