Assessment of the use of “Country Systems” for environmental and social safeguards and their implications for AfDB-financed operations in Africa
Assessment of the use of “Country Systems” for environmental and social safeguards and their implications for AfDB-financed operations in Africa
Welcome to the second issue of the African Development Bank’s Safeguards and Sustainability Series that offers insights and knowledge pieces produced by the Quality Assurance and Results Department and other Bank units on environmental and social sustainability, climate change and green growth in the context of Africa’s development.

Africa is growing faster than most parts of world. This growth is sustained by its great endowments with natural resources which are constantly decreasing because of unsustainable use, ill-planned economic and urban development and climate change, we painfully are coming to realizing that sound environmental management is fundamental for green growth, sustainable development and poverty reduction and that there is a strong correlation between level of governance and socio-economic development and environmental and social performance.

As the African Development Bank moves steadily toward operationalizing its Integrated Safeguards System (Safeguards and Sustainability Series, Volume 1 Issue 1, December 2013) which is a world class standard on safeguards, the Bank intends also to sustain African countries’ interest and efforts toward benchmarking Africa’s country safeguards systems in order to find common ground in working together and in catalyzing action for sustainable and inclusive economic growth. Six RMCs were thus chosen for this study on account of their geographical, linguistic and socio-economic representation of the diversity of African countries: South Africa, Angola, Cameroon, Morocco, Sierra Leone and Tanzania.

It is common thinking that African countries may usually have strong policy and institutional frameworks but weak legal and operational frameworks that cover all the environmental and social issues. It would therefore be very interesting then for the Bank and for the sake of efficient delivery of development assistance to determine in what ways existing legal and regulatory safeguards in RMCs would be comparable to AfDB policies as described in the ISS.

It is our belief that first, the Bank and African countries must join efforts to unravel the complexities and issues related to the use of country safeguard systems in managing the sustainability of development interventions, second strengthening country safeguard systems will require more process and interaction-oriented assistance than sophisticated and financial resources intensive schemes. Putting priority on availability of financial resources would not allow African countries themselves to be on the driver’s seat. Therefore, the Bank will use its policy and dialogue process with African countries to make progress on the basis of a demand driven process for further country-level diagnostic and review based on the findings and methodological hints provided in this report. This is also an invite for the design of a multi-donor capacity development program that aim at a systematic coverage of all African countries.

Mr. Emmanuel E. MBI
First Vice President and Chief Operating Officer
ACKNOWLEDGEMENTS

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Coordination was done by Mr. Laurent Boutot, project director and Ms. Anouk Fouch, Safeguards Specialist under the technical supervision of Dr. Mbarack Diop, Chief Safeguard Policy Officer. Oréade-Brèche mobilized a skilled team of world class specialists; M. A. Bekechi, legal advisor and former World Bank staff, Jean-Roger Mercier, environmental specialist and safeguard trainer, Ms. Francesca Russo, social safeguards specialist as well as its internal capacity to cover field missions, data analysis and production of the report.

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African Development Bank Group
Safeguards and Sustainability Series: Assessment of the use of “Country Systems” for environmental and social safeguards and their implications for AfDB-financed operations in Africa

Note: In this report, “$” refers to US dollars. 1 UA = $1.53

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<th>Full Form</th>
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<td>AMCEN</td>
<td>African Ministers in Charge of Environment Conference</td>
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<td>ADB</td>
<td>African Development Bank</td>
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<tr>
<td>ADF</td>
<td>African Development Fund</td>
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<tr>
<td>BCS</td>
<td>Broad Community Support</td>
</tr>
<tr>
<td>BRICS</td>
<td>Brazil, Russia, India, China and South Africa</td>
</tr>
<tr>
<td>CESAR</td>
<td>Country Environmental and Social Assessment Systems Review</td>
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<tr>
<td>CITET</td>
<td>International Centre for Environmental Technologies of Tunisia</td>
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<td>CLEAA</td>
<td>Capacity and Linkages in Environmental Assessment in Africa</td>
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<tr>
<td>Country System</td>
<td>Country Environmental and Social Assessment System</td>
</tr>
<tr>
<td>CRP</td>
<td>Compensation and Resettlement Plan</td>
</tr>
<tr>
<td>CSP</td>
<td>Country Strategy Paper</td>
</tr>
<tr>
<td>DOE</td>
<td>Department of Environment (South Africa)</td>
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<tr>
<td>DOW</td>
<td>Department of Water (South Africa)</td>
</tr>
<tr>
<td>E&amp;S</td>
<td>Environmental and Social</td>
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<tr>
<td>EHS</td>
<td>Environment, Health and Safety (World Bank Guidelines)</td>
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<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>ESA</td>
<td>Environmental and Social Assessment</td>
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<td>ESAP</td>
<td>Environmental and Social Assessment Procedures</td>
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<tr>
<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
</tr>
<tr>
<td>ESKOM</td>
<td>South African Electricity Corporation</td>
</tr>
<tr>
<td>ESMP</td>
<td>Environmental and Social Management Plan</td>
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<tr>
<td>GHG</td>
<td>Greenhouse Gas</td>
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<td>GIG</td>
<td>Green and Inclusive Growth</td>
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<tr>
<td>IAIA</td>
<td>International Association for Impact Assessment</td>
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<tr>
<td>IESIA</td>
<td>Integrated Environmental and Social Impact Assessment</td>
</tr>
<tr>
<td>IFC</td>
<td>International Finance Corporation</td>
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<tr>
<td>IFIs</td>
<td>International Financial Institutions</td>
</tr>
<tr>
<td>IIM</td>
<td>Independent Inspection Mechanism</td>
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<tr>
<td>ILO</td>
<td>International Labour Organization</td>
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<td>ISS</td>
<td>Integrated Safeguard System</td>
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<tr>
<td>LCA</td>
<td>Life Cycle Analysis</td>
</tr>
<tr>
<td>MDB</td>
<td>Multilateral Development Banks</td>
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<tr>
<td>NEMC</td>
<td>National Environmental Management Council (Tanzania)</td>
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<tr>
<td>OPEV</td>
<td>Operations Evaluation Department</td>
</tr>
<tr>
<td>ONEE</td>
<td>National Electricity and Drinking Water Authority (Morocco)</td>
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<td>OP</td>
<td>Operational Policy</td>
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<td>ORQR</td>
<td>Quality Assurance and Results Department</td>
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<td>Compliance and Safeguard Division</td>
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<td>Operational Safeguard</td>
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<tr>
<td>PAD</td>
<td>Project Appraisal Document</td>
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<td>PAP</td>
<td>Persons Affected by the Project</td>
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<tr>
<td>PCN</td>
<td>Project Concept Note</td>
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<tr>
<td>PAD</td>
<td>Project Appraisal Document</td>
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<td>RAP</td>
<td>Resettlement Action Plan</td>
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<tr>
<td>RISP</td>
<td>Regional Integration Strategy Paper</td>
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<td>RMC</td>
<td>Regional Member Country</td>
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<td>RMS</td>
<td>Regional Member States</td>
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<td>Southern African Development Community</td>
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<td>SAIAEA</td>
<td>Southern African Institute for Environmental Assessment</td>
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<td>SDR</td>
<td>Safeguard Diagnostic Review</td>
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<td>SESA</td>
<td>Strategic Environmental and Social Assessment</td>
</tr>
<tr>
<td>SIFEE</td>
<td>Francophone Intergovernmental Secretariat for Environmental Assessment (formerly IAIA francophone)</td>
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<tr>
<td>WB</td>
<td>World Bank</td>
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ASSESSMENT OF THE USE OF “COUNTRY SYSTEMS” FOR ENVIRONMENTAL AND SOCIAL SAFEGUARDS AND THEIR IMPLICATIONS FOR ADB-FINANCED OPERATIONS IN AFRICA
EXECUTIVE SUMMARY

This study is prepared with the technical support of Oréade-Brèche Consultancy Company, France as part of the preparation of the African Development Bank (ADB) Integrated Safeguards System (ISS). Its conclusions and recommendations mainly serve as basis for the definition and implementation of a future mechanism for Country Environmental and Social Assessment Systems Review or “CESAR”\(^1\).

The assessment of the use of country systems for environmental and social safeguards should help to determine in what way existing legal and regulatory safeguards in six ADB Regional Member Countries (RMCs) would be similar to, close to or far from corresponding ADB policies as described in its draft ISS, especially in terms of environment and involuntary resettlement. Six RMCs were thus chosen on account of their geographical, linguistic and socio-economic representation of the diversity of countries of the African continent; they are South Africa, Angola, Cameroon, Morocco, Sierra Leone and Tanzania.

The approach adopted consisted mainly in defining country systems for environmental and social aspects assessment and management, as well as comparing equivalence points (between national regulatory requirements and ISS requirements) and acceptability points (effective implementation of legal provisions) of the country systems studied in relation to corresponding ISS policies as presented during the meeting of the Bank’s Committee on Operations and Development Effectiveness (CODE) held in mid-January 2013.

For each study country, the environmental and social requirements have been examined within three distinct frameworks: (i) Environmental Impact Assessment (EIA) requirements, (ii) land acquisition, compensation for expropriation and support for involuntary resettlement, and (iii) all environmental and social policies.

After reviewing the available methods, five major tools were adopted for the conduct of the country studies contained in this report, namely a modified “ESA\(^2\) barometer”, a capacity building needs categorization grid and the following three original tools designed for this study:

- A detailed comparative table of ADB Operational Safeguard (OS) requirements and national requirements entitled “detailed equivalence analysis matrix”,

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1 CESAR : Country Environmental and Social Assessment Systems Review
2 ESA : Environmental and Social Assessment
An “overall analysis summary table” by OS, showing for each country: an aggregate equivalence and acceptability rating by OS, the identification of major shortcomings, obstacles and expected outcomes,

A “comparative table of processes for reviewing compliance with safeguards”, which helps to compare each country’s review, approval and supervision process with the ADB process.

Major outcomes

**Comparison between countries**

None of the six countries has a legal and operational framework that helps to cover all the environmental and social aspects required in the ISS.

Based on many indicators, the rating of country systems equivalence and acceptability criteria is as follows (maximum = 1):

<table>
<thead>
<tr>
<th>Country</th>
<th>Equivalence</th>
<th>Acceptability</th>
</tr>
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<tbody>
<tr>
<td>South Africa</td>
<td>0.76</td>
<td>0.81</td>
</tr>
<tr>
<td>Angola</td>
<td>0.47</td>
<td>0.44</td>
</tr>
<tr>
<td>Cameroon</td>
<td>0.47</td>
<td>0.40</td>
</tr>
<tr>
<td>Morocco</td>
<td>0.44</td>
<td>0.49</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>0.40</td>
<td>0.39</td>
</tr>
<tr>
<td>Tanzania</td>
<td>0.53</td>
<td>0.51</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>0.51</strong></td>
<td><strong>0.51</strong></td>
</tr>
</tbody>
</table>

**Observations:**

- Among the six study countries, South Africa stands out as the country with legal constraints and practices that are closest to ISS requirements, as well as a strong will to innovate (for example, with the introduction of strategic environmental and social assessments (SESA), first of all as a voluntary practice, then as a legal constraint) and to make progress.

- There is a strong correlation between each study country’s level of governance and socio-economic development and the performance of its environmental safeguards system.

- Equivalence comparison by Operational Safeguard (OS) shows a particularly low country systems equivalence in relation to the themes of OS 2 of the ISS (involuntary resettlement, land acquisition, population displacement and compensation). Acceptability by OS – just like equivalence – is particularly low for OS 2, and also for OS 5 (working conditions).

- There are no legal/regulatory provisions as well as local expertise with respect to most of the social themes (gender, working conditions, vulnerable groups, etc.) in the study countries – both for “regulators” (responsible mainly for verifying ESA compliance) and consultants -, which underscores the need to take this capacity shortcoming into account.

**Capacity building**

The following needs are recurrent, despite their variability from one country to another:

- Support for establishment of flexible ESA entities,
- Sensitization, information and education of local population and private and association NGO players,
- Updating of the knowledge of national ESA administration workers and exchange of experiences,
- Support for establishment of monitoring and evaluation mechanisms,
- Support for establishment and management of a complaint/grievance mechanism.

**Risk-taking level**

Bank risk-taking concerns the use of national systems for the fulfilment of ISS requirements, in a given country and for a given project. Such risks would mainly be:

- Under-optimization of the ADB-financed project due to lack of protection for the environment or the communities living in the project area, thereby allowing for negative impacts that could have been avoided thanks to the ISS;
• Failure to operationalize the recommendations of EIAs and/or other environmental and social assessment instruments;

• More probable (and more statistically frequent, based on a sample of projects) use of an Independent Inspection Mechanism (IIM) by populations who are discontented or suspicious of the country system;

• Difficulties in implementing the ADB-financed project as a result of local population or civil society discontent either because project design lacked sufficient transparency or consultation, or because the wishes of the local population were not sufficiently taken into consideration in project design and implementation.*

The conclusions of this pilot study will be subsequently submitted for validation by the Governments concerned.

Main recommendations

Country-by-country scheduling of operations could be done taking into consideration the following four criteria:

• Priority selection of advanced countries like South Africa, which require relatively less resources and time than the African country average to attain a higher equivalence/acceptability level;

• Selection of RMCs which are willing to undertake a capacity building operation even if their environmental and social safeguards are far from ISS requirements, but which offset this gap – often related to historical causes – by a strong motivation;

• Selection of countries with a very strong ongoing portfolio and substantial ADB loan and grant pipeline, if such countries do not belong to the first two categories;

• Lastly, selection of priority sectors for which national or supranational approaches (Southern African Development Community (SADC), for example) could contribute towards the capacity building objectives of the project; two sectors seem to stand out based on the study countries: agriculture and agribusiness, on the one hand (particularly in reaction to land confiscation observed for about a decade now) and mining, on the other hand. It is therefore important not to lose sight of the relevance of combining sub-regional approaches with national approaches.
SAFEGUARDS AND SUSTAINABILITY SERIES

SYSTÈME DE SAUVEGARDES INTEGRÉS DE LA BANQUE AFRICAINE DE DÉVELOPPEMENT

DÉCLARATION DE POLITIQUE ET SAUVEGARDES OPÉRATIONNELLES
The African Development Bank (ADB) is currently in an advanced phase of its environmental and social (E&S) safeguard policy and procedure review and updating process through the preparation and implementation of an Integrated Safeguards System (ISS).

Within the ISS development framework and in view of harmonizing and aligning its Environmental and Social Assessment Procedures (ESAPs), the ADB intends, is planning, a medium- and long-term implementation of a programme and procedures for country safeguards systems capacity building. The objective is to help African countries which so desire to strengthen their current systems, policies and procedures so as to align them with international standards, especially with the ADB integrated safeguards system aimed at facilitating the preparation, implementation and monitoring of Bank-financed projects. The rationale of the operation is that these systems, set up by most African countries, work towards the same overall environmental protection and sustainable development objectives as those pursued by the Bank.

As part of its new safeguard policy, the Bank is therefore seeking to facilitate country system analysis and efficiency in order to strengthen trust in the capacity of national systems to deal with E&S issues in Bank-financed projects, encourage their ownership by the countries and promote cooperation between development partners. To that end, the Bank affirms its commitment to help Regional Member Countries (RMCs) to strengthen their E&S risk assessment and processing systems.

The use of national systems in the ongoing development of the ADB ISS is an important stage towards the harmonization and alignment of environmental and social safeguard procedures as promoted by the Paris Declaration on Development Aid Effectiveness of 2 March 2005.

This assessment therefore lays the foundation for ADB’s sustained effort to strengthen country systems for environmental and social assessment. It is also a starting point for the establishment of a case-by-case integrated ESA approach that complies with national requirements and the requirements of the Bank and/or its partners with respect to both the mitigation/reduction of negative project or strategy E&S impacts and contribution to the production of positive impacts.

The Bank thus chose six pilot countries, namely South Africa, Angola, Cameroon, Morocco, Sierra Leone and Tanzania, for the conduct of this study whose objectives are to:

- Inform the ADB on the implementation status of E&S support policies and measures in the countries selected, and assess their degree of equivalence with the ISS requirements;
• Provide information on key issues relating to the application of E&S aid effectiveness principles, by studying actual practices observed on the field so as to determine the level of acceptability of the use of national ESA systems;

• Ensure the preparation of future diagnostic reviews of country environmental and social assessment systems prior to the establishment of a progressive framework for aligning and harmonizing the Bank’s integrated procedures (ISS) and RMC national practices.

**Equivalence** analysis consists in describing the legal and regulatory framework applicable to environmental protection and to the social aspects of development projects of study countries, by highlighting their strengths and identifying the weaknesses that must be remedied to meet the ISS operational objectives and principles.

**Acceptability** evaluation describes the rules, principles, procedures, norms and standards implementation mechanisms applicable to the environmental and social management of development projects and assesses implementation, monitoring, appraisal and sanction capacity in the event of non-compliance with the applicable environmental and social safeguard instruments.

The pilot countries were selected on account of their geographical, linguistic and socio-economic representation of the diversity of countries of the African continent.
Presentation of the report

This study report reviews the content and conditions of study country E&S systems implementation, and identifies the most outstanding current differences with the ISS. It also outlines the possibilities of strengthening study country E&S systems and brings out the key components of the methodological guidelines of a country diagnostic analysis in order to improve the efficiency of the E&S safeguards systems of regional member countries.

Definition of national system

The Paris Declaration on Aid Effectiveness and the Accra Agenda for Action consider national systems as all the national public financial management, audit, monitoring and evaluation conditions and procedures, as well as environmental and social procedures. Environmental management thus fits into this overall national governance framework and requires a strong institutional and legal framework, efficient national, local and sector-based institutions, laws, regulations and procedures and adequate financial and human capacities.

The consideration of environmental and social issues in projects, plans, programmes and development policies of the study countries is not systematic. Environmental Impact Assessment (EIA) covers only part of the field and process required by Environmental and Social Assessment (ESA). The major practical differences between EIAs and ESAs are the following:

- The EIA is basically one of the components of the project approval process and, in contrast to the ESA, has only a low prescriptive influence on activities actually implemented after approval,
- The EIA focuses on prevention of negative project impacts, and takes only partial account of project-related risks,
- The EIA focuses on environmental impacts and, even if at times it includes a few social impacts piecemeal and on a prescribed basis, it does not ensure balance between the environmental and social concerns of the ISS design,
- Lastly, the EIA basically concerns investment projects, whereas the ISS also provides for recourse to strategic environmental and social assessments (SESA), which are attached to development plans, programmes and policies.

A national system similar to the ISS would have the following key features:

- A strong political will for transparency and delegation of authority (subsidiarity) to potentially affected communities as well as all stakeholders,
- The incorporation of scientific and technical data (on development operations studied) into major operational options in the sector and region concerned (backed by substantial material and immaterial resources and by direct access to development decision-makers),
- An institutional organization that helps to deal with all themes relating to environmental and social safeguards in a balanced and coordinated manner.

In a nutshell, a national system refers to the policies of a country, its institutional procedures and mechanisms.

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3 The first stage of the study consisted in structuring the method, followed by a documentary analysis and method finalization stage (phase 1, with a pilot mission to Morocco by four consultants). It was followed by a field implementation phase with the conduct of case studies in the other five study countries, each of them leading to the submission of a case-study report. Lastly, the analysis in phase 3 of data collected during the first two phases sought to draw conclusions and make recommendations submitted to ORQR under this report.

4 EIA: “Preliminary study for the implementation of programmes or plans and construction of facilities, which helps to assess their potential environmental impacts.” (http://www.notre-planete.info/environment/definition_etude_impact_environnement.php)

5 ESA: “Process that helps to determine the social and environmental impacts and risks (particularly with respect to employment, health and safety) of a planned project in its implementation area.” (www.equator-principles.com/resources/equator_principles_french.pdf)
and capacity to implement E&S safeguard measures. The key areas in determining national system efficiency are equivalence and acceptability. The Bank considers an E&S country safeguards system as equivalent to the ADB ISS when it is efficiently designed to achieve its objectives and when it complies with safeguard operational principles.

Preliminary methodological exploration and tools developed

There is currently no official matrix for direct evaluation of the gaps between Bank policies and procedures (ISS) and national requirements/practices (EIA and other approaches).

The consultants therefore directed their research towards EIA capacity evaluation methods, the only topic that researchers and practitioners have systematically examined over the past two decades, as social assessments are yet, to their knowledge, to be the subject of such interest or approach6.

After reviewing the available methods, the following five major tools were adopted for the conduct of the country studies contained in this report:

- A modified “ESA barometer” inspired by the tool promoted by the Capacity and Linkages for Environmental Assessment in Africa initiative and the Southern African Institute for Environmental Assessment (CLEAA/SAIEA), which allows for a quantitative summary of analyses of the differences and acceptability of country safeguards,

- A capacity building needs categorization grid inspired by the grid proposed by the Francophone Intergovernmental Secretariat for Environmental Assessment (SIFEE),

- Three original tools designed for this study (the first as bibliographical analysis medium and the other two designed in response to ORQR.3 requests):
  - A detailed comparative table of ADB operational safeguard (OS) requirements and national requirements entitled “detailed equivalence analysis matrix”,
  - An “overall analysis summary table” by OS, showing for each country: an aggregate equivalence and acceptability rating by OS, and the identification of major shortcomings, obstacles and expected outcomes,
  - A “comparative table of processes for reviewing compliance with safeguards”, which helps to compare each country’s review, approval and supervision process with the ADB process.

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6 The methodological approaches studied are basically the following:

OUTCOMES

Review of experiences acquired from implementation of country systems by the World Bank

This preliminary chapter seeks to present the key lessons learned from World Bank (WB) country diagnostic review experiences. In particular, it sheds light on experience feedback on World Bank (WB) “environmental and social safeguards diagnostic reviews” (SDR) conducted in two of the six countries of this assessment: Morocco and South Africa.

World Bank SDRs

After reviewing its Operational Policy (OP) 4.00 on the pilot use of country systems, the WB ordered the preparation of an SDR for each country where it had planned to use the country system in a given pilot project or in the application of a given safeguard policy. In South Africa, projects in which the country system was used are: (a) the Isimangaliso National Park Conservation and Community Development Project; and (b) the ESKOM Investment Programme Support Project. In Morocco, the country system was used in the Oum Er Rbia Sanitation Project. All SDRs are structured in the following manner:

a. The equivalence analysis carried out by jurists describes the legal and regulatory framework applicable to environmental protection and the social aspects of the development projects of the selected countries, highlighting their strengths and identifying loopholes that must be filled to meet the objectives and applicable operational principles laid down in Table A.1 of OP 4.00 (summary analysis using an equivalence matrix);

b. An acceptability evaluation conducted under the supervision of environmental and social affairs specialists. The evaluation: (1) describes the mechanisms for implementing the rules, principles, procedures, norms and standards applicable to the environmental and social management of development projects; (2) assesses the capacity to implement, monitor, evaluate and sanction in the event of non-compliance with applicable environmental and social safeguard instruments;

c. An action plan which helps to lay down the conditions for the application of the country system, including any measures essential for its alignment with requirements.

Conclusion drawn from the experiences of SDRs conducted in Morocco and South Africa

SDRs — SDRs conducted in the two countries show that the countries have laws on environmental management and protection whose objectives are largely equivalent to those outlined in Annex A.1 of OP 4.00, despite differences in nature and level between the two country systems and the operational principles of Annex A.1.

Action Plans — To fill the gaps identified and approve the use of the country system, the WB and country authorities adopted action plans for each project, which include traditional measures that the project implementing entity should comply with in using the country system.

The action plans adopted after the SDRs carried out in Morocco and South Africa focused on the improvement of the environmental assessment process, but also contained concrete actions (cf. details and supplements in Annex 2):

• In Morocco, for improving the land acquisition process and supporting the voluntary displacement of people,
• In South Africa, for greater consideration of natural habitats and the physical cultural heritage.

Lessons learned from the World Bank’s experience

The use of the country system can contribute to increasing development outcomes and financial and non-financial return on investment for developing countries and international financial institutions (IFI), including the ADB:

10 The outcomes of investigations carried out within the framework of the Morocco and South Africa SDRs are outlined in Annex 2.
• The method used (equivalence-acceptability-
identification of differences and loopholes, and
definition of measures to remedy/fill them) could
seem cumbersome and costly in time and financial
resources,
• A simplified approach, which could take into
consideration country reviews or some of their
components accompanied and supplemented by
policy dialogue with the country concerned and its
development stakeholders, could be a promising
avenue.

Such an alternative method may be improved with time
by drawing conclusions from field outcomes of pilot
operations implemented in compliance with the country
system. The most sensitive practical aspects will thus be
handled with the experience acquired. A good understanding
of the country system, implementation terms and conditions
and flexibility are three fundamental dimensions of the
attitude that the ADB must acquire and demonstrate in the
country system utilization process. Good understanding
entails an open dialogue that helps to critically examine the
advantages and cumbersome aspects of the two systems,
and a careful analysis of the causes of these differences. The
implementation terms and conditions include the political
and administrative systems surrounding environmental
and social assessment regulations and practices and, in
particular, the borrowing entity’s capacity to establish rules
that are more stringent than national requirements during
the SDR. Lastly, flexibility requires that the risks taken by
the institution by relying on the country system should be
minimized by carefully choosing the sectors, and even the
projects, to which the system will apply, the usual Bank
operational principles notwithstanding.

Furthermore, the quest for a perfect equivalence may be
counter-productive. The appraisal of country system’s
overall and specific objectives is the most important
exercise in the process of deciding on the use of this
system. It involves assessing whether the system can help
to achieve the E&S safeguard objectives and comply with
the standards required in the process of assessing the
environmental and social aspects/impacts of the project
selected. Too many details may render any comparison
difficult, and even ineffective. Emphasis should be placed
only on the most important components of the process.

In this process, the country’s commitment is essential for
country system assessment and its ownership of the decision
to use the country system must be understood and accepted
in total transparency. Such an approach is crucial in avoiding
a situation where the country deeply considers the use of the
country system as an operation designed to impose additional
conditionalities/obligations (adoption and implementation
of measures to remove differences or fill loopholes). If the
country is engaged in an open and permanent dialogue
on the issue of using its country system, it may appear to it
as a direct booster for its development and the reform that
it could undertake to be more efficient in accordance with
documented best international practices.

Thus, the country could decide to use a model/practice/
standard different from that of the ADB, but which would allow
it to achieve the same objectives. The flexibility mentioned
earlier could permit that to happen. Similarly, the ADB could
decide that the country system appraisal conducted by
another IFI or from another development partner will
constitute a sufficient basis for its decision on the use
of the country system, given that the decision by the
IFI or development partner could be the subject of a
bilateral review by the ADB and the country concerned
prior to any decision to use the country system. Such
an approach ultimately means that the ADB will totally abide
by the Accra and Paris processes and will strengthen its
cooperation ties with the other IFIs to foster the emergence
of a multilateral approach for the use of country systems
for environmental and social safeguards.

It should be noted that the use of country systems by the
World Bank required compliance with and implementation
of the principle of dissemination/disclosure of project
documents, which is neither commonly adopted nor
implemented in RMCs, with very rare exceptions some of
which are however among the best international practices
(South Africa).

Comprehensive methodological approach

The study conducted in the six countries does not
provide direct and irrefutable statistical conclusions
applicable to all 54 African countries, but it identifies the
major success factors of any capacity building operation
in the area of safeguards after an analysis of the
equivalence and acceptability of national requirements
and procedures in relation to the ISS being adopted
by the ADB.

Several methodological tools were proposed, developed and
tested (see § “Preliminary methodological exploration and
tools developed” “Methodological outcomes” The following
chapters propose a summary of outcomes obtained from the use of these tools in the six case studies, an analysis carried out particularly on the following aspects:

- Equivalence of legal and regulatory frameworks and institutional equivalence;
- Acceptability of country systems studied in relation to the ISS requirements;
- Capacity building needs;
- Risk-taking by the ADB due to more systematic future use of country systems.

Equivalence outcomes in the six pilot countries

Indicators of equivalence of legal frameworks, themes and ESA institutions

The table (1) is a summary of all the equivalence scores of the 35 barometer indicators, their rating by country and their average. These indicators are grouped into three sections (Texts, Contents and Institutions) which are in turn sub-divided into nine sub-sections. The indicators that fall under the Texts section deal with E&S country system regulatory and legal frameworks. Those of the Contents section relate to the various environmental and social themes treated within the systems. Lastly, the indicators of the Institutions section concern the governance of these mechanisms.

Table 1: ESA equivalence rating of the six study countries (ESA barometer scores)

<table>
<thead>
<tr>
<th>Complete indicator description</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 1: TEXTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-section 1.1 - Texts 1 – Regulatory Base</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1.1 There is a specific law on ESAs</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.00</td>
</tr>
<tr>
<td>1.1.2 There is provision for a complete environmental and social assessment cycle (screening, scanning, ESA, ESMP and monitoring)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.50</td>
</tr>
<tr>
<td>1.1.3 There is a list of project types concerned by ESAs (Exclusion list: score = 2 ; list of subjected projects : score = 1)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.00</td>
</tr>
<tr>
<td>1.1.4 The law requires that an in-depth and transparent analysis of proposed project alternatives/options be conducted within the ESA and that the choice of options be informed by the analysis</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.33</td>
</tr>
<tr>
<td>1.1.5 There is obligation to conduct strategic ESAs (SESAs) on plans and programmes</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.00</td>
</tr>
<tr>
<td><strong>Sub-section 1.2 - Texts 2 - Information-Participation of Public in ESAs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.1 Public participation is required for the ESA, with laid down terms and conditions for public consultation, which is close to a free, informed and preliminary consultation</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.83</td>
</tr>
<tr>
<td>1.2.2 Public consultation is published in a transparent manner in the ESA report</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.67</td>
</tr>
<tr>
<td>1.2.3 The ESA Institution places key documents (ESA report, ESMP, etc.) at the disposal of the public</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>0.83</td>
</tr>
</tbody>
</table>
ASSESSMENT OF THE USE OF "COUNTRY SYSTEMS" FOR ENVIRONMENTAL AND SOCIAL SAFEGUARDS AND THEIR IMPLICATIONS FOR ADB-FINANCED OPERATIONS IN AFRICA
### Sub-section 1.3 - Texts 3 – ESA Conduct Procedure

<table>
<thead>
<tr>
<th>Indicator Description</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3.1 To conduct the ESA, independent and external studies are required</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.33</td>
</tr>
<tr>
<td>1.3.2 Time frames for decisions that use ESAs are specified (particularly deadlines for the various stages of the procedure)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.67</td>
</tr>
<tr>
<td>1.3.3 There is a formal system for reviewing ESA quality and compliance</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>0.83</td>
</tr>
<tr>
<td>1.3.4 Decisions taken by the authorities based on ESAs must be reasoned</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>2.00</td>
</tr>
<tr>
<td>1.3.5 The law requires the filing of ESA reports and collection of decisions recorded</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.00</td>
</tr>
</tbody>
</table>

### Sub-section 1.4 - Texts 4 – Monitoring, Control and Petitions

<table>
<thead>
<tr>
<th>Indicator Description</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4.1 There is provision for a specific monitoring of the ESA of major projects (category 1), the monitoring of the implementation of ESMPs, as well as the year-on-year monitoring of the direct impacts of land acquisitions involving the income of displaced persons</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.17</td>
</tr>
<tr>
<td>1.4.2 There are controls of the non-conduct of ESAs and the non-compliance of ESMP implementation, as well as ESA penalties (absence, delays, non-implementation of authorization prescriptions, etc.)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.67</td>
</tr>
<tr>
<td>1.4.3 There are possibilities for petition in the event of failure to conduct ESAs, non-compliance of ESMP implementation with respect to land acquisitions, and, generally, there is a complaint/grievance mechanism</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.00</td>
</tr>
</tbody>
</table>

### SECTION 2 : CONTENTS

### Sub-section 2.1 - Contents 1 – Environment

<table>
<thead>
<tr>
<th>Indicator Description</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1.1 The law requires the inclusion of biodiversity and ecosystem services in ESAs</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.33</td>
</tr>
<tr>
<td>2.1.2 The law requires the inclusion of the prevention and control of pollution, GHG and dangerous substances in ESAs</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.50</td>
</tr>
<tr>
<td>2.1.3 The law requires the inclusion of climate change in ESAs</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>0.50</td>
</tr>
</tbody>
</table>

### Sub-section 2.2 - Contents 2 – Acquisition/Resettlement

<table>
<thead>
<tr>
<th>Indicator Description</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.1 The identification of affected persons, compensation and resettlement support are part of the ESA process (score = 2). Otherwise, land acquisition and ESA processes are coordinated (score = 1)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.50</td>
</tr>
<tr>
<td>2.2.2 Economic displacements are taken into account, as well as physical displacements</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>0.50</td>
</tr>
<tr>
<td>2.2.3 Potentially affected persons and the general public are consulted and informed on compensation and resettlement plans</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.17</td>
</tr>
</tbody>
</table>
### Table: Equivalence Scores

<table>
<thead>
<tr>
<th>Complete indicator description</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sub-section 2.3 - Contents 3 – Other Social Aspects</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.3.1 The law requires the inclusion of vulnerable groups in ESAs</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>0.00</td>
</tr>
<tr>
<td>2.3.2 The law requires the inclusion of gender (gender-disaggregated data) in ESAs</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>0.00</td>
</tr>
<tr>
<td>2.3.3 The law requires the inclusion of tangible and intangible cultural heritage in ESAs</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>0.50</td>
</tr>
<tr>
<td>2.3.4 The law requires the inclusion of health in ESAs</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.00</td>
</tr>
<tr>
<td>2.3.5 The law requires the inclusion of working conditions in ESAs</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1.00</td>
</tr>
</tbody>
</table>

### Section 3: Institutions

| **Sub-section 3.1 - Institutions 1 – Government**                  |              |        |          |         |              |          |         |
| 3.1.1 There is an ESA institution within the national administration | ●            | ●      | ●        | ●       | ●            | ●        | 2.00    |
| 3.1.2 There is an active ESA multi-sector committee                 | ●            | ●      | ●        | ●       | ●            | ●        | 1.00    |
| 3.1.3 “Regulator” practitioners (responsible mainly for ESA compliance verification) are recruited and kept in place based on their skills | ●            | ●      | ●        | ●       | ●            | ●        | 1.33    |
| 3.1.4 ESA regulator teams include social experts                    | ●            | ●      | ●        | ●       | ●            | ●        | 0.00    |

| **Sub-section 3.2 - Institutions 2 - Consultants and Civil Society** |              |        |          |         |              |          |         |
| 3.2.1 ESA practitioners (consultants) are independent of the Government | ●            | ●      | ●        | ●       | ●            | ●        | 0.83    |
| 3.2.2 There is a process for certifying ESA practitioners (consultants) | ●            | ●      | ●        | ●       | ●            | ●        | 1.33    |
| 3.2.3 ESA consulting teams include social experts                   | ●            | ●      | ●        | ●       | ●            | ●        | 0.00    |
| 3.2.4 NGOs are actively involved in ESAs (can freely intervene in the procedure and be consulted) | ●            | ●      | ●        | ●       | ●            | ●        | 1.17    |
| **Total Equivalence Scores**                                       | 53           | 33     | 33       | 31      | 28           | 37       | 35.8    |
| **Equivalence Scores in Relation to Maximum Score**                | 76%          | 47%    | 47%      | 44%     | 40%          | 53%      | 51.2%   |

### FIGURE 1: TOTAL EQUIVALENCE SCORES OF THE SIX STUDY COUNTRIES (%)

- **South Africa**: 76%
- **Angola**: 47%
- **Cameroon**: 47%
- **Morocco**: 44%
- **Sierra Leone**: 40%
- **Tanzania**: 53%
- **Average**: 51%

The first histogram (Figure 1) shows the **wide gap between South Africa**, which recorded an equivalence score above 75% of the maximum score, and the other study countries (between 40% and 53%).

The table (2) and figure (2) show the average equivalence scores for each of the three indicator sections. They show, on average, a **better country situation in terms of regulatory bases** (Texts Section) than in terms of...
governance (Institutions) and, even more so, in terms of consideration of all the themes of an ESA (Content). Considering the results by country, the Institutions section has the lowest score for South Africa and Tanzania and the highest score for Angola and Cameroon.

The table (3) and diagram (Figure 3) show the equivalence score averages of the 35 indicators for each of the nine thematic sub-sections of the barometer. On average, the major weakness highlighted is the low consideration of the “other social aspects” (vulnerable groups, gender, and heritage) in all the countries with the exception of South Africa, and particularly Angola where no equivalence criterion was fulfilled, even partially. Similarly, the regulatory base and the treatment of the various environment-related themes of ESAs are not sufficiently defined in four of the six countries: Angola, Cameroon, Morocco and Sierra Leone. Lastly, governance with respect to consultants and civil society is obviously inadequate in three countries: Morocco, Sierra Leone and Tanzania.

Table 2: Equivalence scores by section of the six study countries (averages)

<table>
<thead>
<tr>
<th>Section</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texts</td>
<td>1.88</td>
<td>1.13</td>
<td>1.00</td>
<td>1.06</td>
<td>1.06</td>
<td>1.25</td>
<td>1.26</td>
</tr>
<tr>
<td>Content</td>
<td>1.45</td>
<td>0.45</td>
<td>0.64</td>
<td>0.64</td>
<td>0.55</td>
<td>0.91</td>
<td>0.82</td>
</tr>
<tr>
<td>Institutions</td>
<td>0.88</td>
<td>1.25</td>
<td>1.14</td>
<td>0.88</td>
<td>0.63</td>
<td>0.88</td>
<td>0.96</td>
</tr>
<tr>
<td>Average</td>
<td>1.51</td>
<td>0.94</td>
<td>0.94</td>
<td>0.89</td>
<td>0.80</td>
<td>1.06</td>
<td>1.05</td>
</tr>
</tbody>
</table>

FIGURE 2: EQUIVALENCE SCORES BY SECTION OF THE SIX STUDY COUNTRIES (AVERAGES)
Table 3: Equivalence scores by sub-section of the six study countries (averages)

<table>
<thead>
<tr>
<th>Sub-Section</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average of 6 Countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory base</td>
<td>1.60</td>
<td>0.60</td>
<td>0.80</td>
<td>0.80</td>
<td>0.80</td>
<td>1.20</td>
<td>1.03</td>
</tr>
<tr>
<td>Info &amp; public participation</td>
<td>2.00</td>
<td>1.67</td>
<td>1.20</td>
<td>1.40</td>
<td>1.00</td>
<td>1.33</td>
<td>1.44</td>
</tr>
<tr>
<td>Procedures</td>
<td>2.00</td>
<td>1.33</td>
<td>1.20</td>
<td>1.40</td>
<td>1.33</td>
<td>1.20</td>
<td>1.37</td>
</tr>
<tr>
<td>Monitoring, control &amp; petition</td>
<td>1.67</td>
<td>0.67</td>
<td>0.67</td>
<td>0.67</td>
<td>0.33</td>
<td>1.67</td>
<td>1.28</td>
</tr>
<tr>
<td>Environment</td>
<td>1.67</td>
<td>1.00</td>
<td>0.67</td>
<td>0.67</td>
<td>1.00</td>
<td>1.00</td>
<td>1.11</td>
</tr>
<tr>
<td>Acquisition / resettlement</td>
<td>1.20</td>
<td>0.00</td>
<td>0.60</td>
<td>0.60</td>
<td>0.40</td>
<td>0.40</td>
<td>0.50</td>
</tr>
<tr>
<td>Other social issues</td>
<td>0.75</td>
<td>1.50</td>
<td>1.25</td>
<td>1.25</td>
<td>1.00</td>
<td>1.00</td>
<td>0.83</td>
</tr>
</tbody>
</table>

**Legal and thematic equivalence analysis**

The legal and thematic equivalence analysis conducted in the study countries summarizes the following three complementary approaches:

- the analysis of the equivalence indicators of the legal frameworks and the themes included in the environmental and social assessments (the institutional equivalence analysis conducted on the basis of the last two indicator sub-sections is treated in § “Institutional equivalence analysis”),
- the systematic comparison, operational safeguard by operational safeguard, of national and ADB requirements,
- the systematic comparison of these same requirements in terms of compliance preparation and verification process.
In fact, these three approaches help to measure equivalence, not only in terms of the form of the reference texts, but also in terms of interactive control processes.

**Equivalence analysis based on detailed indicators and by theme** — The figure (4) shows equivalence scores by country and by sub-section.

**South Africa** has a system which is very close to the ISS, particularly with respect to consideration of the full ESA cycle and involvement of stakeholders (consultation and disclosure of information). Its few weaknesses relate to the law on ESAs and the absence of an exclusion list.

Most of the ISS themes are also found in South Africa’s requirements, with the major shortcomings relating to consideration of vulnerable groups and gender, as well as partial consideration of climate change and economic displacements.

**Angola** has a satisfactory legal framework on several scores (public participation, publication of consultations, time frame, reasons for decisions taken, etc.), but lacks a comprehensive ESA or SESA cycle approach and does not file reports and decisions. Its requirements are unequal on the other themes. Similarly, even where the themes contained in the ESA are taken into consideration, it is done partially.

Several fundamental themes (climate change, vulnerable groups, gender, heritage, health, and working conditions) are not included in Angola’s requirements.

**Cameroon’s** legal arsenal is quite complete and solid in terms of comprehensive instruments (complete ESA cycle, public participation, time frame and reasons for decisions taken), but does not require the analysis of alternatives, SESAs and filing of reports and decisions, and does not offer possibilities for petition. The country’s requirements are incomplete with respect to the other criteria. As concerns study themes, Cameroon’s requirements do not include climate change, consideration of economic displacements, vulnerable groups and gender, while they are partial on the other themes.

The strong points of **Morocco’s** legal framework are the existence of a time frame for ESAs, reasons for ESA decisions, the filing of reports and decisions and the existence of controls and penalties. SESAs are not required, nor the provision of key documents to the public and the conduct of independent studies. The other components of the regulatory framework are only partially covered.

The various themes are, at best, partially included in national requirements and some are not prescribed at all for ESAs (climate change, economic displacements, vulnerable groups and gender).

**Sierra Leone** recently established a legal framework, which features the same strong points as that of Morocco, though it is less complete concerning ESA control mechanisms and penalties. SESAs and independent external studies are not required.
ESA themes are either partially included in regulations or not at all (such is the case with the following themes: biodiversity, climate change, vulnerable groups, gender and heritage).

Tanzania’s legal arsenal is quite solid in terms of equivalence, with strong points (complete ESA cycle, analysis of alternatives, public participation, publication of consultations, independent studies, reasons for ESA decisions, controls and penalties) and a few major shortcomings (no requirement for SESAs and provision of ESA reports).

There are three major themes (biodiversity, pollution, and identification of affected persons/compensation/resettlement) which, here again, contrast with outstanding shortcomings (economic displacements, vulnerable persons, gender and cultural heritage, in particular).

**Systematic equivalence comparison by operational safeguard (OS)** — The table (4) presents a summary equivalence rating using the supplemented detailed equivalence analysis matrix for each country. It highlights the gap between South Africa and Tanzania and the other African countries studied, on the one hand, and a particularly low country system equivalence in relation to the themes of OS 2 of the ISS (involuntary resettlement: land acquisition, displacement of persons and compensation), on the other hand, for almost all the study countries, as well as average value.

Furthermore, a few other country characteristics outlined in the summary comparison of the OS of the ISS were noted as follows, with the exception of South Africa:

- There are no SESAs (Strategic Environmental and Social Assessments) (it is conducted in South Africa, but with limited consideration of social aspects);
- National EIA requirements take little or no account of social themes (vulnerable groups and gender in particular);
- Petition mechanisms with respect to EIAs as well as land acquisition are, at best, partial;
- Land compensations are evaluated only on the basis of market values;
- Expropriation legislations do not make any distinction as to vulnerable groups or gender specificities, and customary land law is virtually not taken into consideration (including in South Africa), just like the indirect expropriation effects are not considered;
- There is no resettlement support, consultation conditions are nonexistent or biased, and there is low/poor information disclosure on such expropriations;
- Biodiversity management legislation and systems are incomplete, and the notion of ecosystem services is absent (partial in Tanzania and completely elsewhere);
- Countries treat pollution, GHG and toxic substance prevention, as well as working conditions separately from EIAs, or not at all.

**Compliance review process** — The table (5) presents a comparison between study country and ADB conditions for the various stages of analysis of compliance with safeguards. It shows that equivalence between study country processes and ADB processes only ranges from partial to very partial depending on the themes. In fact, at best, ADB processes at all the stages have equivalences in certain countries only (South Africa most often, and Tanzania to a

Table 4: Summary equivalence rating by operational safeguard (OS) for the six study countries

<table>
<thead>
<tr>
<th>Key: ISS Equivalence Correspondence/National Legal-Regulatory Framework:</th>
<th>ᵩ: Very Insufficient  ᵦ: Insufficient; ᵪ: Satisfactory</th>
</tr>
</thead>
<tbody>
<tr>
<td>OS</td>
<td>South Africa</td>
</tr>
<tr>
<td>1 ESA</td>
<td>ᵩ</td>
</tr>
<tr>
<td>2 Land Acquisition</td>
<td>ᵩ</td>
</tr>
<tr>
<td>3 Biodiversity</td>
<td>ᵩ</td>
</tr>
<tr>
<td>4 Pollution</td>
<td>ᵩ</td>
</tr>
<tr>
<td>5 Working Conditions</td>
<td>ᵩ</td>
</tr>
</tbody>
</table>
lesser extent, as is the case with the existence of EIA TOR, EIA preparation guidelines or compliance audits), or in all the countries, but on part of the process only (project appraisal, for example, with a request forwarded to the environment authority, but a deficit in the disclosure of reports).

Institutional equivalence analysis

The institutional analysis summary focuses on the last eight national indicators of the ESA barometer. Three indicators, in particular, produce universal results in the six countries: (i) the presence of an ESA institution in national administrations, on the one hand, and the absence of social science experts, on the other hand, both (ii) within regulatory bodies and (iii) among national ESA consultants. This deficit is a constant which, in itself, requires a strong message on capacity building needs.

South Africa is particularly close to the ISS in many areas, but has some weakness with respect to institutional aspects (see average indicator scores in the Institutions Section in Table 2). In addition to lack of sociologists mentioned earlier, there is need for a process for certifying ESA practitioners, an active ESA inter-sector committee, as well as a mechanism for certifying ESA experts to ensure good performance.

Table 5: Processes for reviewing compliance with safeguards – ABD/country comparison

<table>
<thead>
<tr>
<th>Status</th>
<th>ADB Processes</th>
<th>Country Processes</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNTRY-ADB THREE-YEAR COOPERATION PROGRAMMING</td>
<td>Rapid review of safeguards</td>
<td>Nil, as no study country has an approach that involves EIA regulators in the process</td>
</tr>
<tr>
<td>PROJECT IDENTIFICATION</td>
<td>Screening 1st review of the preparedness level (RR – Readiness Review –) of Project Concept Notes (PCNs) Categorization</td>
<td>• No study country has a process that is as elaborate as the RR used by the ADB • All the study countries, except Angola, practise screening pursuant to the inclusion/exclusion grids of their legislations • For Morocco and Sierra Leone, it is noted, however, that projects considered as “strategic” or too small slip through the screening net</td>
</tr>
<tr>
<td>PROJECT PREPARATION</td>
<td>Start of ESIA/ESMP/CRP preparation</td>
<td>• In all the study countries, once investors are informed of the need to prepare and submit an EIA, they order the preparation of specific terms of reference by consultants and submit them to the national authority for approval (all the countries except Angola) • EIA sector-based preparation guidelines can be obtained from EIA authorities in South Africa, Cameroon and Tanzania • In terms of coordination between EIA and expropriation/compensation activities, country situations range from relatively close coordination in South Africa to almost total divergence (delays in land acquisition processes in relation to EIAs) in Angola and Cameroon</td>
</tr>
<tr>
<td>PROJECT APPRAISAL</td>
<td>RR (2) ESIA/ESMP/CRP review, approval and dissemination</td>
<td>• In all the study countries, EIA approval request by the project owner is submitted for study to the environment authority, generally the national authority (in South Africa, the provincial authority for the smallest projects) • EIA is approved within a timeframe prescribed by the legislation/regulations and after shuttling between the line Ministries and the environment authorities • Linkage with expropriation and compensation procedures is hardly ensured • In Cameroon, a “field truth” mission is theoretically required for major projects • In all the study countries and for major projects, the responsible administrative service must participate actively in public consultations and take into account the outcomes of such consultations in its approval process • Disclosure of EIA and/or expropriation/compensation reports required by the law poses a problem, particularly in Morocco and Sierra Leone</td>
</tr>
<tr>
<td>LOAN NEGOTIATION</td>
<td>Loan agreement ESMP/CRP clauses</td>
<td>This stage is absent in national procedures (approval of safeguard documents alone is sufficient).</td>
</tr>
<tr>
<td>IMPLEMENTATION AND SUPERVISION</td>
<td>Monitoring and evaluation, reporting, compliance audits</td>
<td>• Monitoring and supervision is carried out in South Africa and the process is facilitated by the fact that EIA approval conditions are published • In the other countries, the required monitoring and supervision is not carried out (Angola) or carried out only occasionally (Cameroon, Morocco and Sierra Leone) • Apart from South Africa, no other country practises computer “tracking” of projects subject to EIA once they are approved</td>
</tr>
<tr>
<td>EX-POST EVALUATION</td>
<td>Compliance audits, ex-post evaluations</td>
<td>• Audits are required by the law and are carried out in South Africa and Tanzania • Nothing elsewhere</td>
</tr>
<tr>
<td>COUNTRY SCHEDULING FINALIZATION</td>
<td>Scheduling phase outcomes are included in the country scheduling of the next phase.</td>
<td>Finalization is not done in the countries</td>
</tr>
</tbody>
</table>
Angola and Cameroon are relatively well equipped in terms of institutional mechanisms (active inter-sector committee, processes for certifying ESA practitioners, etc.) and consequently have an institutional profile that is quite close. NGOs are partially involved in the two countries. In Angola, the independence of experts in relation to the administration is not totally established in texts, and in Cameroon, the mechanisms for recruiting and keeping specialists in the administration need to be improved.

In Morocco, the strong points of ESA institutional analysis are the ESA institution as well as the existence and functioning of the ESA inter-sector committee. For the rest, Morocco does not have processes for the certification of ESA consultants, as its civil society is inadequately involved and its mechanism for recruiting specialized administrative staff based on skills.

In Sierra Leone, the institutions are young but promising, and civil society is somewhat involved. However, there are still some major weaknesses with the absence of a certification system for practitioners, a body to regulate the independence of specialists in relation to the administration or a mechanism for recruiting specialized administrative staff based on skills.

Lastly, in Tanzania, the National Environmental Management Council (NEMC), an institution internationally recognized as particularly strong and competent, as well as efficient certification processes do not totally compensate for the absence of an inter-sector committee, the lack of the independence of specialists in relation to the administration and inadequate civil society involvement.

Conclusion on equivalence

The rating of the 35 barometer indicators highlighted the following major equivalence characteristics for the six study countries:

- The aggregate score by country shows a wide gap between South Africa (with an aggregate equivalence score above 75% of the maximum score) and the other study countries (between 40% and 53%);
- Despite a few differences between the countries, equivalence scores according to the three indicator sections show on average a better country situation in terms of both regulatory frameworks and governance and, better still, consideration of all the ESA themes;
- The equivalence score averages for the nine thematic sub-sections of the barometer show that the major defect is inadequate consideration of the other social aspects (vulnerable groups, gender, and heritage) in all the countries except South Africa, and especially in Angola where no criterion on the theme was fulfilled, even partially. On the other hand, the regulatory base and the treatment of the various ESA environmental themes are not adequately defined in four of the six countries: Angola, Cameroon, Morocco and Sierra Leone. Lastly, the governance of consultants and civil society is clearly inadequate in three countries: Morocco, Sierra Leone and Tanzania.

The legal and thematic equivalence analysis showed:

- A characterization of the equivalence by country, which is not reproduced in this document;
- A comparison of the equivalence by operational safeguard (OS) which showed:
  - a situation gap between South Africa and Tanzania (which on the whole responds quite well to the OS requirements of the ISS) and the other African study countries (which respond inadequately),
  - a particularly low country system equivalence with respect to the themes of OS2 of the ISS (involuntary resettlement: land acquisition, population displacements and compensation), for almost all the study countries, as well as average value;
- The equivalence between study country processes and ADB processes, which only ranges from partial to very partial depending on the theme, as the various ADB processes have equivalences only in certain countries or on just part of the process.

Lastly, in addition to the characteristics of each country system, the institutional equivalence analysis based on the rating of the last eight national indicators of the ESA barometer mainly showed that three indicators provide the same results in the six countries: (i) on the one hand, the presence of an ESA institution within national administrations and, on the other hand, the lack of social science specialists both (ii) within regulatory bodies and (iii) among ESA national consultants.
Table 6: Acceptability rating of the six study countries (“ESA barometer scores”)

Acceptability Key: actual practices = 0: Not put into practice; Partially put into practice; 2: Put into practice

<table>
<thead>
<tr>
<th>Complete Indicator Description</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section I: TEXTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-section 1.1 - Texts 1 – Regulatory Base</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1.1 There is a specific law on ESAs</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>1.1.2 There is provision for a complete environmental and social assessment (screening, scanning, ESA, ESMP and monitoring)</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>1.1.3 There is a list of project types concerned by ESAs (exclusion list; score = 2, list of submitted projects; score = 1)</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>1.1.4 The law requires that an in-depth and transparent analysis of proposed project alternatives/options be conducted within the ESA and that the choice of options be informed by the analysis</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.33</td>
</tr>
<tr>
<td>1.1.5 There is an obligation to conduct strategic ESAs (SESA) on plans and programmes</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.33</td>
</tr>
<tr>
<td><strong>Sub-section 1.2 - Texts 2 - Information-Participation of Public in ESAs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.1 Public participation is required for the ESA, with laid down terms and conditions for public consultation, which is close to a free, informed and preliminary consultation</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1.50</td>
</tr>
<tr>
<td>1.2.2 Public consultation is published in a transparent manner in the ESA report</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1.17</td>
</tr>
<tr>
<td>1.2.3 The ESA Institution places key documents (ESA report, ESMP, etc.) at the disposal of the public</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td><strong>Sub-section 1.3 - Texts 3 – ESA Conduct Procedure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1.3.1 Independent and external studies are required for the conduct of ESAs</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>1.33</td>
</tr>
<tr>
<td>1.3.2 Decision time frames using ESAs are specified (notably deadlines for the conduct of the various stages of the procedure)</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1.33</td>
</tr>
<tr>
<td>1.3.3 There is a formal system for examining ESA quality and compliance</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0.83</td>
</tr>
<tr>
<td>1.3.4 Decisions taken by the authorities based on the ESAs must be reasoned</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1.33</td>
</tr>
<tr>
<td>1.3.5 The law requires the filing of ESA reports and collections of decisions recorded</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td><strong>Sub-section 1.4 - Texts 4 – Monitoring, Control and Petitions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1.4. There is provision for a specific monitoring of the ESA of the major projects (category 1), the monitoring of the implementation of ESMPs as well as the year-on-year monitoring of the direct impacts of land acquisitions involving the income of displaced persons</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1.17</td>
</tr>
<tr>
<td>1.4.2 There are controls over the non-conduct of ESAs and the non-compliance of ESMP implementation, as well as ESA penalties (absence of, delay, non implementation of authorization prescriptions, etc.)</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1.17</td>
</tr>
<tr>
<td>1.4.3 There are possibilities for petition in the event of failure to conduct ESAs, ESA non-compliance of ESMP with respect to land acquisitions, and, generally, there is a complaint/grievance mechanism</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td><strong>SECTION 2: CONTENT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-section 2.1 - Content 1 - Environment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1.1 The law requires the inclusion of biodiversity and ecosystem services in ESAs</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1.50</td>
</tr>
<tr>
<td>2.1.2 The law requires the inclusion of the prevention and the control of pollution, GHG and dangerous substances in ESAs</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1.50</td>
</tr>
<tr>
<td>2.1.3 The law requires the inclusion of climate change in ESAs</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0.67</td>
</tr>
</tbody>
</table>
Sub-section 2.2 – Content 2 – Land Acquisition/Resettlement

2.2.1 The identification of affected persons, compensation and resettlement support are part of the ESA process (score = 2). Otherwise, land acquisition and ESA processes are coordinated (score = 1).

2.2.2 Economic displacements are taken into account just like physical displacements.

2.2.3 Potentially infected persons and the general public are informed and consulted on compensation and resettlement plans.

Sub-section 2.3 – Content 3 – Other Social Aspects

2.3.1 The law requires the inclusion of vulnerable groups in ESAs.

2.3.2 The law requires the inclusion of gender (data disaggregated by gender) in ESAs.

2.3.3 The law requires the inclusion of tangible and intangible cultural heritage in ESAs.

2.3.4 The law requires the inclusion of health in ESAs.

2.3.5 The law requires the inclusion of working conditions in ESAs.

SECTION 3: INSTITUTIONS

Sub-section 3.1 – Institutions 1 – Government

3.1.1 There is an ESA institution within the national administration.

3.1.2 There is an active ESA multi-sector committee.

3.1.3 Regulator → practitioners (responsible notably for ESA compliance verification) are recruited and kept in place based on their skills.

3.1.4 ESA regulator teams include social experts.

Sub-section 3.2 – Institutions 2 – Consultants and Civil Society

3.2.1 ESA practitioners (consultants) are independent of the Government.

3.2.2 There is a process for certifying ESA practitioners (consultants).

3.2.3 ESA consulting teams include social experts.

3.2.4 NGOs are actively involved in ESAs (can freely intervene in the procedure and be consulted).

Sub-section 3.3 – Institutions 3 – Other Institutions

3.3.1 The law requires the inclusion of other relevant social aspects in ESAs.

3.3.2 The law requires the inclusion of environmental aspects in ESAs.

3.3.3 The law requires the inclusion of economic aspects in ESAs.

Total Equivalence Scores

Equivalence Scores in Relation to Maximum Score

SECTION 4: OUTCOMES

Outcomes

FIGURE 5: TOTAL ACCEPTABILITY SCORES (AND SUMMARY OF EQUIVALENCE) OF THE SIX STUDY COUNTRIES (%)

- **Equivalence (rappel)**
- **Acceptability**

- **SOUTH AFRICA**: 57% (Equivalence: 81%)
- **ANGOLA**: 76% (Equivalence: 47%)
- **CAMEROON**: 49% (Equivalence: 44%)
- **MOROCCO**: 40% (Equivalence: 40%)
- **SIERRA LEONE**: 49% (Equivalence: 49%)
- **TANZANIA**: 53% (Equivalence: 51%)
- **AVERAGE**: 50.7% (Equivalence: 51%)
Acceptability outcomes in the six pilot countries

Acceptability indicators of legal frameworks, themes and ESA institutions

The acceptability of actual practices in the six study countries was analyzed using the same indicators as those used for equivalence analysis. The analysis highlights many equivalence shortcomings, with practices hardly exceeding requirements.

The histogram (Figure 5) shows that total acceptability scores by country are comparable to equivalence scores (average of 51 % of maximum score in both cases), still with a wide gap between South Africa (81 %) and the other countries (between 39 % and 51 %). For two of the study countries, the acceptability scores are higher than equivalence scores: South Africa (81 % against 76 %) and Morocco (49 % / 44 %). This indicates that these two countries tend to put their regulatory framework into better practice than the other four countries, whose acceptability scores are lower than equivalence scores: Angola (44 % against 47 %), Cameroon (40 % / 47 %), Sierra Leone (39 % / 40 %) and Tanzania (51 % / 53 %).

The table (7) and figure (6) below show the acceptability average scores for the three indicator sections. They highlight the fact that:

- There are significant differences between the countries, with, once more, the case of South Africa which stands out in relation to the other countries due to its higher scores in the three sections;

<table>
<thead>
<tr>
<th>Country</th>
<th>Section 1. Texts</th>
<th>Section 2. Contents</th>
<th>Section 3. Institutions</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Africa</td>
<td>1.83</td>
<td>1.67</td>
<td>1.17</td>
<td>1.63</td>
</tr>
<tr>
<td>Angola</td>
<td>1.00</td>
<td>0.67</td>
<td>0.83</td>
<td>0.89</td>
</tr>
<tr>
<td>Cameroon</td>
<td>0.92</td>
<td>0.33</td>
<td>0.67</td>
<td>0.80</td>
</tr>
<tr>
<td>Morocco</td>
<td>0.92</td>
<td>0.33</td>
<td>1.00</td>
<td>0.94</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>0.67</td>
<td>1.00</td>
<td>0.67</td>
<td>0.77</td>
</tr>
<tr>
<td>Tanzania</td>
<td>1.00</td>
<td>1.00</td>
<td>1.17</td>
<td>1.03</td>
</tr>
<tr>
<td>Average of the Six Countries</td>
<td>1.07</td>
<td>0.94</td>
<td>0.94</td>
<td>1.02</td>
</tr>
</tbody>
</table>

FIGURE 6: ACCEPTABILITY SCORES BY SECTION FOR THE SIX STUDY COUNTRIES (AVERAGES)
• In contrast to the equivalence rating under which the Texts section on regulatory framework recorded higher scores than the two other sections, practice acceptability overall average is partial for the three sections (scores around 1);

• In detail: (i) only two countries (South Africa and Tanzania) recorded average equivalence scores above 1 in the three sections, on the other hand (ii) the lowest acceptability scores concern themes effectively treated in EIAs (Contents section) in Cameroon and Morocco.

The table (8) and figure (7) below show the acceptability average scores of the 36 indicators for each of the nine barometer thematic sub-sections. The major weaknesses are: the implementation of the “regulatory base”, with its equivalence being the implementation of the rules on “other social aspects” (vulnerable groups and gender), the acceptability scores of these two themes falling below the average for all the study countries save for South Africa. Two other themes are very inadequately integrated into the ESAs of three out of the six countries (Angola, Cameroon and Morocco): they are environment and land acquisition-resettlement”.

Table 8: ESA acceptability scores by sub-section of the six study countries (averages)

<table>
<thead>
<tr>
<th>Study Country</th>
<th>SECTION I: TEXTS</th>
<th>SECTION 2: CONTENTS</th>
<th>SECTION 3: INSTITUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1.1 - Regulatory Base</td>
<td>1.60</td>
<td>2.00</td>
<td>2.00</td>
</tr>
<tr>
<td>S1.2 - Info &amp; Public Participation in ESAs</td>
<td>0.60</td>
<td>1.00</td>
<td>1.40</td>
</tr>
<tr>
<td>S1.3 - ESA Procedure</td>
<td>0.80</td>
<td>1.00</td>
<td>0.80</td>
</tr>
<tr>
<td>S1.4 - Monitoring, Control and Petitions</td>
<td>0.80</td>
<td>0.67</td>
<td>1.40</td>
</tr>
<tr>
<td>S2.1 - Environment</td>
<td>0.60</td>
<td>0.67</td>
<td>0.80</td>
</tr>
<tr>
<td>S2.2 - Land Acquisition/Resettlement</td>
<td>0.80</td>
<td>1.33</td>
<td>1.00</td>
</tr>
<tr>
<td>Average of the Six Countries</td>
<td>0.87</td>
<td>1.22</td>
<td>1.17</td>
</tr>
</tbody>
</table>

FIGURE 7: ACCEPTABILITY SCORES (AND SUMMARY OF EQUIVALENCE) BY SUB-SECTION (AVERAGE OF THE SIX STUDY COUNTRIES)
On the other hand, the acceptability scores are lower than the equivalence scores for sub-sections S1.1 to S1.4 on Texts, suggesting a lower implementation level in relation to regulatory framework requirements, whereas they are higher or equal for sub-sections S2.1 to S2.3 on Contents of studies, which, on average, seem to exceed the requirements of the texts on the themes treated.

Acceptability analysis based on detailed indicators by theme

The following remarks and comments can be made with respect to the various study countries:

In South Africa, performances are generally good and close to the ISS. In fact, there is no significant discontinuity between equivalence and acceptability, and, consequently, the remarks made for the one apply to the other. The practice even goes beyond regulatory requirements on certain points (consideration of economic displacements, multi-sector committee, recruitment and keeping in place of regulators/practitioners on the basis of their skills, ESA consultants certification process).

In Angola, performances are less satisfactory than requirements on several aspects, such as public participation and consultation conditions, controls and penalties, the existence and functioning of a multi-sector committee, and the recruitment and keeping in place of regulators/practitioners on the basis of their skills. In contrast, a few other areas without regulatory requirements are implemented at least partially (filing of ESA reports and the taking into consideration of heritage, health and working conditions in ESAs).

In Cameroon, there are practices which fall below requirements on several points, particularly the implementation of the regulatory framework: complete ESA cycle, analysis of alternatives, public participation and consultation conditions, compliance with time frame and reasons for decisions. Performances are also below requirements as regards certification of practitioners and their independence in relation to the administration.

In Morocco, controls and penalties are considered low in practice compared to high requirements. In contrast, a few practices seem to go beyond requirements, such as the conduct of EIAs by independent consulting firms or the recruitment of specialized civil servants on the basis of their skills.

In Sierra Leone, practices are below requirements in the following areas: analysis of alternatives, providing the public with key documents, ESA time frame, reasons for ESA decisions, filing of reports and collections of decisions, and existence of an ESA multi-sector committee. In contrast, they are above requirements on a few points, such as the taking into consideration of biodiversity themes and climate change or the independence of consultants.

In Tanzania, lastly, performance is still low in relation to requirements in the following areas: existence of a complete ESA cycle, analysis of alternatives, publication of public consultations, reasons for decisions, control and penalties. In contrast, practice goes beyond the requirements of providing the public with ESA documents, taking cultural heritage into account and the independence of specialists in relation to the administration.

The figure (8) shows acceptability scores by country and by sub-section.

Systematic comparison of (acceptability) implementation practices by operational safeguard (OS)

The table (9) and graphs present an acceptability summary rating by ISS operational safeguard. They show that only South Africa implements its national mechanism, which partially corresponds to the ISS requirements. On the other hand and on average, they show: (i) acceptability scores below the average of 1 for 4 OS out of 5 and (ii) a particularly low acceptability level in relation to OS2 (land acquisition, etc.), just like in equivalence analysis, and to OS5 (working conditions).

Actual OS-by-OS practices are generally overshadowed by regulatory requirements. However, case studies indicate the following few salient points related to lack of acceptability:

- As concerns environmental and social assessment:
  - There is widespread lack of social experts, both within regulatory bodies and among national private consultants;
  - There is a deficit in the monitoring of local projects in South Africa;
  - Entire parts of EIA recommendations (ESMP equivalent) are not implemented with no sanctions taken against contracting authorities in the other five countries;
  - There is widespread lack of dissemination of preliminary studies outcomes, as well as low public consultation effectiveness (with the exception of South Africa);
  - Regional EIA commissions are particularly fragile in Morocco;

- With respect to land acquisition, economic displacements are treated unsatisfactorily or with
little satisfaction and without any displacement monitoring and evaluation, save for South Africa; there are many petitions and complaints in the area in Tanzania;

- In practice, biodiversity management is not properly taken into consideration in EIAs in the study countries, except for South Africa and Tanzania; in the latter country, however, there is often ineffective protection of natural habitats and inadequate involvement of local communities;

- Pollution control and the other associated themes of OS4 of the ISS are inadequately treated in EIAs in the study countries with the exception of Tanzania and South Africa, countries where there is, however, lack of field environment management frameworks (EMFs);

- Lastly, implementation of the working conditions theme is unequal in South Africa, and most often very inadequate and nonexistent elsewhere, and unverified on the ground.

**FIGURE 8: ACCEPTABILITY SCORES BY SUB-SECTION OF THE SIX STUDY COUNTRIES (AVERAGES)**

![Graph showing acceptability scores by sub-section of the six study countries](image)

Table 9: Summary acceptability scores by operational safeguard (OS) for the six study countries

**Acceptability Key, Implementation of National Legal-Regulatory Framework = 0: Nil or very low; 1: Partial; 2: Complete**

<table>
<thead>
<tr>
<th>OS</th>
<th>South Africa</th>
<th>Angola</th>
<th>Cameroon</th>
<th>Morocco</th>
<th>Sierra Leone</th>
<th>Tanzania</th>
<th>Average of the Six Countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ESA</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>2 Land Acquisition</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.17</td>
</tr>
<tr>
<td>3 Biodiversity</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0.50</td>
</tr>
<tr>
<td>4 Pollution</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0.67</td>
</tr>
<tr>
<td>5 Working Conditions</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.17</td>
</tr>
</tbody>
</table>
Conclusion on acceptability

The acceptability analysis shows the following major characteristics for study countries:

Based on the scores of the 35 ESA barometer indicators, total acceptability scores by country are comparable to the equivalence scores (average of 51% of the maximum score for the two cases), still with a wide gap between South Africa (81%) and the other countries (between 39% and 51%). On the other hand, with South Africa and Morocco having average acceptability scores above equivalence scores, it could be said that these two countries tend to better implement their regulatory framework than the other countries.

The grouping of acceptability scores according to the three indicator sections mainly highlights: (i) the case of South Africa, which stands out from the other countries with higher scores in the three sections; (ii) unlike the equivalence rating, the Texts section on regulatory framework does not have better scores than the other two sections: acceptability aggregate average score for the three sections is close (around 1); (iii) only two countries (South Africa and Tanzania) have equivalence average scores above 1 in the three sections; lastly (iv) the lowest acceptability scores concern the themes treated in EIAs (Contents section) in Cameroon and in Morocco.

The analysis of the acceptability average scores of indicators grouped according to the nine barometer thematic sub-sections shows that the acceptability scores of the following two themes are below average for all the study countries save for South Africa: (i) the implementation of the regulatory base and (ii), as for equivalence, the implementation of the rules on the other social aspects (vulnerable groups and gender). Two other themes are very inadequately integrated into the ESAs of three countries out of six (Angola, Cameroon and Morocco): the environment and land acquisition-resettlement themes.

Lastly, the acceptability analysis by operational safeguard of the ISS showed that: (i) only the implementation of South Africa’s national mechanism partially corresponds to the requirements of the ISS, (ii) the aggregate acceptability scores fall below the 1 average for four OS out of five (meaning that the country systems respond only very partially to the requirements of these OS), and (iii) acceptability is particularly low in relation to OS2 (land acquisition, etc.), as is the case with equivalence analysis, and to OS5 (working conditions).

Capacity building needs

Analysis of needs for Capacity building have shown that the priority categories of capacity building needs are the following (five countries out of six have these needs):

- Support for the establishment of flexible ESA entities;
- Sensitization, information and education of stakeholders, the local population and private and association NGOs;
- Updating of the knowledge of the staff of national administrations in charge of ESAs and sharing of experiences;
- Support for the establishment of monitoring and evaluation mechanisms;
- Support for the establishment and management of a complaint-grievance management mechanism.

The observation that actual training activities (colloquiums, conferences and training workshops) seem to be an average priority in study countries is undoubtedly the result of the description of this need, which, in contrast to most of the other listed needs, refers to a general means which is geared neither towards a specific public nor towards a particular theme. Conversely, the other training needs are rated higher.

Lastly, upon reviewing the needs identified for each study country, it is not surprising to note that Angola, Sierra Leone and Cameroon have the highest capacity building needs resulting, for Angola, from the godsend investments currently experienced by a country little prepared to manage their environmental and social impacts, for Sierra Leone, from its overall backwardness in public governance and, for Cameroon, from the youthfulness of its safeguards system and the difficulties faced during its implementation phase, particularly because of its lack of human and material resources.

Often referred to in international forums as one of the major keys to sustainable growth and development, capacity building is seldom operationally implemented in a significant manner. The reasons for such a situation abound:

- It is an investment in human and technical capital whose profitability is neither immediate nor easily perceptible/measurable;
Infrastructure financing needs of RMCs are such that intangible investments are often seen as a luxury that does not warrant a loan;

Capacity building actions financed with bilateral grants and/or by private foundations lack continuity and scope in relation to actual needs;

Due to lack of proper human resources management in the administrations concerned, the training of senior staff in RMCs very often leads to brain drain to foreign countries or the private sector, hence the said training fails to produce the expected cumulative effect.

Under such circumstances, the data collected and analyzed above must be interpreted within an innovative and proactive approach:

- The improvement of legal and regulatory frameworks is a priority everywhere, including in South Africa, and rapprochement, and even integration, between environmental and social processes must progress rapidly;
- As such, the stepping up of national requirements and resources with respect to social issues included in the ISS (gender, vulnerable groups and working conditions) is also a top priority inasmuch as there is a certain weakness in these areas in all the study countries;
- The other conclusions were directly included in the proposals made by consultants for the CESAR mechanism.

Risk management

This study mainly seeks to identify the major thrusts of a country system capacity building operation. However, the analysis conducted is also a basis for assessing the risks that the ADB could run by relying on the country system in a selective manner in the study countries.

The risks run by relying on the country system as an approximation of ISS implementation basically are:

- A sub-optimization of the ADB-financed project as a result of failure to protect the environment or project area communities, thereby letting through negative impacts that the ISS would have helped to prevent;
- Failure to operationalize the EIA recommendations and/or other environmental and social assessment instruments;
- A higher probability (and statistically higher frequency using a project sample) of using an independent inspection mechanism (IIM) by a discontented or suspicious population with respect to the country system;
- Difficulties in implementing the ADB-financed project as a result of local population or civil society discontent either because project design lacked sufficient transparency or consultation, or because the wishes of the local population were not adequately taken into consideration during project design and implementation.

In light of the pilot country analysis outcomes, (i) potential risks vary considerably from one country to another, and (ii) complementary approaches would be necessary for better project-by-project risk assessment and management. Based on the elements put together so far, potential risks can be summarized as follows:

- In the six study countries – and the vast majority of African countries –, the absence of social science experts at all levels is notorious and regrettable in relation to the current ISS which not only very closely integrates the social dimension within OS1, but also lays down strict social prescriptions in OS 2 and 5;
- In South Africa, which presents the lowest risk factors, such risks are mainly related to clearly lesser requirements than the ISS with respect to compensation of PAPs (persons affected by the project), the absence of any monitoring of rebuilding of the incomes of displaced persons, the relatively small role played by the institution responsible for ESAs (DoE) concerning biodiversity protection, lack of senior staff to control pollution, as well as the unequal application of labour law instructions on construction sites;
- In Angola, as in many other sample countries, gross risks (in the absence of significant capacity building) abound. The major risks in the country concern: (i) the absence of SESA requirements for programmes, plans and economic reforms, (ii) the limited dimension of public consultation for EIAs...
and CRPs, (iii) the absence of pollution control apart from the mining, gas and petroleum sectors and lastly (iv) the non-consideration of many social aspects, including the lack of control of compliance with the Labour Code on construction sites;

- In Cameroon, where there are more risk factors than in Angola, the situation is equally made risky by the incomplete nature of many ESAs (absence of field trips, consultation, monitoring/control of ESMPs, etc.), the fixing of land compensation far below the ISS floor, the absence of support for the resettlement of PAPs and, in general, a very low application of the themes of OS 4 and 5;

- In Morocco, the risk factors are quite close to those in Cameroon, though conditions of the procedures for the conduct of ESAs and monitoring, control and petition mechanisms seem to be better considered and implemented;

- In Sierra Leone, the risks are widespread, the only OS considered almost acceptable in terms of actual practices being OS 1, the other four having been considered defective, though the equivalence situation was a little bit less critical;

- Lastly, in Tanzania, though the situation is far from that of South Africa, there are a little bit less serious risk factors than in the other countries, with better consideration of environmental aspects.

Project-by-project complementary approaches required to assess and manage supposed risks for the six study countries in general are:

- A specific analysis of Bank requirements in the project sector(s) and/or region, as well as specific country requirements and practices;

- The identification and design of the required method of cooperation between the country and the Bank, with respect to project preparation, implementation and supervision;

- The identification and implementation of capacity building measures (see § “Towards a diagnostic review mechanism”).

Methodological outcomes

The choice of study countries effectively helped to draw a diversified table of national current situations, legal, regulatory and institutional frameworks, as well as capacity building needs in order to align national requirements and practices with the ISS. The major methodological outcome is the relevance of the ESA barometer, whose use helped to properly structure investigations and highlight country particularities by subjecting them to an inter-country comparison (in space) and by providing basic data that allow for future individual country monitoring. The initial barometer was modified and can serve as basis for other assessments by other applied researchers. The SIFEE capacity building needs analysis grid was adapted and really played its role. The other tools specifically designed for this study (comparison between ADB operational safeguard (OP) requirements and national requirements, comparison between safeguard compliance review processes, outcome illustrations in the form of wind roses, etc.) were also satisfactory. Lastly, this pilot study helped to advance the working method by clearly dissociating equivalence analysis from acceptability analysis from acceptability analysis (distinct tables and chapters) which were initially conducted at the same time on the same analysis table.
RECOMMENDATIONS

Recommendations for countries

The six country reports contain recommendations specific to each of the study countries. Many of the recommendations listed below apply to all these countries. Two of them relate to capacity building (points xii and xiii) in addition to the elements outlined in § “Capacity building needs”. The others, depending on the country, concern the improvement of equivalence (strengthening of the national legal and regulatory framework) and/or acceptability (improvement of its implementation):

i. Specify the content of the “social assessment” aspect in the EIA, which is most often limited to the implementation of the chapters dealing with human environment (demography, nuisances, etc.) without any real sociological approach or consideration of notions such as vulnerable groups or gender;

ii. Generalize the disclosure/provision of information (primarily, the publication of EIA reports and compensation and resettlement plans);

iii. Step up and systematize public consultation, as well as the inclusion of its outcomes in EIA/CRP processes;

iv. Clarify the intervention of the authorities concerned in the event of discovery of elements of the physical archaeological or cultural heritage;

v. Modify the conditions for calculating and evaluating compensation in case of involuntary resettlement and land acquisition, and improve support for resettlement;

vi. Reinforce sanction mechanisms in case of non-compliance;

vii. Set up and coordinate a network of experts (establish registers) in areas dealing with ESAs (university curricula development and reform to contribute in modernizing study courses, training of professional associations, accreditation systems), by including experts in social themes;

viii. Integrate strategic environmental and social assessment (SESA);

ix. As regards employment of staff of State services responsible for monitoring EIAs in the various ministries concerned: (a) clearly integrate into the criteria for appointment to such positions workers’ skills in the environmental and/or social issues (with the building of social skills, particularly those that are under-represented), (b) ensure greater stability of teams which a too frequent turnover destabilizes;

x. Improve inter-institutional, particularly inter-Ministerial, coordination, which is often inefficient, especially with respect to coordination between environmental aspects and land acquisition/resettlement problems;
xi. Involve universities in public consultations and, more generally, environmental and social assessments;

xii. Define a social protection, environmental and nature conservation capacity development plan, regularly updated at the same time as the budgetary cycle for example;

xiii. Develop training programmes in the area of renewable energy and the operation of ecological systems; and

xiv. beyond country systems, review national environmental plans/strategies/charters.

Towards a diagnostic review mechanism

This pilot study helped to test the tools described earlier and identify a number of difficulties and solutions which led to the recommendations proposed in this chapter.

The main alternatives considered at the end of this diagnosis are:

- Inaction, which, basically, would allow each country to slowly pursue its progress towards better consideration of both increasing civil society demands and Bank requirements, a solution which would perpetuate the current awkward situation and delay the implementation of green and inclusive growth (GIG) called for by the entire international community;

- Piecemeal action, as developed by the World Bank in its SDRs, an approach whose limits have been presented and discussed earlier;

- An original and courageous capacity building action, in dialogue with the most progressive RMCs and the other donors, a demanding solution which requires huge resources, but which alone can help African countries in their progress towards GIG.

A summary of CESAR (Country Environmental and Social Assessment Systems Review) diagnostic review recommendations is presented below and includes: (i) a summary of the process, (ii) the elements of mechanism contents, and (iii) thematic aspects to focus on.

Summary of the CESAR Process

Based on the experiment carried out in the course of this pilot study and the methodological lessons learned from it (cf. § “Methodological Outcomes”), the outline of a future CESAR-type diagnosis include the following stages implemented in the pilot study:

FIGURE 9: OVERALL APPROACH TO CESAR EXERCISE

1. EQUIVALENCE DIAGNOSIS

2. ACCEPTABILITY DIAGNOSIS

3. ASSESSMENT OF NATIONAL CAPACITY NEEDS
1. Equivalence diagnosis (differences between the ISS and the national legal and regulatory framework);

2. Acceptability diagnosis (safeguards system compliance analysis according to its actual implementation conditions);

3. Assessment of specific national capacity building needs and recommendations.

The comprehensive approach for the preparation of the CESAR initiative has been schematized by consultants in the figure 9.

Note: In future CESAR analyses, the acceptability diagnosis could be carried out precisely on the basis of ADB environmental and social assessment procedures (ESAP). For the country studies of this assessment, and given that such ESAPs are currently under review, the analysis was carried out using the elements of the current version of the ISS.

The outlines of the first two stages are not very different, mutatis mutandis, from those of many safeguard diagnostic reviews (SDRs) undertaken by the World Bank, particularly in African countries, pursuant to operational policy (OP) 4.00 on country systems. The third stage is an important originality of the ADB/ORQR3 approach.

Beyond this general approach which was used in the pilot study, in given sectors of activity, the equivalence and acceptability diagnosis between the specific requirements of the ADB ISS and national requirements could be carried out on projects to determine the gap between the two systems and make nationwide capacity building recommendations for the sectors of activity concerned and the analysis of ADB risk-taking (cf. figure 10).

Contents of a diagnostic review: milestones and tasks

It is proposed that a standard diagnostic review be expressly conducted in accordance with the following milestones:

1: Preparation/organization

2: Legal analysis of country system (and equivalence diagnosis)

3: Implementation capacity analysis (and acceptability diagnosis)

4: Initial recommendations

5: Validation of conclusions and recommendations

6: Proposal of a national capacity building action plan.

FIGURE 10: SECTOR APPROACH OF A CESAR PROCEDURE

EQUIVALENCE AND ACCEPTABILITY DIAGNOSTIC

National regulatory framework

AfDB’s ISS

Borrower’s capacity and practice

AfDB’s capacity and practice

4. Sectoral risk taking by AfDB

5. Assessment of national capacity needs
   Laws and regulatory instruments, material and financial resources, training needs and human resources management, networking, etc
The final action plan will serve as a basis for laying down the roles of government partners and the ADB for institutional capacity building, rendering implementation procedures more effective and more transparent, and improving the output and outcomes of projects and programmes supported by the ADB. Its implementation could be monitored by the ADB Country Offices with the support of ORQR 3.

11 This action plan could be hinged on a set of specific actions aimed notably at: (i) clarifying and improving the legal and regulatory framework, if necessary, highlighted by the legal analysis and adequacy analysis, by defining the roles of national government partners, and (ii) building the capacity of the main bodies charged with designing, implementing and reviewing E&S safeguards and, generally, protecting the country’s environment, as well as improving the participation process and transparency.

The final action plan will serve as a basis for laying down the roles of government partners and the ADB for institutional capacity building, rendering implementation procedures more effective and more transparent, and improving the output and outcomes of projects and programmes supported by the ADB. Its implementation could be monitored by the ADB Country Offices with the support of ORQR 3.

### Table 10: Difficulties encountered and solutions proposed for the stages of a diagnostic review

<table>
<thead>
<tr>
<th>Stages/Tasks</th>
<th>Difficulties and Risks Identified</th>
<th>Solutions Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1: Preparation/organization</td>
<td>Inadequate involvement of the ADB Country Office, Lack of participation/ownership by national authorities, In the pilot study, certain contacts could only be established belatedly</td>
<td>Upstream framing and planning of study with ORQR 3, Consultation with the Country Office to ensure that the CESAR mission will be part of their work programme, High-level country contacts (Government and ADB Office) to announce the analysis, finalize its objectives and conditions (dates, expected outputs, etc.) and identify potential major partners, Technical contacts to finalize a specific mission programme</td>
</tr>
<tr>
<td>2 Legal analysis of country system (and equivalence diagnosis)</td>
<td>Risk of the main field mission being monopolized by the equivalence analysis, In the pilot study, many regulatory instruments were only identified on the spot during the field mission</td>
<td>Conduct the equivalence study, largely based on bibliographical work, for the most part before the main field mission, hence the importance of providing specific and adequate time for bibliographical analysis, Schedule an initial short field mission (2 to 3 days), possibly with a single expert, that will help to: (i) start mobilizing the ADB Country Office and local authorities, (ii) pre-identify key partners to be met, (iii) finalize the mission work programme, and (iv) collect locally available useful documentation. It may also be conducted by a local consultant or a country university.</td>
</tr>
<tr>
<td>3 Implementation capacity analysis (and acceptability diagnosis)</td>
<td>Risk of not meeting the key responsible persons with knowledge of the implementation of analyzed procedures, In the course of the pilot study, partners were absent during the missions or were only identified too late</td>
<td>Provide for contact meetings and appointments early enough (cf. initial mission above), Schedule quite a long field mission (+/- 10 days), with the conduct of a series of face-to-face interviews to be able to meet interesting partners who might have been identified only during the mission</td>
</tr>
<tr>
<td>4 Initial recommendations</td>
<td>Risk of focusing recommendations on a single aspect (capacity building or improvement of the safeguard mechanism)</td>
<td>On the basis of analysis outcomes (equivalence/acceptability/capacity building needs), recommendations to be made on capacity building, as well as on improvement of the country safeguards mechanism</td>
</tr>
<tr>
<td>5 Validation of conclusions and recommendations</td>
<td>Risk of formulating recommendations not accepted by all and/or not properly owned by country authorities and not implemented</td>
<td>Provide for organization of an on-the-spot presentation/consultation workshop with local stakeholders, including ADB country representatives and, if possible, ADB Head Office representatives, Such interaction should help focus on legal analysis outcomes and measures recommended to solve the problems identified, as well as the assessment of implementation capacity and the building needs of such capacity. Participants will be requested to make comments, and efforts will be made to reach a general consensus on the conclusions and recommendations of the country system review</td>
</tr>
<tr>
<td>6 Proposal of a national capacity building action plan</td>
<td>In the absence of an action plan (not implemented in this pilot operation), risks of: (i) failure to own the approach by national authorities, (ii) lack of financing and coordination with the other donors, and lastly (iii) failure to implement the recommendations</td>
<td>Analytical work to draw up the action plan, its expected intermediate future (milestones) and final outcomes, Consultation with competent country authorities to adopt the action plan, Consultation with the other donors to search for a critical mass of short-and medium-term funding and coordinated operations</td>
</tr>
</tbody>
</table>

---

6 Proposal of a national capacity building action plan

In the absence of an action plan (not implemented in this pilot operation), risks of:

1. Failure to own the approach by national authorities.
2. Lack of financing and coordination with the other donors.
3. Failure to implement the recommendations.

Analytical work to draw up the action plan, its expected intermediate future (milestones) and final outcomes.

Consultation with competent country authorities to adopt the action plan.

Consultation with the other donors to search for a critical mass of short- and medium-term funding and coordinated operations.

---

11 This action plan could be hinged on a set of specific actions aimed notably at: (i) clarifying and improving the legal and regulatory framework, if necessary, highlighted by the legal analysis and adequacy analysis, by defining the roles of national government partners, and (ii) building the capacity of the main bodies charged with designing, implementing and reviewing E&S safeguards and, generally, protecting the country’s environment, as well as improving the participation process and transparency.
Key thematic aspects

After the assessment, it is recommended that special attention be paid to the analysis of several topics within each of the major themes of the ISS covered by the five OS:

Environmental and social assessment — Inclusion of social themes alongside environmental themes in EIA requirements and practices/Inclusion of SESAs/categorization/gender/vulnerable groups/consultation/dissemination and free access to documentation/complaint and grievance management mechanism/cumulative impacts/institutional organization (responsibilities and organization charts)/monitoring of ESMPs. The long-term unavoidable solution is to inform the RMCs of the need to officially adopt the ESA integrated approach, whose major points are: (i) consideration of several social elements on the same footing as environmental aspects, and, consequently, the frequent need to strike a balance between economic, social and environmental concerns in decision-taking; (ii) emphasis on project implementation and monitoring and supervision that helps to ensure compliance of actions with the operational aspects of ESA, and even sanction in the event of non-compliance; (iii) actual petition possibilities open to affected or potentially affected persons; and (iv) extension to development plans, programmes and policies.

Involuntary resettlement: land acquisition, displacement of people, and compensation — Compensation vs resettlement/consideration of right of use/other socio-economic impacts (economic displacements)/grievance management mechanism and possibilities of access to formal (legal) complaints systems/participation of stakeholders (consultation FP)/land confiscation, agricultural land speculation (land grab).

Biodiversity, renewable resources and ecosystem services — Skills of stakeholders/notion of ecosystem services/linkages with the management of protected areas and their conservation.

Pollution Prevention and Control, Greenhouse Gas and Dangerous Substance and Efficient Use of Resources — Means of measurement and analysis/alignment on legislation on industries/classified facilities, systematization of carbon balances and life cycle analysis (LCA).

Working Conditions, Health and Safety — Overall consistency with the relevant conventions of the International Labour Organization (ILO)/working and employment conditions/organization of workers/protection of workforce (child labour and forced labour/ grievance redress and settlement mechanisms.

Standard Plan for CESAR Studies

It is proposed that future CESAR reports should be structured around the following plan, which was used for the case studies carried out in this assessment, namely:

1. Executive Summary
2. Analysis of country environmental and social safeguard system
   2.1 Introduction
   2.2 Presentation of country environmental and social safeguard systems
   2.3 Environmental impact assessments in country environmental and social safeguard system (equivalence/acceptability)
   2.4 Social safeguard, involuntary resettlement and land acquisition in the country environmental and social safeguard system (equivalence/acceptability)
   2.5 Biodiversity, renewable resources and ecosystem services (equivalence/acceptability)
   2.6 Pollution prevention and control, greenhouse gas, dangerous substance and effective use of resources (equivalence/acceptability)
   2.7 Working conditions, health and safety (equivalence/acceptability)
3. Conclusions (based on the esa barometer and the overall comparative analysis by OS)
4. Recommendations
   4.1 Capacity building
   4.2 Other recommendations for the country
   4.3 Recommendations for the ADB and the ISS
5. Annexes
   5.1 Detailed equivalence analysis tables (country system-ISS Comparison Matrix)
   5.2 Bibliography, including the list of environmental and social quality laws, regulations, norms and standards reviewed in the report
   5.3 List of institutions, organizations and personalities met

It is recommended, in the light of the experience from this pilot study, that for each of the sub-chapters of part 2 (Analysis of the Country Environmental and Social Safeguard System), the part on equivalence analysis should be distinguished from the part on acceptability analysis.
Towards a two-tier country systems efficiency improvement operation: country (country strategy paper (CSP)) and project (Case-by-Case)

- It is proposed that a large-scale regional operation be carried out to strengthen, upon request, national systems in all or some African countries. Such an approach would comprise the following stages:
  - Submission of this report or its executive summary to the Board of Directors (BoD) of the Bank together with the ISS “package”,
  - Wide dissemination of the validated report, including an executive summary in English,
  - Drafting and dissemination by ORQR.3 of a business case for the sustainability of Bank operations and maximization of their impact on green and inclusive growth,
  - In-depth definition of “package” of actions to be included in the capacity building operation, with special effort concerning the necessary social theme-related requirements and resources,
  - Parallel search for partnerships with other bilateral and multilateral organizations, and with foundations for the development of a regional environmental and social safeguard capacity building programme,
  - Launching of the capacity building operation,
  - Monitoring and evaluation of the said operation and communication of its outcomes, gradual formulation of a policy on increased use of country systems according to the outcomes obtained.

Given that the safeguard system, given its complex nature, still raises more questions than the other topics, particularly in Africa, it is important to undertake a very special pedagogic action on this work, in support of the preparation of the BoD on the ISS.

The wide dissemination of the validated report should ideally receive strong support from the ADB Country Offices in particular, but not only in the countries covered by this pilot study. The organization of national workshops and/or videoconferences in the area would increase the impact of this study and solidly entrench the CESAR operation.

The business case for the sustainability of ADB operations would focus on the role played by the application of the ISS to all Bank operations – be they investment-related or programmatic, private or public. Many multilateral bodies, such as the IFC, publish and update such a business case. A standard business case plan could be:

- Investors are facing increasing green and inclusive growth challenges – the global context,
- Overcoming these challenges could create value for investors,
- Citizens, investors and leaders attach much importance to environmental, social and governance-related aspects,
- Improvements in environmental, social and governance performances can generate dividends in terms of development impact (with statistical analysis of the performances of ADB operations depending on their coverage of environmental and social impacts and risks),
- The Bank and green and inclusive growth.

A more in-depth definition of “package” of actions to be included in the capacity building operation should obviously be done as a supplementary and distinct stage of this study, given the stakes and need to conduct it in an interactive manner, at least with several of the study countries. The three major thrusts of the “package” would be:

- Search for priority social themes for both the countries and the ADB with stronger emphasis on the national arsenal (for example, management of land acquisitions and the involuntary displacement of persons in most of the countries, with the exception of South Africa);
- Based on the business case prepared and disseminated by the ADB, the search for national priorities with respect to the improvement of environmental and social (and even health) analysis requirements by laying emphasis on the integration of these requirements for obvious operational reasons;
- Strengthening of material and logistical resources, and improvement of human resources management within environmental and social safeguards regulatory bodies, by once again encouraging synergies between environmental and social approaches, as well as between territorial levels (nation, region, municipalities).
In several of the study countries, particularly in South Africa, Angola and Morocco, partnerships between the public sector and the private/ productive sector seem to be an interesting avenue to explore, given the key role played by many representatives of the latter sector as bridgeheads of a new approach for environmental and social assessments and their implementation.

Concurrently with the interactive dissemination of the business case and dialogue with the most interested countries and sub-regional bodies, the Bank should also actively seek to strengthen its existing partnerships (and even forge new ones) with multilateral and bilateral organizations (subject to contractual relations that respect the sovereignty of the parties) and with foundations, in order to put in place a regional environmental and social safeguard capacity building programme. Logically, such a programme should be accompanied by a beneficiary country selection process, a multi-year country-by-country strategy, and an investment and operating budget.

The scheduling of country-by-country operations could be done taking into account the following four criteria:

- Priority selection of advanced countries like South Africa, which require relatively less resources and time than the African country average to attain a higher equivalence/acceptability level;
- Selection of RMCs willing to carry out a capacity building operation, even if their environmental and social safeguards are far from the ISS, but which offset this gap – often linked to historical causes – by a high motivation;
- Selection of countries with a very strong current portfolio and a significant ADB loan and grant pipeline, if such countries belong to the first two categories;
- Lastly, selection of priority sectors for which national and supranational approaches (SADC, for example) could contribute to the objectives of the capacity building project; two sectors seem to stand out based on the study countries: agriculture and agro-industry, on the one hand (particularly in reaction to land confiscation observed for about a decade now) and mining, on the other hand.

Lastly, beyond this diagnostic review and capacity building action plan fundamental approach as an integral part of works on the CSP at the request of the country, it will be worthwhile to be able to mobilize the method tested here to conduct rapid analyses of country systems equivalence and acceptability with respect to the operational safeguards of the ISS within the framework of case-by-case project monitoring.

Other recommendations for the ISS and ADB

The issue of the level of future ISS requirements: It was noted that ADB country services and States sometimes face difficulties in implementing some projects due to impediments related to ADB requirements. The relevance of easing certain requirements could certainly be considered, but this type of misunderstanding highlights especially three future major challenges for the ADB and other MDBs:

- The need to strengthen its pedagogic effort to ensure that reasonable requirements are understood and passed on by field actors;
- The need to enhance rapid processing of files so that file processing and study delays should not aggravate project implementation delays;
- The need to establish a balance between essential and non-negotiable requirements (some may even be strengthened, see below) and some flexibility to avoid imposing mechanisms that are so restricting that they pose the risk of increasingly inducing countries to adopt less restrictive solutions, with operations implemented exclusively with private funds or supported by donors other than traditional MDBs, which are less demanding (several examples were observed in the countries visited).

This is all the more true because cases have been cited where the ADB is thought to be too lax, allowing, for example, contracts to be launched before the conduct of the EIA or issuing “no objection” opinions based on

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12 By thinking, for example, of Eskom for South Africa and ONEE for Morocco.

13 As such, it is worthwhile to note: an action by the Central African Forest Commission (COMIFAC), which has to carry out a study on the establishment or strengthening of its member countries’ national regulations on EIA in 2013, the possible linkage to be studied with the CLEAR (Regional Centres for Learning on Evaluation and Results) mechanism, a global initiative which seeks to help developing countries to build their monitoring and evaluation (M&E) and results-based management (RBM) capacity (the University of Witwatersrand in Johannesburg [WITS] hosts the CLEAR centre for English-speaking Africa and the African Centre for Higher Studies in Management (CESAG) in Dakar hosts the centre for French-speaking Africa). http://www.theclearinitiative.org
the environmental compliance certificate without verifying the existence of the EIA ESMP as a contract item.

This recommendation includes the principles of proportionality and adaptive management integrated into the draft IS14 which should be applied to the entire mechanism.

**The issue of resources earmarked for monitoring:**
It has been demonstrated, particularly in examples of road works supported by the ADB, that the resources allocated by the Bank for environmental monitoring are often insufficient, both for projects (for example, the fielding of teams to control and monitor road projects, for example, for a week or every two months cannot help to prevent serious damage between each visit) as well as for some country offices, with no environmental specialists to ensure project monitoring and environmental surveillance.

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14 Draft IS1, § II.B.4 (8): “The agreed management measures must be proportionate to the level of environmental and social risks and must be adaptable to changing circumstances during project implementation”; and Annex 1 OS 1 C1 (14) “The assessment should be conducted according to the principles of proportionality and progressive management. The required level of assessment and management should be proportionate to the level of risk that the project poses [...]”.
GENERAL CONCLUSION

This exploratory study, which was carried out with limited resources, has helped to better understand the environmental and social safeguard systems of the six study countries. The systems have been analyzed using common grids, and the study has not only helped to identify the numerous strengths acquired mainly over the last decade, but also to measure the ground to be covered to arrive at national requirements and practices close to those of the ambitious ISS.

In most of the study countries, civil society has a great deal of difficulty making itself heard, unlike at the global level where it is very well organized and routinely exerts pressure. National civil society will express itself better through redress mechanisms, such as Independent Inspection Mechanism (IIM) and facilitate progress towards an integrated systems approach like ISS in the study countries. However, this can only be done in stages and in the medium term.

Obviously, much remains to be done before initiating a major ESA capacity building operation like the one that the ADB rightly intends to implement. Consultants have, on several occasions, drawn the attention of their partners to the difficulties faced, everywhere in the developing world and particularly in Africa, by multilateral capacity building actions. To accelerate the movement, it may be necessary, in some cases, to have recourse to ad hoc technical assistance in order to skip some key phases.

The more technical themes (better design and implementation of land acquisition operations, effective compensation management and resettlement support) will certainly be easier to implement than themes too closely related to cumbersome administrative approaches like the search for informed and prior open consultations, particularly obtaining the consent of potentially affected communities. However, with the necessary commitment, the CESAR operation, which is inseparable from the adoption of the ISS, will be successful in the coming years.