

## MEMORANDUM

TO: The World Bank

FROM: Melissa Ardis, on behalf of the Sustainable Development and Strategies Group

DATE: April 21, 2013

RE: The World Bank's Safeguard Proposed Review and Update Approach Paper

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The Sustainable Development and Strategies Group (SDSG) is a collaborative group of researchers, consultants and other experts whose goal is to demonstrate the effectiveness of sustainable development concepts in solving real, practical problems at the local, regional, national and international levels. SDSG is both a research organization and a practical source of policy, institutional, and capacity building advice. SDSG is headquartered in Gunnison, Colorado.

SDSG is submitting the below comments on the World Bank's Safeguard Proposed Review and Approach Paper (Approach Paper).

SDSG adds its support to earlier requests that the World Bank (Bank) considers human rights, labor and occupational health and safety, gender, disability, the free, prior, and informed consent of Indigenous Peoples, land tenure and natural resources, and climate change, which are not currently addressed under the current set of safeguard policies.

### **Definitions:**

The Bank should provide better definitions for the following terms in the new Safeguard Policies:

- "Potential impacts" needs to be better defined and should include both direct and seemingly indirect impacts and should also take into consideration impacts to resource areas, such as land, resources, water, economic resources, and social and cultural resources.
- "Adverse project impacts" should be qualified.
- "Project affected groups" or "affected populations" should be defined in the broadest terms and human rights should be incorporated into this definition. Stakeholders and impacted socio-economic groups should be identified.
- "Consultations" and "consult" should be qualified and should be defined to reach the broadest possible audience. Experts in social science, communications, law, and mediation should be involved in this process.

- “Pay particular attention” is too vague and should be qualified. Additionally, what are the mechanisms (if any) of enforcement and/or regulation.
- “Participatory process” needs to be qualified and should detail how to facilitate participation.
- “Continue consultations” should be qualified and quantified.
- “Advisory panels” should be better defined and include interdisciplinary experts in the biological and social sciences.
- “Free, prior and informed consultation” should be defined and who should participate in this consultation should be articulated.
- “Similar methods” is overly vague.
- “Develop measures” should be better defined and should specify that they allow for flexibility and adaptability and should be continually evaluated in response to changing social, economic, political contexts.
- “Prior agreement” should include all stakeholders and user groups (local communities, indigenous groups, artisanal miners, as well as women, elderly, wealthy poor etc.) to help insure that “prior agreement” includes the most varied and diverse input.
- “Qualified professionals” should be better defined and examples of professionals should be listed; social scientists should be included.

### **Land Use and Ownership:**

SDSG recommends that the Bank should also ensure that project proponents are aware of the land ownership/title policies currently in existence in the nation/region they are working in, in particular how ownership of land is determined. The relationship between various levels of government and communities in regards to land use/conservation/resource extraction should be understood. Ensuring knowledge of the history of land use/conflict in the area would be useful and knowing the history of land policy/use can indicate how communities have interacted with and/or been impacted by other forms of land use including different development projects, land grabs, shifting national and regional policies.

### **Environmental Assessments:**

The Safeguard policies call for Environmental Assessments to be accessible to key stakeholders and produced in a language understandable to key stakeholders. This open availability implies that the documents may need to be translated into one or more other

languages than the original. This should be made more explicit and directly address translation. As it currently stands, the dissemination of relevant environmental/social information concerning the consequences of proposed projects is sometimes inaccessible to the affected communities, and even when accessible it can be in an unfamiliar language or in complex/technical language.

SDSG recommends that the Environmental Assessment requirements include assessment of social impacts. Alternatively a social impact assessment could be set up as a separate process/requirement. In order to promote environmental protection and sustainable development, then the social impacts on stakeholders (including effects on the way people live, work, play, their culture, economics, and beliefs) should be examined in addition to environmental consequences.

Furthermore, the consultation requirements of an Environmental Assessment need to be heavily emphasized and examined. As evidenced by the placement of the consultation requirements suggested in the Rio Declaration and Agenda 21, consultation is the cornerstone of an effective Environmental Assessment. Thus, the World Bank should examine whether established consultation requirements allow for window-dressing, ineffective and soft consultation, or actual and substantial consultation by organizations or countries.

Additionally, more should be required than mere information dissemination, such as interactive consultation where there is feedback and implementation of that feedback that is a more effective consultation for Environmental Assessments. This process would allow for indigenous or local community knowledge to be incorporated into a proposed projects that may have otherwise have been unknown and/or left out. Additionally, the Bank should consider what solutions are available when there are insufficient resources to properly consult on a project and if there are there solutions that can enable an effective consultation that isn't cost-prohibitive. SDSG reiterates the importance of an Environmental Assessment with substance, which can only be accomplished through well-analyzed and developed consultation requirements.

### **Clarifications and Other Considerations:**

Local communities need to be differentiated from indigenous peoples, as there are communities that do not identify or present as indigenous, such as special interest groups—i.e. artisanal miners in the case of extractive projects, migrant communities who may be in the area for job opportunities etc. This is a fundamental issue with the principles, and mention of these groups needs to be explicitly addressed and included throughout. In addition, these user/stakeholder groups should be granted parallel “rights” as Indigenous groups.

In regards to resettlement, current examples provide for “social impacts” that appear to consider economic resources (shelter, assets, income, livelihood, etc.). However, other social impacts are just as important - even if they cannot be considered or quantified in

economic terms (some examples may include family and community relations, impacts on gender norms, age-related tensions, and new forms of inclusion and exclusion).

The Safeguard Policies do not currently mention social responsibility in terms of workers/laborers who are employed by the development project. These groups should be provided with appropriate provisions to insure human rights, identify where/how they will be housed, benefits, and their access to resources.

Stakeholders should be involved in all phases of the project, particularly in resettlement and the restriction of access and in determining an appropriate time frame for these initiatives.

The Indigenous Peoples Plan currently calls for a framework for continued consultation. In addition to continued consultation, the Plan should call for continued *participation* by Indigenous Peoples impacted by a project. Additionally, the Plan should include both monitoring and evaluation, which can indicate successes or failures that future projects can learn from.

Finally, SDSG recommends that Traditional Ecological Knowledge (TEK) needs to be taken into account during forest development. How does TEK influence local use of and beliefs surrounding forest resources? How might TEK contribute to forest development?