

ANNEX 3: ENVIRONMENTAL AND SOCIAL POLICY

Background and Introduction

1. This document outlines an environmental and social policy for the Adaptation Fund (the Fund). The policy is intended to ensure that in furthering the Fund's mission of addressing the adverse impacts of and risks posed by climate change, projects and programmes supported by the Fund do not result in unnecessary environmental and social harms. The policy is intended to build on the Fund's existing policies, operating procedures, and project cycle.

2. The environmental and social policy will bring the Fund's practices generally into line with the practice of other leading financing institutions active in environment and development financing. Over the last twenty years, international financial and development institutions have increasingly adopted environmental and social safeguard policies to enhance sustainable development benefits and avoid unnecessary harm to the environment and affected communities. These safeguard policies allow the institutions to identify and manage the environmental and social risks of their activities, by assessing potential environmental and social harms and then by identifying and implementing steps to avoid, minimize, or mitigate those harms.

3. Among the finance and development institutions that have adopted environmental and social policies are the following:

- the World Bank (i.e. the International Bank for Reconstruction and Development and International Development Agency);¹
- regional and subregional development banks, including the European Bank for Reconstruction and Development,² the Inter-American Development Bank,³ the Asian Development Bank,⁴ the African Development Bank,⁵ the Caribbean Development Bank,⁶ and the Black Sea Trade and Development Bank;⁷

¹ World Bank, Safeguard Policies, <http://go.worldbank.org/BA5ILYC6B0> (the World Bank is currently undergoing the first phase of a multi-year process to review and update of its environmental and social safeguard policies).

² European Bank for Reconstruction and Development, Environmental and Social Policy 2008, <http://www.ebrd.com/pages/research/publications/policies/environmental.shtml> (EBRD is currently updating and receiving comments on its Environmental and Social Policy).

³ Inter-American Development Bank, Environment and Safeguards Compliance Policy, <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=665902> (this website links to information about IADB institutional reforms to improve the environmental and social safeguard policies: <http://www.iadb.org/en/institutional-reforms/better-environmental-and-social-safeguards,1830.html>).

⁴ Asian Development Bank, Safeguard Policy Statement, <http://www.adb.org/site/safeguards/policy-statement>.

⁵ African Development Bank, Environmental and Social Safeguards Policies and Procedures, <http://www.afdb.org/en/documents/project-operations/environmental-and-social-safeguards-policies-and-procedures/> (the African Development Bank has just completed its Consultations on an Integrated Safeguards System, <http://www.afdb.org/en/consultations/closed-consultations/afdb-integrated-safeguards-system/> and is expected to release a new policy soon).

⁶ Caribbean Development Bank Policies and Strategies, <http://www.caribank.org/about-cdb/bankpolicies-strategies> (the CDB has a gender equality and information policy and its environmental policy is forthcoming).

⁷ Black Sea Trade & Development Bank, Environment Policy, http://www.bstadb.org/about-us/key-documents/policy-documents/Environmental_policy.pdf

- the International Finance Corporation⁸ and Multilateral Investment Guarantee Agency;⁹
- the Global Environment Facility;¹⁰
- the United Nations Development Programme;¹¹
- most export credit and insurance agencies;¹²
- some bilateral development agencies;¹³ and
- many leading private commercial banks.¹⁴

4. The prevalence of environmental and social policies at international finance and development institutions reflects a broad consensus among governments, development economists, civil society, and other stakeholders that such policies are critical to achieving positive sustainable development outcomes and avoiding any unreasonable harm. Many countries, both donor and recipient countries, have also adopted domestic laws that are similar to many of these international environmental and social policies.

5. The environmental and social policy set forth below is designed to be integrated with the Fund's existing policies, practices, and project cycle, although some issues will have to be addressed further to operationalize the policy. The environmental and social policy is attached as Annex 3 to and incorporated into the current Operational Policies and Guidelines for Parties to access resources from the Adaptation Fund (OPG).

6. The policy would not shift the current relative roles and responsibilities between the Adaptation Fund Board (the Board), implementing entities, and executing entities. Implementing entities will continue to be responsible for risk management associated with the projects and programmes, but the risk will now be explicitly understood to include environmental and social risks presented by the proposed projects and programmes. The future accreditation or re-accreditation of implementing entities may need to reflect their capacity and commitment to address environmental and social risks. Many of the multilateral implementing entities already have environmental and social policies and management systems that will meet the standards

⁸ International Finance Corporation, Performance Standards on Environmental and Social Sustainability, http://www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_han_dbook_pps.

⁹ Multilateral Investment Guarantee Agency, Environmental and Social Safeguards, <http://www.miga.org/projects/index.cfm?stid=1822>

¹⁰ Global Environment Facility, GEF Policies on Environmental and Social Safeguard Standards and Gender Mainstreaming, http://www.thegef.org/gef/sites/thegef.org/files/documents/C.40.10_GEF_Policies_on_Safeguards_and_Gender.April_26_2011.pdf.

¹¹ United Nations Development Programme, Guidance Note: Environmental and Social Screening Procedure for UNDP Projects (March 19, 2012), https://info.undp.org/global/.../ESSP_Guidance_19Mar12_English.docx

¹² OECD, Recommendation of the Council on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence (The "Common Approaches"), <http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=TAD/ECG%282012%295&doclanguage=en>.

¹³ See, e.g., Japan International Cooperation Agency, http://www.jica.go.jp/english/our_work/social_environmental/guideline/pdf/guideline100326.pdf; UK Department for International Development, Guide to Environmental Screening, <http://www.eldis.org/vfile/upload/1/document/0708/DOC12943.pdf>.

¹⁴ Equator Principles, <http://www.equator-principles.com/index.php/members-reporting>. Several of the Equator Principle member banks are located in developing countries, including Absa Bank Limited in South Africa; Access Bank Plc in Nigeria; Arab African International Bank in Egypt; Banco Bradesco S.A., Banco Pine S.A., and Banco do Brasil S.A. in Brazil; Banco de Crédito (BCP) in Peru; Banco de Galicia y Buenos Aires S.A. in Argentina; Banco de la República Oriental del Uruguay in Uruguay; Bancolombia S.A. in Colombia; Ecobank Transnational Incorporated in Togo; IDFC Limited in India; and Industrial Bank Co., Ltd. in China; among others.

of the Fund. Some of the national and regional implementing entities may also have this capacity and commitment, but for others there may be a need for capacity building to manage environmental and social risks.

7. The requirements to assess and manage environmental and social risks by the implementing entity will be integrated into existing requirements for risk assessment and management. The initial screening for environmental and social risks can be included in the project/programme proposal document. The requirements for effective consultation are consistent with the Fund's current requirements for consultative processes in the development of projects/programmes with "particular reference to vulnerable groups, including gender considerations."¹⁵

8. The policy requires that all projects/programmes be screened for their environmental and social impacts, that those impacts be identified, and that the proposed project/programme be categorized according to its potential environmental and social impacts. Projects/programmes likely to have significant adverse environmental or social impacts that are for example diverse, widespread, and irreversible should be categorized as Category A. Projects/programmes with potential adverse impacts that are less adverse than Category A projects/programmes, because for example they are fewer in number, smaller in scale, less widespread, reversible or easily mitigated should be categorized as Category B. Those projects/programmes with no adverse environmental or social impacts should be categorized as Category C. Regardless in which category a specific project/programme is screened, all environmental and social risks shall be adequately identified and assessed by the implementing entity in an open and transparent manner with appropriate consultation. The policy is aimed at allowing for a variety of approaches. Implementing entities that use a different but functionally equivalent system of categorization can continue to use that system and still meet the requirements of the policy.

9. The scope of the environmental and social assessment shall be commensurate with the scope and severity of potential risks. If an environmental and social assessment is required, the assessment should assess all potential environmental and social risks and include a proposed risk management plan. The plan should typically be included with the project/programme document submitted for approval. In some Category B projects/programmes where the proposed activities requiring such assessment represent a minor part of the project, and when the assessment and/or management plan cannot be completed in time or where mitigation measures extend into project/programme implementation, the Board can approve the project/programme subject to assurances included in the agreement signed between the Board and the implementing entity that any environmental and social risks will be adequately and timely addressed through a management plan or changes in project/programme design. The existing system of annual project/programme performance reports and the mid-term and terminal evaluation reports can be modified to track any required environmental and social risk management plan or changes in project/programme design. Implementing entities shall screen compliance with this policy on a project-by-project basis.

¹⁵ Adaptation Fund, OPG, "Instructions for Project or Programme Funding for Adaptation Fund," part II (H).

Environmental and Social Policy Statement

A. General Environmental and Social Commitment

10. Environmental and social policies are fundamental to ensuring that the Fund does not support projects/programmes that unnecessarily harm the environment, public health or vulnerable communities. As part of the implementing entities' responsibilities for the project/programme, all implementing entities shall (i) have an environmental and social management system that ensures environmental and social risks are identified and assessed at the earliest possible stage of project/programme design, (ii) adopt measures to avoid or where avoidance is impossible to minimize or mitigate those risks during implementation, and (iii) monitor and report on the status of those measures during and at the end of implementation. There shall be adequate opportunities for the informed participation of all stakeholders in the formulation and implementation of projects/programmes supported by the Fund.

B. Environmental and Social Principles

11. All projects/programmes supported by the Fund shall be designed and implemented to meet the following environmental and social principles, although it is recognized that depending on the nature and scale of a project/programme all of the principles may not be relevant to every project/programme.

Compliance with the Law

12. Projects/programmes supported by the Fund shall be in compliance with all applicable domestic and international law.

Access and Equity

13. Projects/programmes supported by the Fund shall provide fair and equitable access to benefits in a manner that is inclusive and does not impede access to basic health services, clean water and sanitation, energy, education, housing, safe and decent working conditions, and land rights. Projects/programmes should not exacerbate existing inequities, particularly with respect to marginalized or vulnerable groups.

Marginalized and Vulnerable Groups

14. Projects/programmes supported by the Fund shall avoid imposing any disproportionate adverse impacts on marginalized and vulnerable groups including children, women and girls, the elderly, indigenous people, tribal groups, displaced people, refugees, people living with disabilities, and people living with HIV/AIDS. In screening any proposed project/programme, the implementing entities shall assess and consider particular impacts on marginalized and vulnerable groups.

Human Rights

15. Projects/programmes supported by the Fund shall respect and where applicable promote international human rights.

Gender Equity and Women's Empowerment

16. Projects/programmes supported by the Fund shall be designed and implemented in such a way that both women and men (a) are able to participate fully and equitably; (b) receive comparable social and economic benefits; and (c) do not suffer disproportionate adverse effects during the development process.

Core Labour Rights

17. Projects/programmes supported by the Fund shall meet the core labour standards as identified by the International Labor Organization.

Indigenous Peoples

18. The Fund shall not support projects/programmes that are inconsistent with the rights and responsibilities set forth in the UN Declaration on the Rights of Indigenous Peoples and other applicable international instruments relating to indigenous peoples.

Involuntary Resettlement

19. Projects/programmes supported by the Fund shall be designed and implemented in a way that avoids or minimizes the need for involuntary resettlement. When limited involuntary resettlement is unavoidable, due process should be observed so that displaced persons shall be informed of their rights, consulted on their options, and offered technically, economically, and socially feasible resettlement alternatives or fair and adequate compensation.

Protection of Natural Habitats

20. The Fund shall not support projects/programmes that would involve unjustified conversion or degradation of critical natural habitats, including those that are (a) legally protected; (b) officially proposed for protection; (c) recognized by authoritative sources for their high conservation value, including as critical habitat; or (d) recognized as protected by traditional or indigenous local communities.

Conservation of Biological Diversity

21. Projects/programmes supported by the Fund shall be designed and implemented in a way that avoids any significant or unjustified reduction or loss of biological diversity or the introduction of known invasive species.

Climate Change

22. Projects/programmes supported by the Fund shall not result in any significant or unjustified increase in greenhouse gas emissions or other drivers of climate change.

Pollution Prevention and Resource Efficiency

23. Projects/programmes supported by the Fund shall be designed and implemented in a way that meets applicable international standards for maximizing energy efficiency and minimizing material resource use, the production of wastes, and the release of pollutants.

Public Health

24. Projects/programmes supported by the Fund shall be designed and implemented in a way that avoids potentially significant negative impacts on public health.

Physical and Cultural Heritage

25. Projects/programmes supported by the Fund shall be designed and implemented in a way that avoids the alteration, damage, or removal of any physical cultural resources, cultural sites, and sites with unique natural values recognized as such at the community, national or international level. Projects/programmes should also not permanently interfere with existing access and use of such physical and cultural resources.

Lands and Soil Conservation

26. Projects/programmes supported by the Fund shall be designed and implemented in a way that promotes soil conservation and avoids degradation or conversion of productive lands or land that provides valuable ecosystem services.

C. Environmental and Social Management System

27. The implementing entities' capacity and commitment to reducing environmental and social risks will be assessed through the accreditation process. The implementing entities' risk management systems shall include the commitment and capacity to assess and respond to the environmental and social risks of projects/programmes supported by the Fund in light of this environmental and social policy. The implementing entities shall be responsible for screening all projects/programmes to determine the extent to which they present environmental or social risks, including all risks associated with the Fund's environmental and social principles identified above. Implementing entities proposing projects/ programmes that present environmental and social risks shall ensure that the environmental and social impacts of such projects/programmes are thoroughly assessed; that measures are identified for avoiding, reducing or mitigating all environmental and social impacts; and that the implementation of such measures is monitored and reported on through the life of the project/programme. The environmental and social risk management system shall be commensurate in scope and ambition to the potential scope and severity of environmental and social risks inherent in the project/programme design.

D. Environmental and Social Policy Delivery Process

Screening of Environmental and Social Risks by the Implementing Entity

28. All proposed projects/programmes shall be screened by the implementing entities to determine their potential to cause environmental or social harm. The screening process shall

seek to identify potential environmental and social impacts and risks, taking into consideration the Fund's environmental and social principles outlined above. The screening process shall consider all potential direct, indirect, transboundary, and cumulative impacts in the project's/programme's area of influence that could result from the proposed project/programme. All proposed projects/programmes shall be categorized according to the scale, nature and severity of their potential environmental and social impacts. Projects/programmes likely to have significant adverse environmental or social impacts that are for example diverse, widespread, or irreversible should be categorized as Category A projects/programmes. Projects/programmes with potential adverse impacts that are less adverse than Category A projects/programmes, because for example they are fewer in number, smaller in scale, less widespread, reversible or easily mitigated should be categorized as Category B. Those projects/programmes with no adverse environmental or social impacts should be categorized as Category C.

29. The screening will determine the extent to which the project/programme requires further environmental and social assessment, mitigation, and management. The results of the environmental screening shall be included in the project/programme proposal initially submitted by the implementing entity to the Adaptation Fund Board secretariat (the secretariat). If during the project/programme review process the Board or secretariat determines that further information on the environmental and social assessment, mitigation, and management of risks is required, the implementing entities can be asked to provide it. If appropriate, this will be reflected in the agreement between the Board and the implementing entity. Regardless of the outcome of the screening procedure, all proposed projects/programmes shall comply with the Fund's environmental and social principles and applicable national and local laws and regulations.

Environmental and Social Assessment

30. For all projects/programmes that have the potential to cause environmental or social harm (i.e. all Category A and B projects/programmes), the implementing entity shall prepare an environmental and social assessment that identifies any environmental or social risks, including any potential risks associated with the Fund's environmental and social principles set forth above. The assessment shall (i) consider all potential direct, indirect, transboundary, and cumulative impacts and risks that could result from the proposed project/programme; (ii) assess alternatives to the project/programme; and (iii) assess possible measures to avoid, minimize, or mitigate environmental and social risks of the proposed project/programme. As a general rule, the environmental and social assessment shall be completed before the project/programme proposal submission to the Adaptation Fund. In some Category B projects/programmes where the proposed activities requiring such assessment represent a minor part of the project, and when inclusion in the proposal is not feasible, a timeline for completing the environmental and social assessment before construction begins shall be incorporated in the agreement between the Board and the implementing entity following the project/programme approval, and reported through the annual project/programme performance report. A copy of the environmental and social assessment shall be provided to the secretariat as soon as the assessment is completed. Prior to submitting the environmental and social assessment to the Board, the secretariat may

require further information from the implementing entity on the environmental and social assessment, mitigation, and management of risks, if deemed necessary.

Environmental and Social Management Plan

31. Where the environmental and social assessment identifies environmental or social risks, the assessment shall be accompanied by an environmental and social management plan that identifies those measures necessary to avoid, minimize, or mitigate the potential environmental and social risks. A commitment by the implementing entity to implement the management plan shall be a condition of the project/programme approval and reflected in the monitoring and reporting plan for that project/programme.

Monitoring, Reporting, and Evaluation

32. Implementing entities' monitoring and evaluation of projects/programmes supported by the Fund shall address all environmental and social risks identified by the implementing entity during project/programme assessment, design, and implementation. The implementing entities' annual project/programme performance reports shall include a section on the status of implementation of any environmental and social management plan, including those measures required to avoid, minimize, or mitigate environmental and social risks. The reports shall also include, if necessary, a description of any corrective actions that are deemed necessary. The mid-term and terminal evaluation reports shall also include an evaluation of the project/programme performance with respect to environmental and social risks.

Public Disclosure and Consultation

33. Implementing entities shall identify stakeholders and involve them as early as possible in planning any project/programme supported by the Fund. The results of the environmental and social screening and a draft environmental and social assessment, including any proposed management plan, shall be made available for public consultations that are timely, effective, inclusive, and held free of coercion and in an appropriate way for communities that are directly affected by the proposed project/programme. The secretariat will publicly disclose the final environmental and social assessment through the Fund's website as soon as it is received. The implementing entity is responsible for disclosing the final environmental and social assessment to project-affected people and other stakeholders. Project/programme performance reports including the status on implementation of environmental and social measures shall be publicly disclosed. Any significant proposed changes in the project/programme during implementation shall be made available for effective and timely public consultation with directly affected communities.

Grievance Mechanism

34. The implementing entities shall identify a grievance mechanism that provides people affected by projects/programmes supported by the Fund with an accessible, transparent, fair and effective process for receiving and addressing their complaints about environmental or social harms caused by any such project/programme. The mechanism can be pre-existing,

national, local, or institution- or project-specific. Complaints regarding projects/programmes supported by the Fund can also be filed with the secretariat at the following address:

Adaptation Fund Board secretariat
Mail stop: MSN P-4-400
1818 H Street NW
Washington DC
20433 USA
Tel: 001-202-478-7347
afbsec@adaptation-fund.org

35. The secretariat will respond promptly to all such complaints. Where appropriate, the secretariat will refer complainants to a grievance mechanism identified by the implementing entity as the primary place for addressing complaints.