



The World Bank
Review and Update of World Bank's Environmental and Social Safeguards Policies
Consultation Meeting with Civil Society Representatives
Guatemala City, Guatemala

The third meeting with civil society representatives in the Latin America and the Caribbean region took place on April 10th, 2013, in Guatemala City, Guatemala.

Comments and questions from the participants included the following:

- When preparing the required safeguard documentation, the focus should be shifted from preparation to implementation of the policies. Counterparts and/or project beneficiaries should be made familiar with safeguard implementation tools, which are frequently buried in attachments to key project documents. In addition, instruments are weak in regard to mechanisms of implementation and lack transparency.
- A half-day meeting cannot be called a consultation meeting as there is not enough time to discuss all the issues under the proposed revision and update of the safeguard policies.
- The review and update of the policies should be based on the operational portfolio of each country and take into consideration the specific risks of the related country.
- Civil Society and Indigenous Peoples representatives are concerned that their comments will not be taken as seriously and/or with the same consideration as those of the government representatives.
- In the Latin America region there is a problem of lack of governance mixed with social conflicts. The Bank should strengthen development processes that help in drawing up public policies.
- The Bank should facilitate the dialogue between Indigenous Peoples and the private sector, taking into account its role as private sector financier.
- The environmental assessment policy (OP 4.01) has several legal vacuums. For example, there is no legal framework in the environmental impact assessment. The policy does not establish who the legal subjects are and what the rights of the affected communities are.
- The Indigenous Peoples policy (OP 4.10) has several legal vacuums. The consultation mechanisms are weak; the policy does not guarantee the fulfillment of local constitutional rights and does not consider issues related to property rights.
- Indigenous Peoples consider that they have little participation in Bank projects and are only consulted when the project is ready to go. Furthermore, they consider that they have limited access to the Bank since the consultations are done through the government. The Bank should involve indigenous populations in the design, implementation, monitoring and evaluation of projects and engage with Indigenous Peoples as counterparts. This would help ensure that the governments fulfill their obligations.
- The Bank should provide resources to strengthen the development of Indigenous Peoples. The Bank's projects affect indigenous communities but do not benefit them.

- There is a widespread concern with the application of Free, Prior and Informed Consent (FPIC) as often times it is difficult to have legitimate representation.
- The Bank should guarantee that Indigenous Peoples will not be criminalized for exercising their rights to legitimately oppose a project in their indigenous territories, should they not agree with the project. Moreover, the Bank should guarantee that its development projects are not going to lead to resettlement of Indigenous Peoples.
- Capacity building is provided to those at the highest level but those in charge of implementing the projects at the community level do not receive any capacity building. In addition, there is a high level of rotation among Bank consultants that visit communities, which impedes close follow-up.
- The Bank should evaluate the implementation of the Country Strategy.
- In order to strengthen the safeguard policies, the Bank has to adopt the highest standards of human rights and assume some non-negotiable commitments in this area. The Bank should recognize Indigenous Peoples as subjects of the law and adopt the rights outlined in the UN Declaration on Indigenous Peoples Rights.
- The Bank safeguard policies could be more comprehensive and include other issues such as labor policies and a right to food.
- The review and update of the Bank safeguards should include the issue of water, a topic extremely important for Latin America and the Caribbean, and of disaster risk reduction. In order to do proper risk management, the Bank needs to find a balance between the government and the market (in the sense of private) interventions; prioritizing the market does not help to reduce such risks.
- The inclusion of emerging areas in the Bank safeguard policies could undermine the ability of the government to implement them.
- There are certain questions around the real power the Bank can exercise towards the borrowing countries to force them to enforce the safeguards.
- In regional or cross-border projects, it is very difficult to apply the safeguards since often there is different legislation in each of the countries involved.
- The Bank should support a development model that is country-based, holistic, sustainable and that unlocks the country's potential. The Bank could provide a space for dialogue at the sector level that allows the actors involved in each sector to discuss specific sector issues in depth.
- To tie specific social or environmental issues to the application of specific safeguards policies as applied to a specific project is to frame that issue in a timeframe. That is problematic because the social and environmental issues are long term issues beyond the life of the project and should be viewed in a more systemic way.
- It is important to balance safeguard policies with the local rules and laws. Often local laws are weak, which could be problematic if the Bank decides to guide its operations only based on those local laws and regulations. Such would be the case, for example, for local mining laws; companies are fulfilling their obligations according to the law but the law is weak.
- The Bank should conduct consultations at the community level to ensure that information is more accurate. It should also involve communities in the implementation of the projects that affect them. For example, the land titling project in Izabal was mentioned, where Indigenous Peoples did not receive a land title or have access to the land registry. The Bank should do consultations independently and not through the government.
- The Bank Inspection Panel should be more accessible and should provide resolutions faster. Currently it takes too long.

- It is important to establish a specific amount in the project framework for environmental protection and for the oversight of environmental assessment implementation.
- The Bank should establish monitoring and evaluation mechanisms to ensure compliance with safeguards. The Bank should establish a mechanism to penalize those institutions that do not comply with the safeguard policies. This should be monitored by a third party to avoid tensions between the Bank and the government.
- This consultation process should provide the participants with greater information about the country's operational portfolio to give a better sense of the situation in the country.
- The Bank only looks at the country's jurisprudence but it should also consider the institutionalization of the indigenous communities and their collective rights.
- It is important to approach women's issues (gender) separately; it is considered a cross-cutting topic.
- The Bank should include disabilities in the framework of this policy update. The exclusion of people with disabilities is big and important to address. The Bank should consider disabilities in education, health and labor – the level of unemployment of people with disabilities is especially high.
- The Bank, as an agency of the UN, is a nongovernmental organization subject to the human right standards of such organizations. However, in the Chixoy Dam project, the Bank violated those commitments (rights).
- The Bank could consider the establishment of a Steering Committee that would monitor the application of safeguards in every country since the Bank should not be the sole entity responsible for implementation. The government is also responsible. This committee should be inclusive and have participation from the government, civil society and private sector. The Bank could be an important actor in ensuring the participation of those three groups.
- Project beneficiaries do not understand if funding provided by the Bank also covers the cost of the environmental assessment or not.
- The consultations should take place at three different levels: national, departmental and local and should be done at the time of project design, not later. Moreover, the consultation should be more open, allowing participation online so everyone can send their opinions regarding the country's operational portfolio as it is the citizenry who repays the loans that the government approves.
- The Bank measures benefits at the project level based on individual benefits but it should base them on the collective benefits of the communities.
- The Bank's work in Honduras is positive but it should still improve the implementation of safeguards in the country.
- Bank policies should be harmonized with government legislation and environmental assessments should be jointly conducted by the government and civil society.
- It is important that during the review of the safeguard policies that the Bank takes into account national legislation and recognizes the advances made by countries.
- The Bank should include in the safeguard policies the issue of use/manipulation of natural resources and environment.